



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Supplementary and consequential provisions

65 Interpretation of Part 3 etc

(1) In this Part—

“access condition” means a USP access condition or a general access condition,

“access point” has the meaning given by section 29(11),

[^{F1}“Citizens Advice” means the National Association of Citizens Advice Bureaux,

“Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux;]

“consumer protection condition” has the meaning given by section 51,

“contravention” has the meaning given by subsection (4)(a),

“designated USP condition” has the meaning given by section 36,

“essential condition” has the meaning given by section 49,

“general access condition” has the meaning given by section 50,

“general universal service condition” has the meaning given by section 42,

“letter”—

(a) means any communication in written form on any kind of physical medium to be conveyed to the person or address indicated on the item itself or on its wrapping (excluding any book, catalogue, newspaper or periodical), and

(b) includes a postal packet containing any communication within paragraph (a),

“notification condition” has the meaning given by section 41,

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Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Section 65. (See end of Document for details)

“postal operator” has the meaning given by section 27,
 “postal packet” has the meaning given by section 27,
 “postal services” has the meaning given by section 27,
 “regulatory condition” has the meaning given by section 28,
 “universal postal service order” has the meaning given by section 30,
 “universal service obligations” has the meaning given by section 36(8),
 “universal service provider” means any postal operator for the time being designated under section 35,
 “user”, in relation to a postal service, includes—
 (a) addressees, and
 (b) potential users,
 “USP access condition” has the meaning given by section 38, and
 “USP accounting condition” has the meaning given by section 39.

(2) In this Part—

- (a) references to the provision of a universal postal service are to be read in accordance with sections 30 to 33, and
- (b) references to the provision of a service within the scope of the universal postal service are to be read in accordance with section 40.

(3) In the case of a universal service provider who—

- (a) provides part of a universal postal service, or
- (b) provides a universal postal service, or part of a universal postal service, in a specified area of the United Kingdom,

references in this Part to the provision of a universal postal service are to the provision of that part or to the provision of a universal postal service, or part of a universal postal service, in that area.

(4) For the purposes of this Part—

- (a) “contravention” includes a failure to comply (and related expressions are to be read accordingly),
- (b) where there is a contravention of an obligation that requires a person to do anything within a particular period or before a particular time, the contravention is to be taken to continue after the end of that period, or after that time, until that thing is done,
- (c) references to remedying the consequences of a contravention include paying an amount to a person—
 - (i) by way of compensation for loss or damage suffered by the person, or
 - (ii) in respect of annoyance, inconvenience or anxiety to which the person has been put, and
- (d) in determining whether a contravention is a repeated contravention for any purposes, a notification of a contravention under any provision is to be ignored if it has been withdrawn before the imposition of a penalty in respect of the matters notified.

(5) Any direction given by the Secretary of State under any provision of this Part—

- (a) must be in writing, and
- (b) may be varied or revoked by a further direction.

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- (6) Nothing in any provision of this Part that authorises the inclusion of any particular kind of provision in any regulatory condition or direction is to be read as restricting the generality of the provision that may be included in the condition or direction.
- (7) Any power under this Part to provide for the manner in which anything is to be done includes power to provide for the form in which it is to be done.
- (8) Any reference in this Part to OFCOM's functions under an enactment includes their power to do anything which appears to them to be incidental or conducive to the carrying out of their functions under that enactment.

Textual Amendments

- F1** Words in s. 65(1) inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(6)** (with Sch. 1 para. 28, 2 paras. 13-15)

Commencement Information

- I1** S. 65 in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

Status:

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Changes to legislation:

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