

2008 No. 2267

CONSUMER PROTECTION

POSTAL SERVICES

**The Postal Services Regulated Providers (Redress Scheme)
Order 2008**

<i>Made</i> - - - -	<i>16th August 2008</i>
<i>Laid before Parliament</i>	<i>27th August 2008</i>
<i>Coming into force</i> - -	<i>1st October 2008</i>

The Secretary of State makes the following Order in exercise of the power conferred by section 47(1) to (3) of the Consumers, Estate Agents and Redress Act 2007(a).

In accordance with section 47(4) of that Act, he has consulted the Postal Services Commission(b) and other persons appearing to him to be representative of persons who have an interest in the Order.

In accordance with section 47(7) of that Act he is satisfied that there is at least one qualifying redress scheme in place which regulated providers will be eligible to join and membership of which will satisfy the requirement imposed by this Order.

Citation and commencement

1. This Order may be cited as the Postal Services Regulated Providers (Redress Scheme) Order 2008 and shall come into force on 1st October 2008.

Interpretation

2. In this Order—

“consumer complaint” means a complaint of one or more of the following kind which is made against a regulated provider by or on behalf of a person in that person’s capacity as a relevant consumer in relation to that regulated provider—

- (a) a complaint relating to the difficulty experienced by the relevant consumer in making a complaint;
- (b) a complaint that has not been resolved to the satisfaction of the relevant consumer; and
- (c) a complaint about the failure of the regulated provider to adhere to its complaint handling procedure;

(a) 2007 c.17.

(b) The Postal Services Commission was established under section 1 of the Postal Services Act 2000 (c.26).

“qualifying redress scheme” means a redress scheme which is approved by the Postal Services Commission in accordance with section 49 of the Consumers, Estate Agents and Redress Act 2007 or which is administered and designated in accordance with section 47(1)(b) of that Act;

“regulated provider” means a person holding a licence under Part 2 of the Postal Services Act 2000(a) who provides relevant postal services to a relevant consumer; and

“relevant consumer” means a person who is a consumer in relation to relevant postal services except to the extent that the consumer is a party to a contract for the provision of relevant postal services.

Obligation to join a redress scheme

3. A regulated provider must be a member of a qualifying redress scheme in relation to consumer complaints about the provision of a relevant postal service.

16th August 2008

Malcolm Wicks
Minister of State for Energy
Department for Business, Enterprise & Regulatory Reform

(a) 2000 c.26.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order requires certain licensed providers of postal services (“regulated providers”) to join a qualifying redress scheme in respect of certain kinds of consumer complaints.

The requirement arises in respect of regulated providers who provide services to relevant consumers. Relevant consumers can be both senders and recipients of relevant postal services but a person who is a party to a contract with a regulated provider may not make a consumer complaint in relation to relevant postal services covered by that contract.

Section 52 of the Consumers, Estate Agents and Redress Act 2007 provides for enforcement of the requirement to join a redress scheme.

A qualifying redress scheme is in existence and was approved by the Postal Services Commission on 2 July 2008 in accordance with section 49 of the Consumers, Estate Agents and Redress Act 2007.

An Impact Assessment of the effect that this Order will have on the costs to business and the voluntary sector is available from the Consumer and Competition Policy Directorate, Department for Business, Enterprise and Regulatory Reform, 1 Victoria Street, London SW11 0ET or on the BERR website (www.berr.gov.uk). It is also annexed to the Explanatory Memorandum which is available alongside the Order on the OPSI website. A copy of the Impact Assessment has also been placed in the libraries of both Houses of Parliament.

STATUTORY INSTRUMENTS

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£3.00

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E2972 8/2008 182972T 19585