



# Technical and minor amendments in postal regulation

Notifications of proposed technical and other minor amendments to the Universal Postal Service Order and related conditions

Consultation

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## Section 1

# Executive summary

- 1.1 In October 2011, the Postal Services Act 2011 (“the Act”) came into force and Ofcom gained the responsibility and powers to regulate postal services. Our primary duty under the Act is to carry out our functions in relation to postal services in a way that we consider will secure the provision of a “universal postal service”: the delivery and collection of mail everywhere in the UK at affordable and uniform prices, every working day (and on Saturday for letters). Ofcom has a legal duty under the Act to make an order describing the universal postal service (“the Order”). The first Order and associated regulatory conditions came into force on 1 April 2012, shortly after our statement, published in March 2012, containing our decision on the new regulatory framework.<sup>1</sup> In our decision, we explained that we would retain essentially the same universal service provision as it was prior to the making of the first Order. We also moved away from defining the universal service through a list of Royal Mail’s services, to a description of the characteristics of the universal services.
- 1.2 As required by section 30 of the Act, Ofcom carried out its first assessment of the extent to which the market for the provision of postal services in the United Kingdom is meeting the reasonable needs of users of those services, and published the conclusions of this review on 27 March 2013.<sup>2</sup> As a result of this review, Ofcom decided not to make any changes to the scope of the universal service.
- 1.3 We are now consulting on technical and other minor amendments to the Order and related regulatory conditions, which are intended to clarify the drafting of the Order and the scope of the regulatory obligations on Royal Mail to reflect current provision. This document comprises notifications of proposed modifications of the Order under section 403 of the Communications Act 2003, and of proposed modifications of regulatory conditions under Schedule 6 paragraph 3(3) of the Postal Services Act 2011. We do not propose any changes to the scope of the universal service in practice.
- 1.4 None of the proposed amendments has any practical impact on users, Royal Mail and other postal operators as, if made as we propose, these proposed amendments would not require any changes to Royal Mail’s current provision of the universal postal service.
- 1.5 We propose the following amendments to the Order and related regulatory conditions:
- Deleting two unnecessary definitions in the Order, specifically “Act” and “eligible items”, and making small typographical and other self-explanatory changes to the DUSP condition;

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<sup>1</sup> The Postal Services (Universal Postal Service) Order 2012 (SI 2012/936), annexed to Ofcom, *Securing the Universal Postal Service – Decision on the new regulatory framework*, March 2012. That Statement also set out the regulatory conditions to which Royal Mail, as the designated universal service provider, is subject. See: <http://stakeholders.ofcom.org.uk/consultations/review-of-regulatory-conditions/statement/>

<sup>2</sup> Ofcom, *Review of postal users’ needs – statement*, March 2013, <http://stakeholders.ofcom.org.uk/consultations/review-of-user-needs/statement/>

- Clarifying the current drafting of the Order and related conditions about the treatment of local public holidays for the calculation of routing times, i.e. the maximum number of working days an item must take to arrive at its destination. We propose to require that routing times should be calculated taking into account only the public holidays of the locations where mail is sent and received, instead of taking account of all the public holidays everywhere in the UK;
  - Rectifying a drafting omission when making the first Order by specifying in the Order and related conditions that Certificates of Posting should be free of charge, as was our policy intention in March 2012;
  - Making it clearer in the wording of the Order and related regulatory conditions that redirections services relate to all redirections, whether purchased by individual customers or businesses;
  - Aligning better the requirements for international free services for blind and partially sighted persons with current provision by removing an unnecessary pricing freedom in relation to the international fast service for blind and partially sighted persons (which was unused), requiring Certificates of Posting to be provided free of charge for all services for blind and partially sighted persons, and removing the requirements for a free international slow service (which was effectively unused), free registered services (not currently offered free of charge), and compensation on free international items (currently only available if buying an additional service);
  - Rectifying a drafting omission when making the first Order by specifying in the Order and related conditions that the universal service should include a slower packet service to European Union destinations, provided by Royal Mail's Surface Mail service to European Union destinations, as was our policy intention in March 2012;
  - Requiring the same quality of service target for all standard (Second Class) items, whether they are under or over 1kg, of 98.5% of items delivered within three days, as a result of Royal Mail's withdrawal of its Standard Parcels product and its extension of the weight limit of Second Class items up to 20kg;
  - Improving the transparency of the drafting by clarifying on the face of the Order, where necessary, that the exceptions in section 33 of the Act apply to all the services in the Order; and
  - Specifying in the Order and related conditions that certain services (over and above the statutory minimum services in the Act) are not required to be provided in relation to larger and heavier parcels, and similarly ensuring that the services we require by regulatory condition are limited to the services that Royal Mail has historically provided as universal services, as was our policy intention in March 2012.
- 1.6 None of the proposed amendments has any practical impact as they do not require changes to Royal Mail's current provision of the service.
- 1.7 We invite views on all the issues raised in this consultation document by 7 October 2013. Following this consultation, we will issue a statement setting out our decisions in relation to the technical and other minor amendments proposed, alongside notifications (if appropriate) of the amended Order and related regulatory conditions. If amended, the revised Order and regulatory conditions will take effect immediately.

## Section 2

# Structure of this consultation document

2.1 The objective of this consultation is to set out the technical and minor amendments we are proposing to make to the Order and related conditions.

2.2 The consultation document is structured as follows:

- Section 3, *Legal framework*, outlines our duties in relation to the regulation of universal postal services;
- Section 4, *Drafting amendments and other minor changes*, sets out the drafting amendments and miscellaneous minor changes we are proposing to make to the Order and related Designated Universal Service Provider (DUSP) and Consumer Protection (CP) conditions; and
- Section 5, *Dimensions and weight limits clarification*, explains the amendments we are proposing to make to incorporate into the regulatory framework the general exceptions to the minimum requirements of the universal service set out in section 33 of the Act, and in particular to clarify the dimensions and weight limits applying to universal services and those services required by the DUSP condition, and some consequential minor changes.



## Section 3

# Legal and regulatory background

- 3.1 This section outlines our duties in relation to the regulation of universal postal services.
- 3.2 Section 29(1) of the Postal Services Act 2011 (the “**Act**”) provides that Ofcom must carry out its functions in relation to postal services in a way that it considers will secure the provision of a universal postal service.
- 3.3 Section 30(1) of the Act requires Ofcom to make a universal postal service order setting out a description of the services that Ofcom considers should be provided in the United Kingdom as a universal postal service, and the standards with which those services are to comply. The universal postal service must, as a minimum, include each of the services set out in section 31 of the Act. Those services are known as the ‘minimum requirements’ and comprise (in summary):
- at least one delivery of letters every Monday to Saturday, and at least one delivery of other postal packets every Monday to Friday;
  - at least one collection of letters every Monday to Saturday, and at least one collection of other postal packets every Monday to Friday;
  - a service of conveying postal packets from one place to another by post at affordable, geographically uniform prices throughout the UK;
  - a registered items service at affordable, geographically uniform prices throughout the UK;
  - an insured items service at affordable, geographically uniform prices throughout the UK;
  - the provision of certain free services to the blind/partially sighted; and
  - the free conveyance of certain legislative petitions and addresses.
- 3.4 Ofcom made the first order under section 30 on 26 March 2012 and it came into force on 1 April 2012. It included the minimum requirements above together with some further requirements. Under section 30(3) of the Act, Ofcom may not modify this order unless it has carried out an assessment of the extent to which the market for the provision of postal services in the UK is meeting the reasonable needs of users of those services.
- 3.5 Ofcom may impose a designated USP<sup>3</sup> condition on a universal service provider if we consider it is necessary to do so in order to secure the provision of a service of a description set out in the order in accordance with the standards set out there.
- 3.6 Ofcom may impose a consumer protection condition on every postal operator or every postal operator of a specified description, relating to any of the matters set out in section 51 of the Act. Matters which consumer protection conditions may address include requiring operators to assume specified liability in respect of specified loss of

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<sup>3</sup> In the Act, USP refers to universal service provider.

or damage to specified postal packets. They may also deal with the establishment of procedures, standards and policies with respect to consumer protection matters, including the provision of remedies and redress.

- 3.7 Schedule 6 to the Act provides that we may impose or modify a regulatory condition only if we are satisfied that the condition:
- is objectively justifiable;
  - does not discriminate unduly against particular persons or a particular description of persons;
  - is proportionate to what it is intended to achieve; and
  - is transparent in relation to what it is intended to achieve.
- 3.8 Section 3 of the Communications Act 2003 (the “2003 Act”) provides that it shall be our principal duty, in carrying out our functions, to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 3.9 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the 2003 Act, which means that generally Ofcom has to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom’s activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of its policy decisions.<sup>4</sup> We do not consider that our proposals would be likely to have an effect on postal users, or represent a change in Ofcom’s activities, but the analysis presented in the whole of this document represents an impact assessment of our proposals as a whole. As it is our practice to place a regulatory impact assessment for any legislation we make in the libraries of both Houses of Parliament, we include at Annex 5 a stand-alone regulatory impact assessment for the proposed instrument modifying the Order.
- 3.10 In carrying out our functions, we are also under a general duty under the Equality Act 2010 to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
  - advance equality of opportunity between different groups; and
  - foster good relations between different groups,
  - in relation to the following protected characteristics: age; disability; gender re-assignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 3.11 Such equality impact assessments (“EIAs”) also assist us in making sure that we are meeting our principal duty under section 3 of the 2003 Act discussed above.

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<sup>4</sup> For further information about Ofcom’s approach to impact assessments, see our guidelines, *Better policy-making: Ofcom’s approach to impact assessment*, [http://www.ofcom.org.uk/consult/policy\\_making/guidelines.pdf](http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf)

- 3.12 We have therefore considered what (if any) impact the decisions in this statement may have on equality. We do not consider the practical impact of the decisions in this statement to affect any group within society in particular, including any having protected characteristics under the Equality Act 2010 or section 75 of the Northern Ireland Act 1998. (We set out our reasoning for this below in relation to international services for the blind). We have therefore not carried out separate EIAs in relation to race or gender equality, or equality schemes under the Northern Ireland and Disability Equality Schemes.

## The current universal service

- 3.13 The current scope of the universal postal service is described in the Order published in March 2012<sup>5</sup>, the first universal postal service order made under the Postal Services Act 2011. The approach adopted for the first Order was to describe the essential features of the universal service, without substantively changing the scope of the universal service as it had existed until then.
- 3.14 In summary, the Order stipulates that the universal postal service shall comprise:
- At least one delivery of letters every Monday to Saturday and of other postal packets every Monday to Friday to the home or premises of every individual in the UK and to such delivery points as approved by Ofcom;
  - At least one collection of letters every Monday to Saturday and of other postal packets every Monday to Friday;
  - The provision of certain ‘end-to-end services at affordable prices’, which are defined in Schedule 1 to the Order – see Table 3.1;
  - The provision of certain ‘free end-to-end services’, which are defined in Schedule 2 to the Order – see Table 3.1; and
  - The provision of certain ‘addressee services’, which are defined in Schedule 3 to the Order – see Table 3.1.
- 3.15 In our statement of 29 September 2011 on the transition to the new regulatory framework for postal services,<sup>6</sup> we provisionally designated Royal Mail as the universal service provider with effect from 1 October 2011 and this designation remains in effect. Our statement of 27 March 2012 on *Securing the Universal Postal Service* contained our decision on the new regulatory framework and imposed regulatory conditions on Royal Mail with effect from 1 April 2012, including Designated USP conditions (the “DUSP conditions”), which are included at Annex 7 to our statement on *Securing the Universal Postal Service*<sup>7</sup> and Consumer Protection conditions (“CP conditions”), which are included at Annex 8 to our statement on *Securing the Universal Postal Service*.

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<sup>5</sup> *The Postal Services (Universal Postal Service) Order 2012*, S.I. 2012/936, [http://www.legislation.gov.uk/uksi/2012/936/pdfs/ukxi\\_20120936\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/936/pdfs/ukxi_20120936_en.pdf).

<sup>6</sup> Ofcom, *Postal regulation: Transition to the new regulatory framework – Statement*, September 2011, <http://stakeholders.ofcom.org.uk/binaries/consultations/postal-regulation/statement/statement.pdf>.

<sup>7</sup> Ofcom, *Annex 7, Statutory Notification: designated USP conditions*, March 2012, <http://stakeholders.ofcom.org.uk/binaries/consultations/review-of-regulatory-conditions/statement/annex7.pdf>.

- 3.16 DUSP condition 1 requires Royal Mail, as the designated universal service provider, to provide services matching those described in the Order. Royal Mail is required by DUSP condition 1.10.1 to notify Ofcom of the brand names of the services it provides with a view to meeting its obligations under the DUSP conditions 1.6 (end-to-end services) and 1.7 (addressee services). The services which Royal Mail has notified for those purposes are summarised in Table 3.1. Table 3.1 provides a summary of the description of the services but does not include a full list of their characteristics. For a comprehensive description of the services in the Order and the DUSP condition, please see the informal consolidated versions of the Order and the DUSP condition at Annexes 7 and 9.

**Table 3.1: Royal Mail services provided to meet the characteristics of the universal service, according to Royal Mail<sup>8</sup>**

Summary of Order/Condition	Royal Mail service provided
<b>End-to-end services at affordable prices for single piece items</b>	
<u>Priority services</u> <ul style="list-style-type: none"> <li>To arrive next day (required to be 93% of mail next day by DUSP condition)</li> <li>Paid for by stamp, meter, and other reasonable means</li> <li>Offer Certificate of Posting and proof of delivery</li> </ul>	<ul style="list-style-type: none"> <li>Royal Mail First Class without and with Royal Mail Signed For</li> </ul>
<u>Standard services</u> <ul style="list-style-type: none"> <li>To arrive within three days (98.5% of mail up to 1kg to arrive within three days by DUSP condition / 90% of packets over 1kg to arrive within three days by DUSP condition)</li> <li>Paid for by stamp, meter, and other reasonable means</li> <li>Offer Certificate of Posting and proof of delivery</li> </ul>	<ul style="list-style-type: none"> <li>Royal Mail Second Class without and with Royal Mail Signed For</li> </ul>
<u>Registered and insured services</u> A. Insured and registered services for postal items weighing up to 10kg: <ul style="list-style-type: none"> <li>To arrive next day by 1pm</li> <li>To include tracking and proof of delivery</li> <li>Are paid for in advance (i.e. by stamps or meter)</li> <li>The definition of insured requires compensation for theft, loss and damage, in addition to the basic compensation (up to £46) provided on some postal services.</li> </ul> B. Insured and registered services for postal items weighing over 10kg	<ul style="list-style-type: none"> <li>Registered and insured service up to 10kg: Royal Mail Special Delivery Guaranteed by 1pm (other than on account)</li> <li>Registered service (10-20kg): Royal Mail Signed For First Class</li> <li>Insured service (10-20kg): Royal Mail Special Delivery Guaranteed by 1pm (other than on account)</li> </ul>
<u>Return to sender services</u>	<ul style="list-style-type: none"> <li>Return to Sender</li> </ul>

<sup>8</sup> Royal Mail, *Notification under DUSP Condition 1.10.1*, effective 1 April 2013, <http://www.royalmailgroup.com/sites/default/files/Statement%20as%20required%20by%20DUSP%201%2010%201.pdf>.

Conveyance of items back to the sender (where the service used is part of the universal service)	
<u>Outgoing European Union services</u> <ul style="list-style-type: none"> <li>• Service of ensuring that postal items are handed over to the postal provider in the relevant EU member state.</li> <li>• Compatible with enabling the item to arrive within three days (DUSP condition specifies that at least 85% of packets must arrive within three days and 97% of packets must arrive within five days)</li> <li>• Paid for by stamps or other reasonable means</li> <li>• Offer Certificate of Posting</li> </ul>	<ul style="list-style-type: none"> <li>• Royal Mail Airmail with and without International Signed For</li> </ul>
<u>Outgoing rest of the world services</u> <ul style="list-style-type: none"> <li>• Service of ensuring that postal items are handed over to the postal provider in the relevant non-EU country.</li> <li>• A service compatible with enabling the item to arrive within seven days; and</li> <li>• A service compatible with enabling the item to arrive within twelve weeks (72 days)</li> <li>• Paid for by stamps or other reasonable means</li> <li>• Offer Certificate of Posting</li> </ul>	<ul style="list-style-type: none"> <li>• Royal Mail Airmail with and without International Signed For</li> <li>• Royal Mail Surface Mail with and without International Signed For</li> </ul>
<u>Incoming European Union and rest of the world services</u> For incoming EU mail, 85% of mail to arrive at UK addresses within three days of having been collected in another EU member state and 97% to arrive within 5 days of being collected. Mail sent from non-EU countries to be delivered within a reasonable period.	<ul style="list-style-type: none"> <li>• “Extension of foreign operators’ post network into UK” i.e. Royal Mail delivers international mail to UK addresses.</li> </ul>
<b>Free end-to-end services</b>	
<u>Legislative petitions and addresses</u>	<ul style="list-style-type: none"> <li>• Petitions to Parliament, Addresses and Petitions to the Queen</li> </ul>
<u>Domestic and international services for blind or partially sighted persons</u> <ul style="list-style-type: none"> <li>• Up to 7kg</li> <li>• For certain eligible items related to blindness or partial sightedness</li> </ul>	<ul style="list-style-type: none"> <li>• Articles for the Blind and International Articles for the Blind</li> </ul>
<b>Addressee services</b>	
<u>Redirection services</u> Service of redirecting postal item from one address to another, for a reasonable period of time Specific exceptions (e.g. not required for registered and insured items going outside of the UK)	<ul style="list-style-type: none"> <li>• Redirections (up to 12 months, renewable for up to 12 months)</li> </ul>

Poste restante services

Post offices can be used as an addressee's postal address

Post offices will hold the mail for a reasonable period

- Poste Restante

Retention services

Delay in delivering the items for a reasonable period

- Keepsafe (residential and business) – mail kept at a delivery office for up to about two months

*Source: Ofcom / Royal Mail (2013)*

## Section 4

# Drafting corrections and other minor changes

- 4.1 This section sets out the drafting amendments and other minor changes we are proposing to make to the Order and related DUSP and CP conditions. The draft amending instruments are available at Annexes 6, 8 and 10. Informal consolidated versions of the Order, relevant DUSP condition and relevant CP condition, as they would be if they were amended as proposed, are available at Annexes 7, 9 and 11.
- 4.2 None of the proposed amendments has any practical impacts on users, Royal Mail or other postal operators as these proposed amendments simply correct drafting mistakes or bring the current requirements laid down in the Order and conditions in line with Royal Mail's provision of the universal postal service.

## Drafting corrections

- 4.3 We propose to delete two definitions in the Order which are unnecessary: the definitions of "Act" and "eligible items", and to align the definition of "post office" in the DUSP condition with the definition of "post office" in the Order. We also propose to correct an obvious typographical error (unnecessarily repeated words) in the DUSP condition, and remove cross-references to out-of-date documents. None of these proposed amendments has any impact on the meaning of the Order or DUSP condition.

## Calculation of routing times

- 4.4 Like all relevant statutory instruments, the Order was scrutinised by the Parliamentary Joint Committee on Statutory Instruments (JCSI), which raised a point relating to our definition of public holiday and routing times. Routing times are the maximum number of working days an item must take to arrive at its destination e.g. D+3 (in three days) for standard services, currently provided for by RM's Second Class service. Routing times are expressed in working days, and working days exclude Sundays and public holidays. Certain areas of the UK have local public holidays (e.g. 2 January in Scotland).
- 4.5 The current drafting of the Order is insufficiently clear about the treatment of local public holidays for the calculation of routing times. When the Order was made, we considered that it reflected our policy intention that the calculation of routing times should take into account all public holidays, including local public holidays, even if the local public holiday did not apply where the mail was sent and received. However, we now understand that Royal Mail monitors its performance taking into account local public holidays where the mail is sent and received. Our current broad approach to the calculation of routing times is therefore unnecessary, and we propose to amend the Order and DUSP condition to require instead that routing times should be calculated taking into account only the public holidays of the locations where mail is sent and received.
- 4.6 The proposed amendment has no practical impact on postal users or Royal Mail, as in practice it does not lead to any changes to the way the quality of service is measured.



## Certificate of Posting

- 4.7 Our policy intention in making the first Order in March 2012 was to keep the requirement that Certificates of Posting should be provided free of charge.<sup>9</sup> However, it came to our attention during the course of the Review of Postal Users' Needs that we had not explicitly implemented this requirement in the Order and we propose to rectify this.
- 4.8 The proposed amendment has no practical impact on postal users or Royal Mail, as Royal Mail has continued to provide Certificates of Posting free of charge.

## Business redirections

- 4.9 Our policy intention in making the first Order was to retain all the essential features of the current universal service, including business redirections.<sup>10</sup> However, in reviewing the Order, we came to the view that the current description of redirections in the Order may not be sufficiently clear in requiring both business and residential redirections. We therefore propose to clarify the current wording in the Order and related DUSP conditions to make it clearer that redirections services relate to all redirections, whether purchased by individual customers or businesses.
- 4.10 The proposed amendment has no practical impact on postal users and Royal Mail, as it is only a matter of clarification. Royal Mail currently provides both residential and business redirections as part of the universal service.

## Services for blind or partially sighted persons

- 4.11 Our policy intention in making the first Order in March 2012 was to retain all the essential features of the then-current universal service.<sup>11</sup> In making the first Order, in relation to services for blind or partially sighted persons, we incorporated the wording from a direction from the Secretary of State to Postcomm. While the direction was never in force, it helped clarify the meaning of services for blind or partially sighted persons.<sup>12</sup> While reviewing the Order, we realised that some the obligations imposed on Royal Mail in relation to international services for blind or partially sighted persons should be clarified. Currently, by default, the Order imposes some obligations in relation to international services for blind or partially sighted persons which are not in line with what the universal service has included in past years. We propose to rectify this.
- 4.12 None of the changes proposed to the international services for the blind and partially sighted persons has any impact in practice, as they reflect Royal Mail's current provision. In addition, none of the changes proposed has any impact on the domestic

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<sup>9</sup> Ofcom, *Securing the universal postal service – decision on the new regulatory framework*, March 2012, <http://stakeholders.ofcom.org.uk/consultations/review-of-regulatory-conditions/statement/>

<sup>10</sup> Postcomm clarified in 2011 that redirections included residential and business redirections. Postcomm, *The building blocks for a sustainable postal service, Removing bulk products from the universal service and clarifying the status of other universal service products – a decision document*, August 2011, <http://stakeholders.ofcom.org.uk/binaries/post/2005.pdf>.

<sup>11</sup> Our stated policy intention in March 2012 was that we should retain all the essential features of the current universal service, pending our review of postal users' needs, and our decision in our statement on the review of postal users' needs in March 2013 was not to make any changes to the scope of the universal service.

<sup>12</sup> Annex A, *Social and Environmental Guidance to the Postal Services Commission issued under section 43(2) of the Postal Services Act 2000*, <http://stakeholders.ofcom.org.uk/binaries/post/356.pdf>



free of charge services for the blind and partially sighted persons, as the only proposed change in relation to these services simply requires the provision of a free Certificate of Posting.

- 4.13 Firstly, while free of charge international services for blind and partially sighted persons have not previously been offered for registered items, the effect of the current drafting is to require registration to be included. We therefore propose to remove this requirement explicitly, which is in line with the historical definition of the universal service and Royal Mail's current practice. This does not preclude Royal Mail from continuing to offer the registered service for a fee on top of the current free of charge service, as it currently does.<sup>13</sup>
- 4.14 Secondly, compensation for loss and damage is not currently, and has not previously been, available on international services for blind and partially sighted persons, unless a registered or insured service is purchased. However, our CP condition 4 requires fair and reasonable compensation on all universal services except legislative petitions and return to sender, and we did not exclude international services for blind and partially sighted persons, in effect imposing a requirement to provide compensation when in practice it has not been provided. We propose to rectify this oversight by amending the relevant condition.
- 4.15 Thirdly, we propose to require the provision of a free Certificate of Posting for domestic and international free services for the blind and partially sighted persons. It is currently available on First Class and Airmail items but we did not require it separately as part of the free services for blind or partially sighted persons. Again we propose to rectify this.
- 4.16 These proposed amendments have no practical impact on blind and partially sighted users as they simply bring current requirements in line with historical and current practice.
- 4.17 In addition, currently Royal Mail is required to provide both fast and slow free of charge international services for blind and partially sighted persons. The services Royal Mail provides are Airmail and Surface Mail, free of charge. Both services must be provided up to 7kg, although the fast service, Airmail, is only required up to 1kg in relation to some destinations. However, in practice, Royal Mail treats all services for blind and partially sighted persons as priority items. Surface Mail is usually a slower, cheaper service than Airmail, which allows postal users to trade off speed with cost of the service. Since both services are free of charge for blind and partially sighted persons, there is no need to trade off the speed of the service with cost and no reason for blind and partially sighted persons to choose the slower service. Therefore, the obligation to provide a slow international service for blind and partially sighted persons free of charge is unnecessary. We are accordingly proposing to require a fast service up to 7kg everywhere, and remove the obligation to provide a slow service.
- 4.18 One consequence of this proposed amendment is to remove the scope for Royal Mail to charge, for international items for the blind or partially sighted persons sent via Airmail, the difference between the Airmail and Surface Mail tariffs, for items weighing between 1-7kg and going to those territories not listed in the Order.<sup>14</sup>

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<sup>13</sup> Royal Mail offers International Signed For, for a fee, over the current free Airmail service for blind and partially sighted persons. See frequently asked questions on <http://www.royalmail.com/personal/uk-delivery/articles-for-the-blind>.

<sup>14</sup> Listed territories are specified at paragraph 5 of schedule 2 of the Order.

However, this distinction is complex and unnecessary, as Royal Mail provides all services for blind or partially sighted persons free of charge via its Articles for the Blind service.<sup>15</sup> Removing this distinction is therefore in line with our policy objectives of retaining the essential features of the universal service and will ensure that services for blind and partially sighted persons are provided free of charge, regardless of the weight or destination country of the item.<sup>16</sup>

- 4.19 Again, this proposed amendment has no practical impact on blind and partially sighted users, who continue to benefit from the fast, free of charge international service, regardless of the weight or the destination country of the item.

## **Outgoing European Union services**

- 4.20 As mentioned above, our policy intention in making the first Order in March 2012 was to retain all the essential features of the current universal service.<sup>17</sup> However, the characteristics of outgoing international services to European Union (EU) destinations did not include a slower service. Such a service was provided by Royal Mail as part of the universal service (Surface Mail), and our intention is that it still should be. We propose to rectify this drafting omission, as it was clearly our policy intention that the universal service should include a slow service to EU destinations.<sup>18</sup> Royal Mail currently sends all letter-sized postal packets to EU destinations via Airmail and therefore our proposed amendment only concerns non-letter-sized packets.
- 4.21 The proposed amendment has no practical impact on postal users and Royal Mail, as Royal Mail has continued to provide Surface Mail packets to EU destinations as part of the universal service, as was our policy intention.

## **Consistency in the quality of service of standard packets of all weights**

- 4.22 Ofcom sets specific quality of service performance targets for universal services in DUSP condition 1. The current quality of service requirements reflect the quality of service targets set by Postcomm in Royal Mail's licence, prior to the transfer of responsibilities for postal regulation from Postcomm to Ofcom in October 2011. We consulted on quality of service targets as part of the review of regulatory conditions in November 2011, and in March 2012 we decided to retain the same quality of service targets which applied prior to the transfer of regulatory responsibilities for post.
- 4.23 In practice, this means that there are currently two targets for standard services, reflecting Royal Mail's provision up until April 2013:

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<sup>15</sup> Terms and conditions are available on Royal Mail's website and do not include the possibility of charges for some destinations.

<sup>16</sup> Free services for blind and partially sighted people were not part of the scope of our Review of Users' Needs, however we noted that there were likely to be social benefits from these services, which were also likely to be low cost to provide.

<sup>17</sup> Our stated policy intention in March 2012 was that we should retain all the essential features of the current universal service, pending our review of postal users' needs, and our decision in our statement on the review of postal users' needs in March 2013 was not to make any changes to the scope of the universal service.

<sup>18</sup> The DUSP condition requires that international services must be provided for non-registered and insured services and for registered and insured services. For clarity and to help interpretation, we make this obvious for each service, including the non-registered and insured service, on the face of the DUSP condition.

- Standard services for items weighing up to 1kg have a target of 98.5% of items delivered within three days – this used to be the Second Class service, which Royal Mail provided up to 1kg;
  - Standard services for items weighing more than 1kg have a target of 90% of items delivered within three days – this was the Standard Parcels service, which Royal Mail provided up to 20kg.
- 4.24 Royal Mail recently made changes to its packet services, effective from 2 April 2013. Specifically, Royal Mail decided to increase the weight limit of its Second Class service up to 20kg, and accordingly to withdraw its Standard Parcels service.<sup>19</sup> Royal Mail has notified us that its Second Class service will meet its requirement to provide the standard service specified in the Order and DUSP conditions.<sup>20</sup> This means that there is no longer a need to have two separate quality of service targets for standard items depending on whether they are under or over 1kg, and the target of 98.5% of items delivered within three days is appropriate for all items. We propose to amend the DUSP condition accordingly.
- 4.25 The proposed amendment reflects Royal Mail's packet changes and its intention to bring the quality of service of its Second Class packets over 1kg in line with the quality of service of its Second Class packets under 1kg. Royal Mail is considering any changes that may be required in relation to the measurement of the performance of all Second Class packets, for instance agreeing changes to sample sizes with its contractor TNS. The proposed amendments have, therefore, no practical impact on Royal Mail and postal users, as they only reflect current provision.

## Directions regarding exceptions

- 4.26 Section 33 of the Act provides that the requirements in respect of delivery or collection do not need to be met in such geographical conditions or other circumstances as Ofcom considers exceptional. We have provided for in DUSP 1.3.2 a power to specify by direction the “geographical and other circumstances” that we consider exceptional in relation to collections and deliveries. The circumstances that Ofcom considers as exceptions relate to reasons of health and safety, e.g. dangerous dogs, and difficulty of access, e.g. islands without daily ferry services. We are proposing to amend this DUSP to make it clear that Ofcom is able to impose related obligations on Royal Mail, specifically an obligation to report on exceptions and an appeals process where Royal Mail says that the exceptional circumstances have arisen (the final stage being an appeal to Ofcom). This simply reflects the current situation. There is therefore no practical impact on Royal Mail and postal users.
- 4.27 We set out how our proposed amendments to the DUSP conditions are objectively justifiable, not unduly discriminatory, proportionate, and transparent, in Section 5.

*Question 4.1: Do you agree with our proposed amendments to the Order and related DUSP and CP conditions?*

<sup>19</sup> Royal Mail, *Proposal to amend the Inland Letter Post Scheme in relation to universal service packets and parcels, and compensation levels for loss and damage – a decision document*, March 2012, <http://www.royalmailgroup.com/sites/default/files/Decision%20Document%20Final.pdf>

<sup>20</sup> Royal Mail, *Notification under DUSP Condition 1.10.1*, effective 1 April 2013, <http://www.royalmailgroup.com/sites/default/files/Statement%20as%20required%20by%20DUSP%201%2010%201.pdf>

## Section 5

# Dimensions and weight limits clarification

- 5.1 This section sets out the amendments we are proposing to make to incorporate into the Order most of the general exceptions to the minimum requirements of the universal service set out in section 33 of the Act, and in particular to clarify the dimensions and weight limits applying to universal services and those services required by the DUSP condition.
- 5.2 None of the proposed amendments has any practical impact on postal users, Royal Mail and other postal operators.

## Need for regulatory clarification

- 5.3 Section 33 of the Act defines exceptions to the minimum universal service requirements of the Act. In doing so, section 33 sets the boundaries of the universal service, in particular in relation to the minimum and maximum dimensions and weight of postal items. The Order does not currently incorporate these boundaries, and therefore does not set out explicitly how these boundaries relate to any services over and above the minimum universal service.
- 5.4 To make the regulatory framework clearer and the Order more transparent, we propose to amend the Order so as to make it clear that the exceptions in section 33 of the Act apply to the relevant services specified by the Order, and not just to the minimum requirements. In particular, the weight limit set by the Act is 20 kg and the dimensions are “the minimum and maximum dimensions laid down in the Convention and Agreement concerning Postal Parcels adopted by the Universal Postal Union”. We construe this as a reference to the Universal Postal Convention of the UPU,<sup>21</sup> which incorporates by reference the dimensions set out in the Parcel Post Regulations and the Letter Post Regulations of the UPU<sup>22</sup>. The maximum dimensions are 1.05m for any one dimension or 2m for the sum of the length and the greatest circumference measured in a direction other than length. The minimum dimensions (for most items) are a surface measuring not less than 90 X 140 mm, with a tolerance of 2 mm; in roll form, length plus twice the diameter: 170 mm, but the greatest dimension may not be less than 100 mm.
- 5.5 The Order only describes the universal postal service; it does not impose an obligation on Royal Mail to provide any part of this service. The obligation to provide the universal postal service, or any part of this service, is imposed by DUSP conditions.
- 5.6 While the weight limit of 20kg and UPU dimensions can apply in principle to all services specified by the Order, they are only required to be applied to the minimum universal services. In practice we want to avoid an unnecessary extension of regulation beyond the universal service which was provided when we made the first

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<sup>21</sup> The version of the Universal Postal Convention which was extant in July 2011 (i.e. when the Act received Royal assent) is that of 2008. By July 2011, there was no UPU ‘Agreement concerning Postal Parcels’.

<sup>22</sup> See Part II (Rules applicable to letter post and postal parcels) Chapter 1 (Provision of services) Article 15: “1.1 Items not fulfilling the conditions laid down in the Convention and the Regulations shall not be admitted.” Article RC 115 of the Parcel Post Regulations and Article RL 122 of the Letter Post Regulations contain “limits of size”.

Order. As mentioned in the previous section, we made clear in our statement in March 2012 relating to the universal service that we intended to retain all the essential features of the current universal service.<sup>23</sup> In addition, we decided at the end of our Review of Postal Users' Needs not to change the scope of the universal service.<sup>24</sup>

## Our proposals

- 5.7 There are two ways in which we propose to retain the current scope of the universal service while clarifying how the boundaries of the universal service set by the Act in relation to the weight and dimensions of postal items apply to the relevant universal services.
- 5.8 Firstly, we have discretion to limit the weight and dimensions of the universal services specified in the Order which go beyond the minimum requirements of the Act. We therefore propose to modify the Order to limit the weights and dimensions of the postal packets in relation to which the following services must be provided: those in Schedule 1 paragraph 5 (Return to Sender), Schedule 1 (currently) paragraph 6(2) (provided for by Royal Mail's Surface Mail, and its add-on International Signed For), Schedule 3 paragraph 1 (Redirection services), Schedule 3 paragraph 2 (Poste Restante services) and Schedule 3 paragraph 3 (retention services, provided for by Royal Mail's Keepsafe).
- 5.9 Secondly, we do not have to regulate to secure the provision of universal services when, in our view, there are suitable alternatives provided by the wider postal market. We therefore propose to modify the DUSP conditions to limit the services that Royal Mail is obliged to provide by regulatory condition, in circumstances where services meeting the definition of the universal service in the Order are already being provided without regulatory intervention. This means that Royal Mail would not be obliged to extend the services it currently provides. These proposed amendments relate to the following services:
- Priority (First Class), Standard (Second Class) and Registered and insured services (Special Delivery Guaranteed by 1pm) services in so far as the maximum size of packets provided by Royal Mail's regulated business does not go up to the UPU dimensions; and
  - International outbound services (Airmail and its add-on International Signed For) and inbound services in so far as in so far as Royal Mail only provides these services up to 2kg (5kg for printed papers), rather than 20kg, and in so far as the maximum size of international packets provided by Royal Mail's regulated business does not go up to the UPU dimension.
- 5.10 We propose this because we consider that the postal market provides, and is likely to continue to provide, services for "large" domestic packets, over what is currently provided by Royal Mail and up to UPU dimensions. By "large" domestic packets we mean packets over 610mm x 460mm x 460mm and up to 1.05m for any one dimension or 2m for the sum of the length and the greatest circumference. Royal Mail currently provides domestic packet services up to 610mm x 460mm x 460mm (and for rolled and cylinder shaped items, packets where the length plus twice the

<sup>23</sup> Ofcom, *Securing the Universal Postal Service – Decision on the new regulatory framework*, March 2012, <http://stakeholders.ofcom.org.uk/consultations/review-of-regulatory-conditions/statement/>.

<sup>24</sup> Ofcom, *Review of postal users' needs – statement*, March 2013, <http://stakeholders.ofcom.org.uk/consultations/review-of-user-needs/statement/>.



diameter does not exceed 1040mm with the greatest dimension being no more than 900mm).

- 5.11 There are many providers of large packets services in the UK. Notably, Parcelforce provides these services, at a uniform price everywhere in the UK for residential and small business users (via post offices). Parcelforce provides services up to dimensions that comply with UPU regulations (Parcelforce carries items up to the following dimensions: maximum parcel length of 1.5m and maximum length and girth combined of 3m). While Postcomm concluded in 2010 that there was not effective competition in the residential and non-contract small business packets market, it also concluded that the express (time guaranteed) market is fully competitive at all weights.<sup>25</sup> As we noted in our Review of Postal Users' Needs, these services increasingly provide alternatives to Royal Mail retail services for residential and small business users, as couriers collect parcels from home and business addresses, and this trend appears to continue.<sup>26</sup>
- 5.12 Ofcom's *Consumer Experience of 2012 – Research report* identified more than 15 companies operating significant parcels networks in the UK, including both international operators (for example, DHL, UPS, FedEx, TNT and DPD) and national operators (for example, City Link, UK Mail, Yodel and Hermes). It reported that although the majority of these operators primarily offer services to businesses, most of them also offer services to consumers wishing to send parcels and packets, and that a range of parcel collection and delivery services are offered by a number of providers at a range of prices. The types of services offered allow users to choose a service that best meets their needs, in terms of whether it includes tracking, insurance, or timed delivery slot. The Consumer Experience report also noted that some providers limit their coverage by excluding areas such as Northern Ireland and the Highlands of Scotland.<sup>27</sup>
- 5.13 We also consider that the postal market provides, and is likely to continue to provide, services for large (over the current maximum international packets dimensions)<sup>28</sup> and heavy (over 2kg) packets sent abroad.<sup>29</sup> Research suggests that residential users almost always go the post office to send international packets, but also that residential users said they felt they had sufficient choice of service providers and

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<sup>25</sup> Postcomm, *Analysis of Markets – Decision document*, November 2010, <http://webarchive.nationalarchives.gov.uk/20110907150842/http://www.psc.gov.uk/documents/1158.pdf>. Postcomm also concluded that the business market for packets over 2kg which are not time guaranteed ("heavy deferred B2X market") is fully competitive, providing alternatives for businesses using, for instance, RM's PPI services.

<sup>26</sup> Apex Insight, *Consumer and Small Business (C2C) Parcels Services - Market Insight Report*, May 2013, available for purchase at <http://www.apex-insight.com/c2c-parcels/>. The publicly available summary mentions "the fastest-growing segment of the parcels industry: those services designed to carry parcels on behalf of consumers and small businesses, such as eBay or Amazon Marketplace sellers."

<sup>27</sup> Ofcom, *The Consumer Experience of 2012, Research document*, January 2013, [http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/tce-12/Consumer\\_Experience\\_Research1.pdf](http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/tce-12/Consumer_Experience_Research1.pdf).

<sup>28</sup> These are set out in *The Royal Mail Overseas Letter Post Scheme*, February 2013, [http://www.royalmailgroup.com/sites/default/files/OLPS-Scheme-February-2013\\_0.pdf](http://www.royalmailgroup.com/sites/default/files/OLPS-Scheme-February-2013_0.pdf). The maximum size of any item with the length, width and depth combined must not exceed 900mm with the greatest dimension not exceeding 600mm. For a cylinder shaped item, the length plus twice the diameter may not exceed 1040mm with the greatest dimension being no more than 900mm.

<sup>29</sup> Royal Mail told us that incoming packets are carried by Royal Mail or Parcelforce depending on their classification by overseas postal operators.

levels of service in the market.<sup>30</sup> Postcomm noted that international parcel post and express markets are considered to be competitive, with little evidence of market power on the part of Parcelforce Worldwide.<sup>31</sup> A 2010 study by WIK Consult noted that FedEx, UPS, DHL, and TNT were the main players in the market for international parcels and express services,<sup>32</sup> and the services of most of these operators are available in most of the UK.<sup>33</sup>

- 5.14 As noted above, however, users in more remote areas of the UK may have a more limited choice than users in the rest of the UK, and are more likely to have to rely on Parcelforce Worldwide, which provides services at a uniform price everywhere in the UK. Therefore, should Parcelforce Worldwide stop providing appropriate services at a uniform price, or stop providing services altogether in some areas of the UK, we would have to revisit our proposals, which may entail increasing the scope of regulation on Royal Mail in order to ensure the continued provision of services for large domestic packets and large and heavy international packets at a uniform price everywhere in the UK.
- 5.15 Our proposal is consistent with meeting the reasonable needs of users as it does not involve any practical changes in the actual service provision. In addition, only a very small proportion of Royal Mail's domestic packets would be likely to be bigger than its medium parcels, but smaller than the UPU dimensions. Royal Mail's current domestic packet services still cater for items up to a significant size – a typical domestic microwave oven with all its packaging, for instance, could fit in a 460x460x610mm packet. Royal Mail estimates that in 2011/12 less than 2% of universal service parcel items were larger than the new medium format. Since its recent changes to packet services dimensions, Royal Mail is not aware of any formal complaints from customers relating to their ability of sending a packet larger than 460x460x610mm. Similarly, less than 3% of outbound international packets (Airmail and Surface Mail public tariff) weigh over 1kg.<sup>34</sup> Overall users tend to use international services very infrequently, and may adapt their behaviour to minimise the cost of sending packets abroad, such as choosing lighter items for presents or dividing them into different packets.<sup>35</sup>
- 5.16 To implement our proposal, we will need to modify both the Order and the DUSP condition. In relation to the Order, we need to remove the current exclusion of tracking for priority and standard items from the scope of the universal service. This exclusion was created to ensure that the services provided to meet this requirement are genuinely “basic” services. Most courier services, including all domestic Parcelforce Worldwide services, are fully tracked.

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<sup>30</sup> However, they felt it is difficult to know what is on offer, and how to compare options to find out what will best suit their needs. Synovate, *Understanding how consumers use the postal service for International Mailing*, April 2011, small qualitative survey of three one-hour focus groups in central London undertaken for Postcomm's market analysis of international mail services.

<sup>31</sup> However, items over 2kg are not part of Postcomm's market analysis in relation to international outbound mail, so there is no detailed discussion of these services in its consultation.

<sup>32</sup> WIK Consult, *Study on the External Dimension of the EU Postal Acquis*, November 2010, p. 24, [http://ec.europa.eu/internal\\_market/post/doc/studies/2010-wik-external-dimension\\_en.pdf](http://ec.europa.eu/internal_market/post/doc/studies/2010-wik-external-dimension_en.pdf)

<sup>33</sup> Information from the Parcel2go website states that TNT collections of parcels for destinations abroad can only be made from a business address, <http://www.parcel2go.com/search/country-search-results.aspx?country=france>.

<sup>34</sup> Information provided by Royal Mail.

<sup>35</sup> Synovate, *Understanding how consumers use the postal service for International Mailing*, April 2011, <http://webarchive.nationalarchives.gov.uk/20111027102050/http://www.psc.gov.uk/documents/1923.pdf>.

- 5.17 In relation to the DUSP condition, we still consider that those higher volume and lower priced services we propose to continue to require by regulatory condition should remain untracked. We therefore propose to retain the exclusion of tracking in the DUSP condition.
- 5.18 The draft amending instruments are available at Annexes 6 and 8 and informal consolidated versions of the Order and DUSP condition as they would be if amended in this form are available at Annexes 7 and 9.

## Impact of our proposal

- 5.19 Our proposed amendments should have no practical impact on postal users and Royal Mail, as they reflect current provision. Our proposed amendments also should have no practical impact on other postal providers, including Parcelforce Worldwide. We are not proposing to regulate the business of Parcelforce Worldwide. Therefore, while Value Added Tax (VAT) policy is a matter for Her Majesty's Revenue and Customs, we note that under current laws our proposals would not result in a change in the VAT status of Parcelforce Worldwide services.
- 5.20 Our proposed amendments are consistent with the policy objective of keeping the universal service provision substantially the same as it has been historically, as set out in our decisions of March 2012 on the regulatory framework and of March 2013 on the reasonable needs of postal users.

## Regulatory tests to impose a DUSP condition

- 5.21 We consider that our proposed amendments to the DUSP conditions in Sections 4 and 5 of this consultation document are:
- **Objectively justifiable**, as they are necessary to improve the clarity of the regulatory regime and of the regulatory obligations on Royal Mail;
  - **Not unduly discriminatory**, because the change necessarily affects the Universal Service Provider (USP) – and there is only one such USP (Royal Mail) in the UK;
  - **Proportionate**, because our proposed amendments have no practical impact on postal users, Royal Mail and other postal operators in practice, and reflect the current provision of the universal service; and
  - **Transparent**, because it is clear that the proposed amendments are intended to clarify the drafting and obligations on Royal Mail without making changes to the current provision of the universal service.

*Question 5.1: Do you agree with our proposed amendments to the Order and DUSP condition in relation to the dimensions and weight limits applying to regulated services within the scope of the universal service?*

*Question 5.2: Do you have any additional comments on this consultation generally?*



## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 7 October 2013**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeolders.ofcom.org.uk/consultations/post>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please [Post.Minor-amendments@ofcom.org.uk](mailto:Post.Minor-amendments@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation.
- Elisa Pruvost  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Elisa Pruvost on 020 7981 3000
- A1.8 A hard copy of the proposed Order and conditions may be obtained from:  
Elisa Pruvost  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA

## Confidentiality

- A1.9 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.10 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.11 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

## Next steps

- A1.12 Following the end of the consultation period, Ofcom intends to publish a statement by the end of 2013.
- A1.13 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

## Ofcom's consultation processes

- A1.14 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.15 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.16 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

Tel: 020 7981 3601  
Email [Graham.Howell@ofcom.org.uk](mailto:Graham.Howell@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

## Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

## During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why.

## After the consultation

A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

☐

Name/contact details/job title

☐

Whole response

☐

Organisation

☐

Part of the response

☐

If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

☐

Name

Signed (if hard copy)

## Annex 4

# Consultation questions

- A4.1 While this consultation document contains specific questions on the proposed amendments to the Order and related DUSP and CP conditions, respondents are invited to include representations on any issues which they consider to be relevant.

*Question 4.1: Do you agree with our proposed amendments to the Order and related DUSP and CP conditions?*

*Question 5.1: Do you agree with our proposed amendments to the Order and DUSP condition in relation to the dimensions and weight limits applying to regulated services within the scope of the universal service?*

*Question 5.2: Do you have any additional comments on this consultation generally?*

## Annex 5

# Regulatory Impact Assessment for proposed Postal Services (Universal Postal Service) (Amendment) Order 2013

## Introduction

- A5.1 The analysis presented in this annex represents an impact assessment, as defined in section 7 of the Communications Act 2003 (the Act).
- A5.2 You should send any comments on this impact assessment to us by the closing date for this consultation. We will consider all comments before deciding whether to implement our proposals.
- A5.3 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the Act, which means that generally we have to carry out impact assessments where our proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of our policy decisions. For further information about our approach to impact assessments, see the guidelines, Better policy-making: Ofcom's approach to impact assessment, which are on our website:  
[http://www.ofcom.org.uk/consult/policy\\_making/guidelines.pdf](http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf)

## Ofcom's policy objective

- A5.4 Ofcom's overall statutory objective in relation to post, set out by the Postal Services Act 2011 (the Act), is to secure the universal postal service. Accordingly the Act, in s.30, requires us to provide a description of the universal services, and the standards with which they must comply, by order. The first universal postal service order (the Order) and associated regulatory conditions came into force on 1 April 2012, shortly after our statement, published in March 2012, containing our decision on the new regulatory framework.<sup>36</sup>
- A5.5 Our March 2012 statement confirmed that we intended to retain all the essential features of the current universal service, pending our Review of Postal Users' Needs. It also confirmed that we would move away from defining the universal service through a list of Royal Mail's services, to a description of the characteristics of the universal services. We imposed regulatory conditions (Designated Universal Service Provider (DUSP) conditions) on Royal Mail requiring it to provide the services defined in the Order.

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<sup>36</sup> The Postal Services (Universal Postal Service) Order 2012 (SI 2012/936), annexed to Ofcom, *Securing the Universal Postal Service – Decision on the new regulatory framework*, March 2012. That Statement also set out the regulatory conditions to which Royal Mail, as the designated universal service provider, is subject. See: <http://stakeholders.ofcom.org.uk/consultations/review-of-regulatory-conditions/statement/>

A5.6 As required by section 30 of the Act, Ofcom carried out its first assessment of the extent to which the market for the provision of postal services in the United Kingdom is meeting the reasonable needs of users of those services and published the conclusions of this review on 27 March 2013.<sup>37</sup> As a result of this review (the Review of Postal Users' Needs), Ofcom decided not to make any changes to the scope of the universal service. In our statement we noted that minor amendments to the Order were necessary but that these did not represent changes to Ofcom's policy and were consistent with the conclusions of our review.

A5.7 The objectives of the minor and technical amendments to the current Order are:

- to improve drafting and make the scope of the universal postal service clearer on the face of the Order, including rectifying drafting omissions or oversights in relation to the Order as it was made in 2012, to secure the original policy aim;
- to clarify and change the treatment of local holidays in the calculation of routing times to align more closely with current practice; and
- in relation to services for the blind:
  - to simplify international services for the blind and require them to be provided for eligible items that are not registered or insured, up to 7kg, to all overseas destinations free of charge; and
  - to require a Certificate of Posting free of charge for all services for the blind.

## The citizen and/or consumer interest

A5.8 The universal postal service is the collection and delivery of postal packets at an affordable uniform price, everywhere in the UK, six days a week (five for packets). The universal postal service ensures that everyone in the UK is able to communicate by post, by requiring a collection and delivery of post every working day. Research for Ofcom's Review of Postal Users' Needs identified broader social value from the universal postal service, for instance in supporting rural communities, and to some extent in supporting the elderly.

A5.9 This consultation aims to make the regulatory framework of the universal postal service clearer, but does not change the provision of the universal postal service as experienced by users in practice.

## Options considered

A5.10 There are two options:

- Option 1: not to make all technical and minor amendments to the Order proposed in our consultation; and
- Option 2: to make the technical and minor amendments to the Order proposed in our consultation.

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<sup>37</sup> Ofcom, *Review of postal users' needs – statement*, March 2013, <http://stakeholders.ofcom.org.uk/consultations/review-of-user-needs/statement/>



## Analysis of the different options

### Option 1: not to make all technical and minor amendments to the Order proposed in our consultation

- A5.11 We consider that not making all the technical and minor amendments proposed in our consultation would result in less clarity in the wording of the Order. It would have a very small negative impact on postal users, Royal Mail and other operators, in so far as the Order would be less transparent.
- A5.12 In relation to rectifying drafting omissions and clarifying the dimensions and weight limits applying to universal services, not making the amendments may result in unintended consequences where the scope of the universal service as specified in the Order is not aligned with our policy intentions set out in March 2012 and March 2013 to retain the universal service essentially the same as it was prior to the first Order. It would have a negative impact on both Ofcom and Royal Mail, because it would make it more difficult for Ofcom to enforce the appropriate requirements on Royal Mail to provide the universal service as intended, or result in unnecessary additional regulation for Royal Mail.
- A5.13 Making some but not all of the proposed amendments would, to varying degrees, have the negative impacts set out above.

### Option 2: to make all technical and minor amendments to the Order proposed in our consultation

- A5.14 We propose the following amendments to the Order:
- Deleting two unnecessary definitions in the Order, specifically “Act” and “eligible items”;
  - Clarifying the current drafting of the Order about the treatment of local public holidays for the calculation of routing times, i.e. the maximum number of working days an item must take to arrive at its destination. We propose to require that routing times should be calculated taking into account only the public holidays of the locations where mail is sent and received, instead of taking account of all the public holidays everywhere in the UK;
  - Rectifying a drafting omission when making the first Order by specifying in the Order that Certificates of Posting should be free of charge, as was our policy intention in March 2012;
  - Making it clearer in the wording of the Order that redirections services relate to all redirections, whether purchased by individual customers or businesses;
  - Aligning better the requirements for international free services for blind and partially sighted persons with current provision by removing an unnecessary pricing freedom in relation to the international fast service for blind and partially sighted persons (which was unused), requiring Certificates of Posting to be provided free of charge for all services for blind and partially sighted persons, and removing the requirements for a free international slow service (which was effectively unused) and free registered services (not currently offered free of charge);

- Rectifying a drafting omission when making the first Order by specifying in the Order that the universal service should include a slower packet service to European Union destinations, provided by Royal Mail's Surface Mail service to European Union destinations, as was our policy intention in March 2012;
- Improving the transparency of the drafting by clarifying on the face of the Order, where necessary, that the exceptions in section 33 of the Act apply to all the services in the Order;
- Improving the transparency of the drafting by clarifying on the face of the Order, where necessary, that the exceptions in section 33 of the Act apply to all the services in the Order; and
- Specifying in the Order that certain services (over and above the statutory minimum services in the Act) are not required to be provided in relation to larger and heavier parcels.

A5.15 We consider that making the proposed technical and minor amendments to the Order implement our objectives of making the drafting of the Order clearer and more in line with our policy intention to retain the scope of the universal service essentially the same as it was prior to April 2012.

A5.16 Our proposed amendments have no practical impact on postal users, Royal Mail, and other postal operators, as these amendments would not result in any practical changes to the current provision of the universal service. They would result in better drafting of the Order and improved clarity in the scope of the regulatory obligations relating to the universal service.

A5.17 We do not consider our proposals to affect any group within society in particular, including any having protected characteristics under the Equality Act 2010 or section 75 of the Northern Ireland Act 1998.

## **The preferred option**

A5.18 Option 2, making all the technical and minor amendments to the Order, is our preferred option. This option best fulfils our objectives of improving the drafting of the Order and clarifying the regulatory framework relating to the universal postal service.

## Annex 6

# Text of proposed instrument modifying the Postal Services (Universal Postal Service) Order 2012

## The Postal Services (Universal Postal Service) (Amendment) Order 2013

*Made* - - - - [●] 2013

*Coming into force* - - [●] 2013

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 30(1) of the Postal Services Act 2011<sup>(38)</sup>, make the following Order.

Before making this Order, OFCOM have carried out a review of user needs in accordance with section 30(3) of the Postal Services Act 2011, given notice of their proposal to make an Order in accordance with section 403(4)(a) of the Communications Act 2003<sup>(39)</sup> (“the 2003 Act”)<sup>(40)</sup>, published notice of their proposal in accordance with section 403(4)(b) of the 2003 Act and considered the representations made to them before the time specified in that notice in accordance with section 403(4)(c) of the 2003 Act.

### Citation and commencement

1.This Order may be cited as the Postal Services (Universal Postal Service) (Amendment) Order 2013 and shall come into force on [●] 2013.

### Amendments to the principal order

2.The Postal Services (Universal Postal Service) Order 2012<sup>(41)</sup> is amended as set out in the following articles.

### Amendments to article 2

3.In article 2 (Interpretation)—

- (a) omit the definition of “Act”;
- (b) omit the definition of “eligible items”;
- (c) after the definition of “tracking facility”, for “; and” substitute a full-stop; and
- (d) omit the definition of “working day”.

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<sup>(38)</sup> 2011 c.5.

<sup>(39)</sup> 2003 c.21.

<sup>(40)</sup> Section 403 of the 2003 Act is applied to the power of OFCOM to make regulations under section 30(1) of the Postal Services Act 2011 by section 63 of the Postal Services Act 2011.

<sup>(41)</sup> SI 2012/936.

### **Amendments to article 3**

4. In article 3 (Routing times), after paragraph (2), insert—

“(2A) “Working day” means any day which is not a Sunday or a public holiday in the place of collection or the place of delivery of the postal packet concerned.”

### **Amendments to article 5**

5. In article 5 (The universal postal service)—

- (a) in paragraph (2), omit “qualifying”; and
- (b) after paragraph (2), insert—

“(3) Nothing in this Order requires the doing of anything in relation to a postal packet of a type falling within section 33(1)(a) or (b) Postal Services Act 2011<sup>(42)</sup>.”

### **Amendments to article 10**

6. In article 10 (Addressee services)—

- (a) omit “working”; and
- (b) after “day”, insert “excluding any day which is a Sunday or a public holiday in the place of acquisition”.

### **Insertion of article 11**

7. After article 10, insert—

#### **“General exception**

11. Nothing in this Order is to be read—

- (a) as requiring a service to continue without interruption, suspension or restriction in an emergency; or
- (b) as preventing individual agreements as to prices from being concluded with customers.”

### **Amendments to paragraph 2 of Schedule 1**

8. In paragraph 2 of Schedule 1—

- (a) in sub-paragraph (c), after “Certificate of Posting”, insert “free of charge”;
- (b) at the end of sub-paragraph (c), after the semi-colon, insert “and”;
- (c) in sub-paragraph (d), for “; and” substitute a full-stop; and
- (d) delete sub-paragraph (e).

### **Amendments to paragraph 3 of Schedule 1**

9. In paragraph 3 of Schedule 1—

- (a) in sub-paragraph (c), after “Certificate of Posting”, insert “free of charge”;
- (b) at the end of sub-paragraph (c), after the semi-colon, insert “and”;
- (c) in sub-paragraph (d), for “; and” substitute a full-stop; and
- (d) delete sub-paragraph (e).

### **Amendments to paragraph 5 of Schedule 1**

10. In paragraph 5 of Schedule 1—

- (a) In sub-paragraph (1) after “postal packets”, insert “meeting the description in sub-paragraph (3)”;
- and

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<sup>(42)</sup> 2011 c.5.

- (b) after sub-paragraph (2), insert—

“(3) The description set out in this paragraph is—

- (a) as to the postal packet’s maximum dimensions—
  - (i) if the postal packet is a right circular cylinder—
    - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
    - (bb) the length does not exceed 900 millimetres; and
    - (cc) the diameter does not exceed 900 millimetres;
  - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet’s minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.”

#### **Amendments to paragraph 6 of Schedule 1**

**11.**In paragraph 6 of Schedule 1,

- (a) in the heading, for “Outgoing” substitute “Fast outgoing”;
- (b) in sub-paragraph (c), after “Certificate of Posting”, insert “free of charge”.

#### **Insertion of paragraph 6A of Schedule 1**

**12.**After paragraph 6 of Schedule 1, insert—

##### **“Slow outgoing European Union services**

**6A.**—(1) One or more single piece services for the conveyance of postal packets meeting the description in sub-paragraph (2) to EU offices of exchange for onward delivery to each country within the European Union other than the United Kingdom, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
    - (i) reasonable; and
    - (ii) compatible with a routing time for the provision of an end-to-end service of D + 30;
  - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
  - (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—
- (a) at minimum—
    - (i) the weight of the postal packet exceeds 100 grams; and
    - (ii) the dimensions of the postal packet, measured at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;
  - (b) at maximum as to weight—
    - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms; and
    - (ii) 7A. if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
  - (c) at maximum as to dimensions—
    - (i) if the postal packet is a right circular cylinder—
      - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
      - (bb) the length does not exceed 900 millimetres; and
      - (cc) the diameter does not exceed 900 millimetres; and

- (ii) if the postal packet is not a right circular cylinder—
  - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
  - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.”

#### **Amendments to paragraph 7 of Schedule 1**

##### **13. In paragraph 7 of Schedule 1—**

- (a) in the heading, for “Outgoing” substitute “Fast outgoing”;
- (b) for “other than countries within” substitute “outside”;
- (c) in sub-paragraph (c), after “Certificate of Posting”, insert “free of charge”;
- (d) omit sub-section (2) .

#### **Insertion of paragraph 7A of Schedule 1**

##### **14. After paragraph 7 of Schedule 1, insert—**

#### **“Slow outgoing rest of world services**

**7A.—**(1) One or more single piece services for the conveyance of postal packets meeting the description in sub-paragraph (2) to ROW offices of exchange for onward delivery to each country of the world outside the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
    - (i) reasonable; and
    - (ii) compatible with a routing time for the provision of the end-to-end service of D + 72;
  - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
  - (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—
- (a) at minimum, each dimension of the postal packet, measured at their narrowest points, exceeds 0.25 millimetres;
  - (b) at maximum as to weight—
    - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms; and
    - (ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
  - (c) at maximum as to dimensions—
    - (i) if the postal packet is a right circular cylinder—
      - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
      - (bb) the length does not exceed 900 millimetres; and
      - (cc) the diameter does not exceed 900 millimetres; and
    - (ii) if the postal packet is not a right circular cylinder—
      - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
      - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.”

### **Amendments to paragraph 3 of Schedule 2**

**15.** In paragraph 3 of Schedule 2, after sub-paragraph (2), insert—

“(3) The service required under sub-paragraph (1) includes provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.”

### **Amendments to paragraph 4 of Schedule 2**

**16.** In paragraph 4 of Schedule 2—

- (a) in sub-paragraph (1), for “sub-paragraphs (3) to (5)” substitute “sub-paragraph (4)”;
- (b) in sub-paragraph (2), after “conveyance of” insert “registered items or”;
- (c) after sub-paragraph 2, insert—

“(2A) The services required under sub-paragraph (1) include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.”

- (d) omit sub-paragraph (3);
- (e) in sub-paragraph (4), for “1 kilogram” substitute “7 kilograms”;
- (f) at the end of sub-paragraph (4), for the semi-colon substitute a full-stop; and
- (g) omit sub-paragraphs (5) to (8).

### **Omission of paragraph 5 of Schedule 2**

**17.** Omit paragraph 5 of Schedule 2.

### **Amendments to paragraph 1 of Schedule 3**

**18.** In paragraph 1 of Schedule 3—

- (a) omit “addressed to a named individual”; and
- (b) after “universal service provider”, insert “to a particular addressee”.

### **Amendments to paragraph 2 of Schedule 3**

**19.** In paragraph 2 of Schedule 3—

- (a) after “2.” insert “—(1)”;
- (b) after “any postal packets”, insert “meeting the description in sub-paragraph (2)”;
- (c) after “service”, insert—

“(2) The description set out in this paragraph is—

- (a) as to the postal packet’s maximum dimensions—
  - (i) if the postal packet is a right circular cylinder—
    - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
    - (bb) the length does not exceed 900 millimetres; and
    - (cc) the diameter does not exceed 900 millimetres;
  - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet’s minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.”

### **Amendments to paragraph 3 of Schedule 3**

**20.** In paragraph 3 of Schedule 3—

- (a) after “3.” insert “—(1)”;
- (b) in sub-sub-paragraph (b), after “for postal packets”, insert “meeting the description in sub-paragraph (2)”;
- (c) after “service”, insert—
  - “(2) The description set out in this paragraph is—
    - (a) as to the postal packet’s maximum dimensions—
      - (i) if the postal packet is a right circular cylinder—
        - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
        - (bb) the length does not exceed 900 millimetres; and
        - (cc) the diameter does not exceed 900 millimetres;
      - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
    - (b) as to the postal packet’s minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.”

[●] 2013

[●]  
[●] of the Office of Communications  
For and by authority of the Office of Communications

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*



## Annex 7

# Informal consolidated version of the Postal Services (Universal Postal Service) Order if amended as proposed

A7.1 Proposed amendments are shown in red. Proposed deletions are in struck through text.

### Citation and commencement

1. This Order may be cited as the Postal Services (Universal Postal Service) Order 2012 and shall come into force on 1 April 2012.

### Interpretation

2. In this Order—

~~“Act” means the Postal Services Act 2011;~~

“addressee services” has the meaning given in article 5(1)(e);

“blind” means registered as blind under the provisions of the National Assistance Act 1948<sup>(43)</sup>;

“Certificate of Posting” means a document issued or validated by a post office affirming that a postal packet has been deposited at the office for conveyance;

“deemed date of collection” has the meaning given in article 3(2);

“delivery office” means an office managed by a universal service provider for the purposes of processing postal packets immediately prior to the activity of delivery to the addressee;

“domestic”, in relation to a postal service, means the service is for the conveyance of postal packets from access points in the United Kingdom to addresses in the United Kingdom;

~~“eligible items” has the meaning given in paragraph 2 of Schedule 2;~~

“end-to-end services at affordable prices” has the meaning given in article 5(1)(c);

“EU office of exchange” means a facility for—

(a) the collection by a universal service provider of postal packets originating from a country within the European Union other than the United Kingdom, for onward conveyance and delivery within the United Kingdom; or

(b) the deposit by a universal service provider of postal packets originating from the United Kingdom, for onward conveyance and delivery to a country within the European Union other than the United Kingdom;

“free end-to-end services” has the meaning given in article 5(1)(d);

“insured item” means a postal packet the value of which has been declared to a universal service provider and in respect of which, in the event of its theft or loss or damage in the course of its conveyance by post, the universal service provider has agreed to pay to the sender the declared value or such lesser sum as is consistent with the provision of the service at affordable prices;

“letter box” includes any pillar box, wall box, or other box or receptacle provided by a postal operator for the purpose of receiving postal packets, or any class of postal packets, for onwards conveyance by post;

“meter” means a method of evidencing payment for postal services provided by a universal service provider which involve the conveyance of a postal packet, through which the sender having paid in

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<sup>(43)</sup> 1948 c.29.

advance for postage applies an impression to a visible surface of the postal packet using a franking machine licensed by the universal service provider;

“partially sighted” means certified by an ophthalmologist, doctor or ophthalmic optician as having vision which cannot be improved using optical aids (including magnifiers) or additional illumination to allow 12 point sized print to be read at a comfortable reading distance;

“post office” means any premises or vehicle in the United Kingdom from which postal services are provided directly to the public;

“proof of delivery” means a copy of a signature, or other evidence from the recipient in confirmation of receipt, obtained on delivery of a postal packet;

“registered item” means a postal packet which has been registered with a universal service provider in connection with its conveyance by post and for which an amount determined by the universal service provider is payable by the universal service provider to the sender in the event of theft or loss of or damage to it in the course of its conveyance by post;

“routing time” means the target maximum time for conveying postal packets from the access point to the delivery point in the provision of a postal service;

“ROW office of exchange” means a facility for—

- (a) the collection by a universal service provider of postal packets originating from a country outside the European Union, for onward conveyance and delivery within the United Kingdom; or
- (b) the deposit by a universal service provider of postal packets originating from the United Kingdom, for onward conveyance and delivery to a country outside the European Union;

“single piece service” has the meaning given in paragraph 1 of Schedule 1;

“tracking facility” means a facility enabling a sender to monitor the progress of a postal packet through the postal network. ~~and~~

~~“working day” means any day which is not a Sunday or a public holiday.~~

## Routing times

3.—(1) Routing times are expressed using the formula  $D + n$ , where—

- (a) “D” means the deemed date of collection; and
- (b) “n” means the number of working days between D and the delivery date, including the delivery date.

(2) “Deemed date of collection” means—

- (a) in the case of a postal packet deposited at an access point in the United Kingdom on a day on which no collection is required under article 7, the next day on which a collection is required under article 7;
- (b) (i) in the case of a postal packet deposited in the United Kingdom as described in sub-paragraph (ii), the next day on which a collection is required under article 7;  
(ii) sub-paragraph (i) applies where the postal packet is deposited at a letter box on which, or at a post office at which, a time for last collection is advertised, after that time on a day on which a collection is required under article 7;
- (c) in any other case where the access point is in the United Kingdom, the date of deposit;
- (d) in the case of a postal packet deposited at an access point outside the United Kingdom after a last collection time notified in accordance with the rules of the country in question, the next day on which a collection is required under the rules of that country; and
- (e) in any other case where the access point is outside the United Kingdom, the date of deposit.

(2A) “Working day” means any day which is not a Sunday or a public holiday in the place of collection or the place of delivery of the postal packet concerned.

(3) Where the formula as applied to the delivery of a particular postal packet results in delivery being required—

- (a) in the United Kingdom, on a day on which a delivery is not required under article 6; or

- (b) outside the United Kingdom, on a day on which under the rules of the country of delivery no delivery is required;

compliance with the routing time shall be achieved if delivery is effected on the next day on which a delivery is required.

## Delivery

4. Where a service described in this Order requires delivery of a postal packet, delivery shall be effected if—

- (a) the postal packet has been delivered to the postal address marked on the postal packet;
- (b) the postal packet has been delivered to a person named as an addressee on the postal packet;
- (c) the postal packet has been delivered to another delivery point requested by the addressee or approved by OFCOM for the purposes of this paragraph; or
- (d) an unsuccessful attempt has been made to deliver the postal packet in accordance with sub-paragraph (a), (b), or (c) and a universal service provider offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the postal packet from any of the following places—
  - (i) a post office;
  - (ii) a delivery office; or
  - (iii) another collection point approved by OFCOM for the purposes of this paragraph.

## The universal postal service

5.—(1) The universal postal service shall comprise—

- (a) the delivery services described in article 6;
- (b) the collection services described in article 7;
- (c) the services described in Schedule 1 (“end-to-end services at affordable prices”);
- (d) the services described in Schedule 2 (“free end-to-end services”); and
- (e) the services described in Schedule 3 (“addressee services”).

(2) It is a characteristic of the universal postal service that its component services are available for all postal packets which meet the ~~qualifying~~ requirements (if any) set out in this Order for the provision of the service in question.

(3) Nothing in this Order requires the doing of anything in relation to a postal packet of a type falling within section 33(1)(a) or (b) Postal Services Act 2011<sup>(44)</sup>.

## Delivery services

6.—(1) At least one delivery every Monday to Saturday of letters originating from anywhere in the world—

- (a) to the home or premises of every individual or other person in the United Kingdom; and
- (b) to delivery points approved by OFCOM for the purposes of this paragraph.

(2) At least one delivery every Monday to Friday of other postal packets originating from anywhere in the world—

- (a) to the home or premises of every individual or other person in the United Kingdom; and
- (b) to delivery points approved by OFCOM for the purposes of this paragraph.

(3) The requirements in paragraphs (1) and (2) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

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<sup>44</sup> 2011 c.5.

### **Collection services**

**7.—(1)** At least one collection—

- (a) every Monday to Saturday, from access points for letters for the end-to-end services at affordable prices and the free end-to-end services; and
- (b) every Monday to Friday, from access points for other postal packets for the end-to-end services at affordable prices and the free end-to-end services.

(2) The requirements in paragraph (1) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

### **End-to-end services at affordable prices**

**8.** The end-to-end services at affordable prices shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

### **Free end-to-end services**

**9.** The free end-to-end services shall be provided—

- (a) free of charge throughout the United Kingdom, save as specified in paragraph 4(6) of Schedule 2;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

### **Addressee services**

**10.** The addressee services shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom, save as specified in paragraph 2 of Schedule 3;
  - (b) on fair and reasonable terms;
- and shall be available for acquisition every ~~working~~ day ~~excluding any day which is a Sunday or a public holiday in the place of acquisition.~~

### **General exception**

**11.** Nothing in this Order is to be read—

- (a) as requiring a service to continue without interruption, suspension or restriction in an emergency; or
- (b) as preventing individual agreements as to prices from being concluded with customers.

## SCHEDULES

### SCHEDULE 1

Article 5(1)(c)

#### End-to-end services at affordable prices

##### Single piece service

1. “Single piece service” means a postal service for the conveyance of an individual postal packet to the addressee, for which the price per postal packet is not subject to any discounts related to—

- (a) the number of postal packets sent in connection with the person who paid for the service;
- (b) the positioning or formatting of text on the postal packet;
- (c) the use of markings which facilitate the use of machines to sort postal packets;
- (d) presortation into geographical areas for delivery; or
- (e) the purchase of any other conveyance of the same or any other postal packet.

##### Priority services

2. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—

- (a) have a routing time of  $D + 1$ ;
- (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
- (c) include provision of a Certificate of Posting **free of charge** on request if the postal packet is deposited at a post office; **and**
- (d) include provision of proof of delivery on application by the sender; ~~and~~
- ~~(e) do not include provision of a tracking facility.~~

##### Standard services

3. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—

- (a) have a routing time of  $D + 3$ ;
- (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
- (c) include provision of a Certificate of Posting **free of charge** on request if the postal packet is deposited at a post office; **and**
- (d) include provision of proof of delivery on application by the sender; ~~and~~
- ~~(e) do not include provision of a tracking facility.~~

##### Registered and insured services

4.—(1) One or more domestic single piece services for the conveyance of insured items weighing no more than 10 kilograms and registered items weighing no more than 10 kilograms, which—

- (a) have a routing time of  $D + 1$ ;
- (b) have a target delivery time of 1pm, except where this is not reasonably possible;
- (c) include provision of a tracking facility;

- (d) include provision of proof of delivery on application by the sender; and
- (e) are paid for in advance.

(2) One or more domestic single piece services for the conveyance of registered items weighing more than 10 kilograms and insured items weighing more than 10 kilograms which convey the postal packet to the delivery point within a reasonable period.

### **Return to sender services**

**5.—**(1) One or more domestic single piece services for the conveyance of postal packets **meeting the description in sub-paragraph (3)** back to the sender within a reasonable period, where—

- (a) the postal packet has been conveyed in the provision of a universal postal service and delivery to the addressee named on the postal packet has not been effected; and
- (b) the sender's address is legibly marked on the postal packet.

(2) For the purpose of this paragraph, the definition of "single piece service" shall apply as though the words at sub-paragraph (e) of that definition were replaced with "the purchase of a conveyance of any other postal packet".

**(3) The description set out in this paragraph is—**

- (a) as to the postal packet's maximum dimensions—
  - (i) if the postal packet is a right circular cylinder—
    - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
    - (bb) the length does not exceed 900 millimetres; and
    - (cc) the diameter does not exceed 900 millimetres;
  - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet's minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.

### **Fast outgoing European Union services**

**6.** One or more single piece services for the conveyance of postal packets to EU offices of exchange for onward delivery to each country within the European Union other than the United Kingdom, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
  - (i) reasonable; and
  - (ii) compatible with a routing time for the provision of an end-to-end service of  $D + 3$ ;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting **free of charge** on request if the postal packet is deposited at a post office.

### **Slow outgoing European Union services**

**6.A —**(1) One or more single piece services for the conveyance of postal packets meeting the description in sub-paragraph (2) to EU offices of exchange for onward delivery to each country within the European Union other than the United Kingdom, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
  - (i) reasonable; and
  - (ii) compatible with a routing time for the provision of an end-to-end service of  $D + 30$ ;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and

- (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—
  - (a) at minimum—
    - (i) the weight of the postal packet exceeds 100 grams; and
    - (ii) the dimensions of the postal packet, measured at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;
  - (b) at maximum as to weight—
    - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms; and
    - (ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
  - (c) at maximum as to dimensions—
    - (i) if the postal packet is a right circular cylinder—
      - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
      - (bb) the length does not exceed 900 millimetres; and
      - (cc) the diameter does not exceed 900 millimetres; and
    - (ii) if the postal packet is not a right circular cylinder—
      - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
      - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.

### **Fast outgoing rest of world services**

7.—(1) One or more single piece services for the conveyance of postal packets to ROW offices of exchange for onward delivery to each country of the world ~~other than countries within~~ outside the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
    - (i) reasonable; and
    - (ii) compatible with a routing time for the provision of the end-to-end service of D + 7;
  - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
  - (c) the service or services include provision of a Certificate of Posting **free of charge** on request if the postal packet is deposited at a post office.
- (2) [...]

### **Slow outgoing rest of world services**

7A.—(1) One or more single piece services for the conveyance of postal packets **meeting the description in sub-paragraph (2)** to ROW offices of exchange for onward delivery to each country of the world ~~other than countries within~~ outside the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
    - (i) reasonable; and
    - (ii) compatible with a routing time for the provision of the end-to-end service of D + 72;
  - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
  - (c) the service or services include provision of a Certificate of Posting **free of charge** on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—

- (a) at minimum, each dimension of the postal packet, measured at their narrowest points, exceeds 0.25 millimetres;
- (b) at maximum as to weight—
  - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms; and
  - (ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
- (c) at maximum as to dimensions—
  - (i) if the postal packet is a right circular cylinder—
    - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
    - (bb) the length does not exceed 900 millimetres; and
    - (cc) the diameter does not exceed 900 millimetres; and
  - (ii) if the postal packet is not a right circular cylinder—
    - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
    - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres;

#### **Incoming European Union services**

8. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from EU offices of exchange, where the postal packet is conveyed from the EU office of exchange to the delivery point within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 3.

#### **Incoming rest of world services**

9. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from ROW offices of exchange, where the postal packet is conveyed from the ROW office of exchange to the delivery point within a reasonable period.



## SCHEDULE 2

Article 5(1)(d)

### Free end-to-end services

#### **Legislative petitions and addresses**

1. A domestic postal service for the conveyance of legislative petitions and addresses within a reasonable period.

#### **Meaning of eligible item in relation to services for blind or partially sighted persons**

2. In paragraphs 3 and 4 of this Schedule, “eligible items” are—

- (a) books, papers and letters which are prepared for use by blind or partially sighted people;
- (b) papers sent to anyone to be prepared or impressed so blind or partially sighted people can use them;
- (c) relief maps;
- (d) machines, frames and attachments for making impressions for blind or partially sighted people to use;
- (e) writing frames and attachments for blind or partially sighted people to use;
- (f) Braille instruction manuals;
- (g) games (including card games) for blind or partially sighted people;
- (h) mathematical appliances and attachments for blind or partially sighted people;
- (i) recordings of readings from printed sources, such as books, journals, newspapers, periodicals or similar publications;
- (j) equipment used to play such recordings;
- (k) metal plates impressed or sent for impressing for use by blind or partially sighted people;
- (l) supplies of covers, envelopes and labels for sending articles for use by blind or partially sighted people;
- (m) watches, clocks, timers, tools and measuring equipment designed for blind or partially sighted people to use;
- (n) walking sticks adapted for blind or partially sighted people;
- (o) harnesses for guide dogs;
- (p) computer disks and CDs which are prepared for blind or partially sighted people.

#### **Domestic services for blind or partially sighted persons**

3.—(1) A domestic postal service having a routing time of D + 1, for the conveyance of eligible items weighing up to 7 kilograms in aggregate per postal packet—

- (a) to blind or partially sighted persons;
- (b) from blind or partially sighted persons; or
- (c) from organisations representing blind people or providing a service specifically designed for blind or partially sighted persons.

(2) The service required under sub-paragraph (1) does not include the conveyance of insured items.

(3) The service required under sub-paragraph (1) includes provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.

## International services for blind or partially sighted persons

4.—(1) The services described in sub-paragraph (4) ~~sub-paragraphs (3) to (5)~~ for the conveyance of eligible items to EU offices of exchange and ROW offices of exchange for onward conveyance to any country in the world other than the United Kingdom—

- (a) to blind or partially sighted persons;
- (b) from blind or partially sighted persons; or
- (c) from organisations representing blind people or providing a service specifically designed for blind or partially sighted persons.

(2) The services required under sub-paragraph (1) do not include the conveyance of ~~registered items or insured items~~.

~~(2A) The services required under sub-paragraph (1) include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.~~

~~(3) One or more services for the conveyance of postal packets weighing no more than 7 kilograms, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—~~

- ~~(a) reasonable; and~~
- ~~(b) compatible with a routing time for the provision of the end-to-end service of D + 72;~~

(4) One or more services for the conveyance of postal packets weighing no more than 7 + kilograms, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 7;

~~(5) One or more services for the conveyance of postal packets weighing more than 1 kilogram and up to 7 kilograms to any territory not listed in paragraph 5, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—~~

- ~~(a) reasonable; and~~
- ~~(b) compatible with a routing time for the provision of the end-to-end service of D + 7;~~

~~(6) A price may be charged by a universal service provider for the provision of a service falling within sub-paragraph (5) if the condition set out in sub-paragraph (7) is satisfied.~~

~~(7) The condition is that the price (“P”) for conveyance of the postal packet concerned were the postal packet to be conveyed in the provision of a service set out in paragraph 7(1) of Schedule 1 exceeds the price (“Q”) for conveyance of the postal packet were it to be conveyed in the provision of a service falling within paragraph 7(2) of that Schedule.~~

~~(8) The price that may be charged in accordance with sub-paragraph (6) is an amount not exceeding the difference between P and Q.~~

## **Territories**

~~5. The territories for the purposes of paragraph 4(5) are —~~

<del>— Albania,</del>	<del>— Kosovo,</del>
<del>— Andorra,</del>	<del>— Latvia,</del>
<del>— Armenia,</del>	<del>— Liechtenstein,</del>
<del>— Austria,</del>	<del>— Lithuania,</del>
<del>— Azerbaijan,</del>	<del>— Luxembourg,</del>
<del>— Azores,</del>	<del>— Macedonia,</del>
<del>— Balearic Islands,</del>	<del>— Madeira,</del>
<del>— Belarus,</del>	<del>— Malta,</del>
<del>— Belgium,</del>	<del>— Moldova,</del>
<del>— Bosnia-Herzegovina,</del>	<del>— Monaco,</del>
<del>— Bulgaria,</del>	<del>— Montenegro,</del>
<del>— Canary Islands,</del>	<del>— Netherlands,</del>
<del>— Corsica,</del>	<del>— Norway,</del>
<del>— Croatia,</del>	<del>— Poland,</del>
<del>— Cyprus,</del>	<del>— Portugal,</del>
<del>— Czech Republic,</del>	<del>— Romania,</del>
<del>— Denmark,</del>	<del>— Russia,</del>
<del>— Estonia,</del>	<del>— San Marino,</del>
<del>— Faroe Islands,</del>	<del>— Serbia,</del>
<del>— Finland,</del>	<del>— Slovak Republic,</del>
<del>— France,</del>	<del>— Slovenia,</del>
<del>— Georgia,</del>	<del>— Spain,</del>
<del>— Germany,</del>	<del>— Spitzbergen,</del>
<del>— Gibraltar,</del>	<del>— Sweden,</del>
<del>— Greece,</del>	<del>— Switzerland,</del>
<del>— Greenland,</del>	<del>— Tajikistan,</del>
<del>— Hungary,</del>	<del>— Turkey,</del>
<del>— Iceland,</del>	<del>— Turkmenistan,</del>
<del>— Irish Republic,</del>	<del>— Ukraine,</del>
<del>— Italy,</del>	<del>— Uzbekistan,</del>
<del>— Kazakhstan,</del>	<del>— Vatican City State.</del>
<del>— Kirghizstan,</del>	

## SCHEDULE 3

Article 5(1)(e)

### Addressee services

#### Redirection services

1.—(1) One or more services for addressees providing that during a specified reasonable period all postal packets ~~addressed to a named individual~~ that are to be delivered by a universal service provider ~~to a particular addressee~~ should be conveyed to a postal address other than that marked on the postal packet (“the redirection address”) within a reasonable period.

(2) This service is not required—

- (a) where the redirection address is outside the United Kingdom and—
  - (i) the postal packet contains registered items or insured items; or
  - (ii) the postal packet exceeds 100 grams in weight, 240 millimetres in length, 165 millimetres in width or 25 millimetres in thickness;
- (b) in relation to postal packets to a particular addressee or from a particular sender or class of sender, where the provision of the service in relation to those postal packets would create a substantial risk of crime;
- (c) where the address marked on the postal packet or the redirection address relates to premises in relation to which it is reasonable not to provide the service; or
- (d) where the redirection address is a delivery office or a post office.

#### Poste restante services

2.—(1) One or more free of charge services for addressees, which provide—

- (a) for the address of any specified post office in the United Kingdom to be used as an addressee’s postal address for a reasonable period, and
- (b) for postal packets ~~meeting the description in sub-paragraph (2)~~ for that addressee to be held at that post office for a reasonable period for collection by the addressee, provided, in relation to any post office, that it is reasonable for the post office concerned to be used to provide the service.

(2) ~~The description set out in this paragraph is—~~

- (a) ~~as to the postal packet’s maximum dimensions—~~
  - (i) ~~if the postal packet is a right circular cylinder—~~
    - (aa) ~~the length plus twice the diameter does not exceed 1040 millimetres;~~
    - (bb) ~~the length does not exceed 900 millimetres; and~~
    - (cc) ~~the diameter does not exceed 900 millimetres;~~
  - (ii) ~~if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and~~
- (b) ~~as to the postal packet’s minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.~~

#### Retention services

3.—(1) One or more services for addressees which provide for a delay for a specified reasonable period to the target delivery date otherwise applicable to any postal packets ~~meeting the description in sub-paragraph 2.~~

(2) ~~The description set out in this paragraph is—~~

- (a) ~~as to the postal packet’s maximum dimensions—~~

- (i) if the postal packet is a right circular cylinder—
  - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
  - (bb) the length does not exceed 900 millimetres; and
  - (cc) the diameter does not exceed 900 millimetres;
- (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres;
- (b) as to the postal packet's minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.

# Statutory Notification: proposed modification of designated USP condition 1

## NOTIFICATION OF PROPOSALS TO MODIFY REGULATORY CONDITIONS IN ACCORDANCE WITH SECTION 36 AND 37 OF, AND PARAGRAPH 3 OF SCHEDULE 6 TO, THE POSTAL SERVICES ACT 2011

### BACKGROUND

A. On 27 March 2012, following a consultation, Ofcom published a statement entitled '*Securing the Universal Postal Service - Decision on the new regulatory framework*'<sup>45</sup> setting out various decisions, including the imposition of regulatory conditions under section 36 and 37 of the Postal Services Act 2011 (the "**Act**").

B. Designated USP condition 1 ("**DUSP 1**") relates to requirements on the universal service provider to provide the universal service and to performance standards.

C. On 27 March 2013, Ofcom completed a review of postal users' needs.

D. This notification is being issued at the same time as a notification of proposed changes to SI 2012/936, the Postal Services (Universal Postal Service) Order 2012.

### PROPOSAL

1. Ofcom hereby proposes, in accordance with section 36 of, and paragraph 3 of Schedule 6 to, the Act and pursuant to powers and duties in section 36 and 37 of the Act, to modify DUSP 1 which was imposed on 1 April 2012, to make provision for matters set out in that section 36 and 37.

2. The proposed modification to DUSP 1 is specified in the Schedule hereto.

3. The effect of, and Ofcom's reasons for making, this proposal are set out in the accompanying consultation document.

### OFCOM'S DUTIES AND LEGAL TESTS

4. Ofcom is satisfied that this proposal satisfies the general test in paragraph 1 of Schedule 6 to the Act.

5. In making this proposal, Ofcom has considered and acted in accordance with its principal duty in section 29 of the Act and its general duties in section 3 of the Communications Act 2003.

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<sup>45</sup> <http://stakeholders.ofcom.org.uk/binaries/consultations/review-of-regulatory-conditions/statement/statement.pdf>

## **MAKING REPRESENTATIONS**

**6.** Representations may be made to Ofcom about the proposal set out in this Notification by no later than **7 October 2013**.


**7.** Copies of this Notification and the accompanying consultation document have been sent to the Secretary of State in accordance with paragraph 5(1)(a) of Schedule 6 to the Act.

**8.** By virtue of paragraph 3(5) of Schedule 6 to the Act, Ofcom may give effect, with or without modifications, to a proposal with respect to which it has published a notification only if Ofcom has—

- (a)** considered every representation about the proposal that is made to Ofcom within the period specified in this Notification; and
- (b)** had regard to every international obligation of the United Kingdom (if any) which has been notified to Ofcom for this purpose by the Secretary of State.

**10.** The Schedule to this Notification shall form part of this Notification.

Signed by **Chris Rowsell**

A handwritten signature in black ink, appearing to read 'Chris Rowsell', written over a horizontal line.

**Competition Policy Director**

A person duly authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

**5 September 2013**

## SCHEDULE

### PROPOSED MODIFICATIONS TO DESIGNATED USP CONDITION 1

	Modification		
1.	In DUSP 1.1.2 sub-paragraph (d), omit the footnote.		
2.	In DUSP 1.1.2 sub-paragraph (m), after “for the development”, delete “for the development” <sup>46</sup> .		
3.	In DUSP 1.1.2 sub-paragraph (v), after “ <u>postal services</u> ”, delete “or services provided under arrangements with a government department”.		
4.	In DUSP 1.1.2 sub-paragraph (aa), for “stated that exceptional circumstances require it to be treated as a public holiday”, substitute “provided for an exception under DUSP 1.3.2”.		
5.	In DUSP 1.1.2 sub-paragraph (ff), for “ <u>working day</u> ” substitute “day upon which a collection is required”.		
6.	In DUSP 1.1.2 sub-paragraph (jj), after “public holiday”, insert “in the place of collection or the place of delivery of the <u>postal packet</u> concerned”.		
7.	At the end of 1.1.3(e), for the semi-colon, substitute a full-stop.		
8.	In DUSP 1.1.3, omit sub-paragraph (f).		
9.	In DUSP 1.3.1(b), for “Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union”, substitute “Universal Postal Convention adopted by the 24th Congress of the Universal Postal Union, 2008” and footnote “Universal Postal Convention (Berne 2008), published by the Universal Postal Union.”		
10.	In DUSP 1.3.2, omit “and the target routing times of services”.		
11.	After DUSP 1.3.2, insert new row: “ <table border="1" style="margin-left: 40px; border-collapse: collapse;"> <tr> <td style="vertical-align: top; padding: 5px;"><b>DUSP 1.3.2A</b></td><td style="padding: 5px;"> <u>OFCOM</u> may by direction impose requirements for the <u>universal service provider</u>—             (a) to establish and comply with procedures in relation to determining whether the circumstances specified in any direction issued under DUSP 1.3.2 have arisen in any particular case;            (b) to establish and comply with reporting and notification obligations in relation to such exceptions; and            (c) to make alternative delivery or collection arrangements where appropriate.         </td></tr> </table> ”	<b>DUSP 1.3.2A</b>	<u>OFCOM</u> may by direction impose requirements for the <u>universal service provider</u> —  (a) to establish and comply with procedures in relation to determining whether the circumstances specified in any direction issued under DUSP 1.3.2 have arisen in any particular case; (b) to establish and comply with reporting and notification obligations in relation to such exceptions; and (c) to make alternative delivery or collection arrangements where appropriate.
<b>DUSP 1.3.2A</b>	<u>OFCOM</u> may by direction impose requirements for the <u>universal service provider</u> —  (a) to establish and comply with procedures in relation to determining whether the circumstances specified in any direction issued under DUSP 1.3.2 have arisen in any particular case; (b) to establish and comply with reporting and notification obligations in relation to such exceptions; and (c) to make alternative delivery or collection arrangements where appropriate.		

<sup>46</sup> Ofcom will seek to footnote relevant documents for information; this will not form a part of the condition.



12.	In DUSP 1.3.5, omit the footnote at the end of the first bullet.
13.	In DUSP 1.3.5, for the remaining bullets (including their footnotes), substitute: “ <ul style="list-style-type: none"> <li>• <i>Direction designating geographical conditions and other circumstances as exceptional for the purposes of collections</i>, Postal Services Commission, 7 December 2010”</li> </ul>
14.	In DUSP 1.6.1(a), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.4”.
15.	In DUSP 1.6.1(a), for the sub-paragraph numberings (a) to (e), substitute numbers (i) to (v).
16.	In what is now DUSP 1.6.1(a)(iii), after “ <u>Certificate of Posting</u> ”, insert “free of charge”.
17.	In DUSP 1.6.1(b), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.4”.
18.	In DUSP 1.6.1(b), for the sub-paragraph numberings (a) to (e), substitute numbers (i) to (v).
19.	In what is now DUSP 1.6.1(b)(iii), after “ <u>Certificate of Posting</u> ”, insert “free of charge”.
20.	In DUSP 1.6.1(c), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.4”.
21.	In DUSP 1.6.1(c), for the sub-paragraph numberings (a) to (c), substitute numbers (i) to (iii).
22.	In DUSP 1.6.1(d), after “10 kilograms”, insert “and meeting the description in DUSP 1.6.4”.
23.	In DUSP 1.6.1(d), for the sub-paragraph numberings (a) to (f), substitute numbers (i) to (vi).
24.	In DUSP 1.6.1(e), after each use of the phrase “10 kilograms”, insert “and meeting the description in DUSP 1.6.4”.
25.	In DUSP 1.6.1(e), for the sub-paragraph numberings (a) and (b), substitute numbers (i) and (ii).
26.	In the heading row for DUSP 1.6.1(f), after “ <b>international services</b> ”, insert “– <b>fast outgoing EU services</b> ”
27.	In DUSP 1.6.1(f), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.5”.
28.	In DUSP 1.6.1(f), for the sub-paragraph numberings (a) to (f), substitute numbers (i) to (vi).
29.	In what is now DUSP 1.6.1(f)(i), for the sub-sub-paragraph numberings (i) and (ii), substitute (a) and (b).
30.	In what is now DUSP 1.6.1(f)(iii), after “ <u>Certificate of Posting</u> ”, insert “free of charge”.
31.	In DUSP 1.6.1(f), before the first bullet, insert “• items that are neither registered nor insured;”.

32.	After DUSP 1.6.1(f), insert new header row: “ <b>End-to-end international services – slow outgoing EU services</b> ”.		
33.	<p>After new header row, insert new row:</p> <p>“</p> <table border="1"> <tr> <td><b>DUSP 1.6.1(f)A</b></td><td> <p>One or more <u>single piece services</u> for the conveyance of <u>postal packets</u> meeting the description in DUSP 1.6.6 to <u>EU offices of exchange</u>, where—</p> <p>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> within a period that is</p> <p style="padding-left: 40px;">(a) reasonable; and</p> <p style="padding-left: 40px;">(b) compatible with a <u>routing time</u> for the provision of an end –to-end service of D+30;</p> <p>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p>(iii) the service or services include provision of a <u>Certificate of Posting</u> free of charge on request where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The service must include one or more services for the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• items that are neither registered nor insured;</li> <li>• <u>registered items</u></li> <li>• <u>insured items</u>.</li> </ul> </td></tr> </table> <p>“</p>	<b>DUSP 1.6.1(f)A</b>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets</u> meeting the description in DUSP 1.6.6 to <u>EU offices of exchange</u>, where—</p> <p>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> within a period that is</p> <p style="padding-left: 40px;">(a) reasonable; and</p> <p style="padding-left: 40px;">(b) compatible with a <u>routing time</u> for the provision of an end –to-end service of D+30;</p> <p>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p>(iii) the service or services include provision of a <u>Certificate of Posting</u> free of charge on request where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The service must include one or more services for the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• items that are neither registered nor insured;</li> <li>• <u>registered items</u></li> <li>• <u>insured items</u>.</li> </ul>
<b>DUSP 1.6.1(f)A</b>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets</u> meeting the description in DUSP 1.6.6 to <u>EU offices of exchange</u>, where—</p> <p>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> within a period that is</p> <p style="padding-left: 40px;">(a) reasonable; and</p> <p style="padding-left: 40px;">(b) compatible with a <u>routing time</u> for the provision of an end –to-end service of D+30;</p> <p>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p>(iii) the service or services include provision of a <u>Certificate of Posting</u> free of charge on request where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The service must include one or more services for the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• items that are neither registered nor insured;</li> <li>• <u>registered items</u></li> <li>• <u>insured items</u>.</li> </ul>		
34.	After new row DUSP 1.6.1(f)A, insert new header row: “ <b>End-to-end international services – fast outgoing ROW services</b> ”.		
35.	In DUSP 1.6.1(g), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.5”.		
36.	In DUSP 1.6.1(g), for the sub-paragraph numberings (a) to (c), substitute numbers (i) to (iii).		
37.	In what is now DUSP 1.6.1(g)(i), for the sub-sub-paragraph numberings (i) and (ii), substitute (a) and (b).		
38.	In what is now DUSP 1.6.1(g)(iii), for “is provided”, substitute “free of charge on request”.		
39.	In DUSP 1.6.1(g), for “The services must include one or more services for”, substitute “The service must include”.		
40.	In DUSP 1.6.1(g), before the first bullet, insert “• items that are neither registered nor insured;”.		
41.	After DUSP 1.6.1(g), insert new header row: “ <b>End-to-end international services – slow outgoing ROW services</b> ”.		
42.	In DUSP 1.6.1(h), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.5”.		

43.	In DUSP 1.6.1(h), for the sub-paragraph numberings (a) to (c), substitute numbers (i) to (iii).		
44.	In what is now DUSP 1.6.1(h)(iii), for “is provided”, substitute “free of charge on request”.		
45.	In DUSP 1.6.1(h), for “The services must include one or more services for”, substitute “The service must include”.		
46.	In DUSP 1.6.1(h), before the first bullet, insert “• items that are neither registered nor insured;”.		
47.	After DUSP 1.6.1(h), insert new header row: “ <b>End-to-end international services – inbound EU services</b> ”.		
48.	In DUSP 1.6.1(i), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.7”.		
49.	After DUSP 1.6.1(i), insert new header row: “ <b>End-to-end international services – inbound ROW services</b> ”.		
50.	In DUSP 1.6.1(j), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.7”.		
51.	In the header row of DUSP 1.6.2, for “ <b>Overseas</b> ”, substitute “ <b>End-to-end international services – overseas</b> ”.		
52.	In DUSP 1.6.3(b), at the end, insert: “The service— (i) includes provision of a <u>Certificate of Posting</u> free of charge on request if the <u>postal packet</u> is deposited at a <u>post office</u> ; and (ii) does not include the conveyance of <u>insured items</u> .”		
53.	In DUSP 1.6.3(c), for “(d) to “(f)”, substitute “(e)”.		
54.	Omit DUSP 1.6.3(d).		
55.	In DUSP 1.6.3(e), for “1 kilogram”, substitute “7 kilograms”.		
56.	In DUSP 1.6.3(e), at the end, insert: “The services— (i) include provision of a <u>Certificate of Posting</u> free of charge on request if the <u>postal packet</u> is deposited at a <u>post office</u> ; and (ii) do not include the conveyance of <u>registered items</u> or <u>insured items</u> .”		
57.	Omit DUSP 1.6.3(f).		
58.	After DUSP 16.3(e), insert new header row: “ <b>Description of postal packets for domestic services</b> ”.		
59.	After new header row, insert new row: “ <table border="1" data-bbox="245 1839 1305 2040"> <tr> <td data-bbox="245 1839 438 2040"><b>DUSP 1.6.4</b></td><td data-bbox="438 1839 1305 2040"> The description is:   (a) at minimum—  (i) the weight of the <u>postal packet</u> exceeds 100 grams; and  (ii) the dimensions of the <u>postal packet</u>, measured </td></tr> </table> ”	<b>DUSP 1.6.4</b>	The description is:  (a) at minimum— (i) the weight of the <u>postal packet</u> exceeds 100 grams; and (ii) the dimensions of the <u>postal packet</u> , measured
<b>DUSP 1.6.4</b>	The description is:  (a) at minimum— (i) the weight of the <u>postal packet</u> exceeds 100 grams; and (ii) the dimensions of the <u>postal packet</u> , measured		

		<p>at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;</p> <p>(b) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> contains items that are not printed papers, its weight does not exceed 2 kilograms; and</p> <p>(ii) if the <u>postal packet</u> only contains printed papers, its weight does not exceed 5 kilograms;</p> <p>(c) at maximum as to dimensions—</p> <p>(i) if the postal packet is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p>
60.	After new row DUSP 1.6.4, insert new header row: “ <b>Description of postal packets for fast outgoing international services and slow outgoing ROW services</b> ”.	
61.	After new header row, insert new row:	
	<p><b>DUSP 1.6.5</b></p>	<p>The description is:</p> <p>(a) at minimum, each dimension of the <u>postal packet</u>, measured at their narrowest points, exceeds 0.25 millimetres;</p> <p>(b) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> contains items that are not printed papers, its weight does not exceed 2 kilograms; and</p> <p>(ii) if the <u>postal packet</u> only contains printed papers, its weight does not exceed 5 kilograms;</p> <p>(c) at maximum as to dimensions—</p> <p>(i) if the <u>postal packet</u> is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not</p>

		<p>exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p>
	“	
62.	After new row DUSP 1.6.5, insert new header row: “ <b>Description of postal packets for slow outgoing EU services</b> ”.	
63.	After new header row, insert new row:	
	“	
	<p><b>DUSP 1.6.6</b></p>	<p>The description is:</p> <p>(a) at minimum—</p> <p>(i) the weight of the <u>postal packet</u> exceeds 100 grams; and</p> <p>(ii) the dimensions of the <u>postal packet</u>, measured at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;</p> <p>(b) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> contains items that are not printed papers, its weight does not exceed 2 kilograms; and</p> <p>(ii) if the <u>postal packet</u> only contains printed papers, its weight does not exceed 5 kilograms;</p> <p>(c) at maximum as to dimensions—</p> <p>(i) if the <u>postal packet</u> is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p>
	“	
64.	After new row DUSP 1.6.6, insert new header row: “ <b>Description of postal packets for inbound services</b> ”.	

65.	After new header row, insert new row: “ <table border="1"> <tr> <td><b>DUSP 1.6.7</b></td><td> <p>The description is:</p> <p>(a) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> only contains literature for the <u>blind</u>, its weight does not exceed 7 kilograms</p> <p>(ii) if the <u>postal packet</u> contains anything else, its weight does not exceed 5 kilograms</p> <p>(b) at maximum as to dimensions—</p> <p>if the <u>postal packet</u> is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p> </td></tr> </table> “	<b>DUSP 1.6.7</b>	<p>The description is:</p> <p>(a) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> only contains literature for the <u>blind</u>, its weight does not exceed 7 kilograms</p> <p>(ii) if the <u>postal packet</u> contains anything else, its weight does not exceed 5 kilograms</p> <p>(b) at maximum as to dimensions—</p> <p>if the <u>postal packet</u> is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p>
<b>DUSP 1.6.7</b>	<p>The description is:</p> <p>(a) at maximum as to weight—</p> <p>(i) if the <u>postal packet</u> only contains literature for the <u>blind</u>, its weight does not exceed 7 kilograms</p> <p>(ii) if the <u>postal packet</u> contains anything else, its weight does not exceed 5 kilograms</p> <p>(b) at maximum as to dimensions—</p> <p>if the <u>postal packet</u> is a right circular cylinder—</p> <p>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</p> <p>(bb) the length does not exceed 900 millimetres; and</p> <p>(cc) the diameter does not exceed 900 millimetres; and</p> <p>(ii) if the <u>postal packet</u> is not a right circular cylinder—</p> <p>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</p> <p>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</p>		
66.	In DUSP 1.7.1, omit “working”.		
67.	In DUSP 1.7.1, before the full-stop, insert “excluding any day which is a Sunday or a <u>public holiday</u> in the place of acquisition”.		
68.	In DUSP 1.7.1(a), for “named individual”, substitute “meeting the description in DUSP 1.6.4, that are to be delivered by the <u>universal service provider</u> to a particular addressee”.		
69.	In DUSP 1.7.1(b), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.4”.		
70.	In DUSP 1.7.1(c), after “ <u>postal packets</u> ”, insert “meeting the description in DUSP 1.6.4”.		
71.	In Table 1, in the row immediately below the heading “ <b>Domestic end-to-end services</b> ”, before “ <u>deemed delivered</u> ”, insert “provided pursuant to DUSP 1.6.1(a)”.		
72.	In Table 1, in the row second below the heading “ <b>Domestic end-to-end services</b> ”, before “purchased”, insert “provided pursuant to DUSP 1.6.1(a)”.		
73.	In Table 1, in the row third below the heading “ <b>Domestic end-to-end services</b> ”, before “purchased”, insert “provided pursuant to DUSP 1.6.1(a)”.		
74.	In Table 1, in the row fourth below the heading “ <b>Domestic end-to-end services</b> ”, before “for <u>postal packets</u> ”, insert “provided pursuant to DUSP 1.6.1(b)”.		
75.	In Table 1, in the row fourth below the heading “ <b>Domestic end-to-end services</b> ”, omit “weighing up to 1kg”.		

76.	In Table 1, omit the row fifth below the heading “ <b><i>Domestic end-to-end services</i></b> ”.
77.	In Table 1, in the last row, before the semi-colon, insert “provided pursuant to DUSP 1.6.1(d)”.
78.	In Table 2, in each of the first two rows, before “ <u>deemed delivered</u> ” insert “provided pursuant to DUSP 1.6.1(g)”.
79.	In Table 2, in each of the last two rows, before “ <u>deemed delivered</u> ” insert “provided pursuant to DUSP 1.6.1(f)”.
80.	In DUSP 1.10.5 paragraph (b), before “European Union” insert “the”.
81.	In DUSP 1.10.5 paragraph (b), before the full-stop, insert “required by DUSP 1.6.1(f)”.
82.	In DUSP 1.10.6 paragraph (a), before “European Union” insert “the”.
83.	In DUSP 1.10.6 paragraph (a), before the semi-colon insert “required by DUSP 1.6.1(f)”.
84.	In DUSP 1.10.6 paragraph (b), for “ <u>working day</u> ” substitute “day upon which a collection is required in the area in question”.
85.	In DUSP 1.10.7 paragraph (a), before “European Union” insert “the”.
86.	In DUSP 1.10.7 paragraph (a), before the semi-colon insert “required by DUSP 1.6.1(f)”.
87.	Omit Annex 1.

## Annex 9

# Informal consolidated version of Designated USP Condition 1 if amended as proposed

This marked up version of DUSP1 is provided as an aid to understanding but is not the proposed legal instrument.

- Deletions are marked in red struck-through text.
- Additions are marked in red.

### DESIGNATED USP CONDITION 1 SERVICES, ACCESS POINTS, PERFORMANCE TARGETS, NOTIFICATION AND PUBLICATION AND CONTINGENCY PLANNING

#### 1.1. Application, definitions and interpretation

<b>DUSP 1.1.1</b>	This Designated USP condition (" <b>DUSP Condition</b> ") shall apply to the <u>universal service provider</u> .
<b>DUSP 1.1.2</b>	<p>In this DUSP Condition—</p> <p>(a) "<b>Act</b>" means the Postal Services Act 2011 (c.5);</p> <p>(b) "<b>actual routing time</b>" means the period in <u>working days</u>, between the <u>deemed date of collection</u> of a <u>postal packet</u> and the <u>deemed delivery date</u> of that packet;</p> <p>(c) "<b>appointed date</b>" means 1 October 2011;</p> <p>(d) "<b>appropriate testing methodology</b>" means a testing methodology which is :</p> <ol style="list-style-type: none"><li>representative of the range of services and customers for whom these performance targets are relevant;</li><li>capable of providing results with measurable statistical significance; and</li><li>compliant with Article 16 of the <u>Directive</u>;</li></ol> <p>with reference where relevant to harmonised standards adopted under Article 20 of the <u>Directive</u><sup>47</sup>.</p> <p>(e) "<b>blind</b>" means registered as blind under the provisions of the National Assistance Act 1948;</p>

<sup>47</sup> ~~See CEN EN 13850:2002+A1:2007 Postal services – Quality of service – Measurement of the transit time of end-to-end services for single piece priority mail and first class mail.~~ This footnote is provided for information and is not a part of the condition: See CEN EN 13850:2012 Postal services - Quality of service - Measurement of the transit time of end-to-end services for single piece priority mail and first class mail; and CEN EN 14508:2003+A1:2007 Postal services - Quality of service - Measurement of the transit time of end-to-end services for single piece non-priority mail and second class mail.



	<p>(f) <b>“Certificate of Posting”</b> means a document issued or validated by a <u>post office</u> affirming that a <u>postal packet</u> has been deposited for conveyance;</p> <p>(g) <b>“Christmas period”</b> means the period commencing on the first Monday in December in any year and ending at the start of the first <u>working day</u> after the New Year <u>public holiday</u> in the following year or, in Scotland, at the start of the first <u>working day</u> after the Scottish New Year <u>public holiday</u> in the following year;</p> <p>(h) <b>“Council”</b> means the National Consumer Council established by s.1 of the Consumers, Estate Agents and Redress Act 2007;</p> <p>(i) <b>“deemed date of collection”</b> has the meaning given in DUSP 1.2.1(b);</p> <p>(j) <b>“deemed delivered”</b>, in relation to a performance target applicable to a <u>postal packet</u>, means any of          (i) delivered or attempted to be delivered to the address given on the <u>postal packet</u>;          (ii) delivered to a person named as the addressee on the <u>postal packet</u>; or          (iii) delivered to an alternative delivery point approved by <u>OFCOM</u>.</p> <p>(k) <b>“deemed delivery date”</b> means the earlier of -          (i) the date upon which a <u>postal packet</u> is delivered to the address given on the <u>postal packet</u>;          (ii) the date upon which a <u>postal packet</u> is delivered to a person named as the addressee on the <u>postal packet</u>;          (iii) the date upon which a <u>postal packet</u> is delivered to an alternative delivery point requested by the addressee or approved by <u>OFCOM</u>;          (iv) the date upon which an unsuccessful attempt is made to deliver the <u>postal packet</u> in accordance with (i), (ii) or (iii) and the <u>universal service provider</u> offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the <u>postal packet</u> from any of the following places—              o a <u>post office</u>;              o a <u>delivery office</u>; or              o another collection point approved by <u>OFCOM</u> for the purposes of this paragraph.</p> <p>(l) <b>“delivery office”</b> means an office managed by the <u>universal service provider</u> for the purposes of processing <u>postal packets</u> immediately prior to the activity of delivery to the addressee.</p> <p>(m) <b>“Directive”</b> means <i>Directive 97/67/EC of the European Parliament and of the Council on common rules for the development <del>for the</del> <del>development</del> of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2001, Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 and Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008;</i></p>
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	<p>(n) <b>“domestic”</b>, in relation to a <u>postal service</u>, means the service is for the conveyance of <u>postal packets</u> from <u>access points</u> in the United Kingdom to addresses in the United Kingdom.</p> <p>(o) <b>“EU office of exchange”</b> means a facility for—</p> <ul style="list-style-type: none"> <li>(i) the collection by a <u>universal service provider</u> of <u>postal packets</u> originating from a country within the European Union other than the United Kingdom, for onward conveyance and delivery within the United Kingdom; or</li> <li>(ii) the deposit by a <u>universal service provider</u> of <u>postal packets</u> originating from the United Kingdom, for onward conveyance and delivery to a country within the European Union other than the United Kingdom;</li> </ul> <p>(p) <b>“eligible items”</b> means</p> <ul style="list-style-type: none"> <li>(i) books, papers and <u>letters</u> which are prepared for use by <u>blind</u> or <u>partially sighted</u> people,</li> <li>(ii) papers sent to anyone to be prepared or impressed so <u>blind</u> or <u>partially sighted</u> people can use them,</li> <li>(iii) relief maps, machines, frames and attachments for making impressions for <u>blind</u> or <u>partially sighted</u> people to use,</li> <li>(iv) writing frames and attachments for <u>blind</u> or <u>partially sighted</u> people to use,</li> <li>(v) Braille instruction manuals,</li> <li>(vi) games (including card games) for <u>blind</u> or <u>partially sighted</u> people,</li> <li>(vii) mathematical appliances and attachments for <u>blind</u> or <u>partially sighted</u> people,</li> <li>(viii) recordings of readings from printed sources, such as books, journals, newspapers, periodicals or similar publications,</li> <li>(ix) equipment used to play such recordings,</li> <li>(x) metal plates impressed or sent for impressing for use by <u>blind</u> or <u>partially sighted</u> people,</li> <li>(xi) supplies of covers, envelopes and labels for sending articles for use by <u>blind</u> or <u>partially sighted</u> people,</li> <li>(xii) watches, clocks, timers, tools and measuring equipment designed for <u>blind</u> or <u>partially sighted</u> people to use,</li> <li>(xiii) walking sticks adapted for <u>blind</u> or <u>partially sighted</u> people,</li> <li>(xiv) harnesses for guide dogs; and</li> <li>(xv) computer disks and CDs which are prepared for <u>blind</u> or <u>partially sighted</u> people;</li> </ul> <p>(q) <b>“insured item”</b> means a <u>postal packet</u> the value of which has been declared to a <u>universal service provider</u> and of which, in the event of its theft or loss or damage in the course of its conveyance by post, the <u>universal service provider</u> has agreed to pay to the sender the declared value or such lesser sum as is consistent with the provision of the service at affordable prices;</p> <p>(r) <b>“latest delivery time”</b> means, for each UK address, the time expressed in minutes past an hour by which the <u>universal service provider</u> endeavours to make a delivery every <u>working day</u> in accordance with the <u>universal service provider</u>’s classification, as at 1 December 2005, of addresses as either "urban" or "rural";</p>
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	<p>(s) <b>“letter box”</b> includes any pillar box, wall box, or other box or receptacle provided by a <u>postal operator</u> for the purpose of receiving <u>postal packets</u>, or any class of <u>postal packets</u> for onwards conveyance by post;</p> <p>(t) <b>“meter”</b> means a method of evidencing payment for <u>postal services</u> provided by a <u>universal service provider</u> which involve the conveyance of a <u>postal packet</u>, through which the sender having paid in advance for postage applies an impression to a visible surface of the <u>postal packet</u> using a franking machine licensed by the <u>universal service provider</u>;</p> <p>(u) <b>“partially sighted”</b> means certified by an ophthalmologist, doctor or ophthalmic optician as having vision which cannot be improved using optical aids (including magnifiers) or additional illumination to allow 12 point sized print to be read at a comfortable reading distance;</p> <p>(v) <b>“post office”</b> means any premises or vehicle in the United Kingdom from which <u>postal services</u>, <del>or services provided under arrangements with a government department</del>, are provided directly to the public;</p> <p>(w) <b>“postcode area”</b> means a geographical area indicated by the letters preceding the first number in the code, as the code is set out in the <u>postcode address file</u>;</p> <p>(x) <b>“postcode address file”</b> has the meaning given in s.116(3) Postal Services Act 2000;</p> <p>(y) <b>“postcode district”</b> means a geographical area indicated by the (alphabetical) letters and numbers in a postcode preceding the space in the code, as the code is set out in the <u>postcode address file</u>.</p> <p>(z) <b>“proof of delivery”</b> means a copy of a signature, or other evidence from the recipient in confirmation of receipt, obtained on <u>delivery</u> of a <u>postal packet</u>;</p> <p>(aa) <b>“public holiday”</b> includes, in relation to a particular territory, any day in relation to which <u>OFCOM</u> has by direction <del>provided for an exception under DUSP 1.3.2—stated that exceptional circumstances require it to be treated as a public holiday</del>;</p> <p>(bb) <b>“registered item”</b> means a <u>postal packet</u> which has been registered with the <u>universal service provider</u> in connection with its conveyance by post and for which an amount determined by the <u>universal service provider</u> is payable to the sender in the event of theft or loss of or damage to it in the course of its conveyance by post;</p> <p>(cc) <b>“ROW office of exchange”</b> means a facility for—</p> <ol style="list-style-type: none"> <li>(i) the collection by a <u>universal service provider</u> of <u>postal packets</u> originating from a country outside the European Union, for onward conveyance and delivery within the United Kingdom; or</li> <li>(ii) the deposit by a <u>universal service provider</u> of <u>postal packets</u> originating from the United Kingdom, for onward conveyance and delivery to a country outside the European Union.</li> </ol>
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	<p><b>(dd)</b> “<b>Royal Mail</b>” means Royal Mail Group Limited, whose registered company number in England and Wales is 04138203;</p> <p><b>(ee)</b> “<b>single piece service</b>” means a <u>postal service</u> for a conveyance of an individual <u>postal</u> packet to the addressee, whose price per <u>postal packet</u> is not subject to any discounts related to—</p> <ul style="list-style-type: none"> <li>(i) the number of <u>postal packets</u> sent in connection with the person who paid for the service;</li> <li>(ii) the positioning or formatting of text on the <u>postal packet</u>;</li> <li>(iii) the use of markings which facilitate the use of machines to sort <u>postal packets</u>;</li> <li>(iv) presortation into geographical areas for delivery; or</li> <li>(v) the purchase of any other conveyance of the same or any other postal packet.</li> </ul> <p><b>(ff)</b> “<b>specified collection time</b>” means, in relation to an <u>access point</u> used in the provision of a service set out in Condition DUSP 1.4, that period of time within which the <u>universal service provider</u> endeavours to make a collection every <del>day upon which a collection is required, working day</del> in accordance with the <u>universal service provider</u>’s classification of such <u>access points</u> as at 1 December 2005 as either “commercial area”, “town/city area”, “rest of UK”, “deep rural”, “business box” or “Post Office branch”.</p> <p><b>(gg)</b> “<b>target routing time</b>” means the target maximum time for conveying <u>postal packets</u> from the <u>access point</u> to the delivery point in the provision of a <u>postal service</u>;</p> <p><b>(hh)</b> “<b>tracking facility</b>” means a facility enabling a sender to monitor the progress of a <u>postal packet</u> through the <u>postal network</u>;</p> <p><b>(ii)</b> “<b>USO</b>” means products and/or services provided by <u>Royal Mail</u> for the purpose of complying with <u>Royal Mail</u>’s obligations imposed by any designated USP condition;</p> <p><b>(jj)</b> “<b>working day</b>” means any day which is not a Sunday or a public holiday <del>in the place of collection or the place of delivery of the postal packet concerned.</del></p>
<b>DUSP 1.1.3</b>	<p>For the purpose of interpreting this DUSP Condition—</p> <p><b>(a)</b> except in so far as DUSP 1.1.2 or the context otherwise requires, any word or expression shall have the same meaning as it has been ascribed for the purpose of Part 3 of the Act;</p> <p><b>(b)</b> headings and titles shall be disregarded;</p> <p><b>(c)</b> expressions cognate with those referred to in this DUSP Condition shall be construed accordingly;</p> <p><b>(d)</b> the Interpretation Act 1978 (c. 30) shall apply as if this DUSP Condition were an Act of Parliament;</p> <p><b>(e)</b> references to a day are references to a period of twenty-four hours beginning with one midnight and ending with the next, which period shall be treated to include a Saturday, a Sunday and a <u>public holiday</u>;</p>

	<p><del>(f) —save to the extent that the days concerned are public holidays in any event, the following shall be deemed to be directions issued by OFCOM stating that exceptional circumstances require particular days to be treated as public holidays for the purposes of the definition of “public holiday” in this DUSP Condition:</del></p> <ul style="list-style-type: none"> <li><del>• Exceptions to Royal Mail’s universal service obligation — for 26 December 2009 in the UK, bank holidays on Saturdays in the UK, as local holidays in Northern Ireland and Scotland: a decision document (Postal Services Commission, October 2009).</del></li> </ul>
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## **1.2 Routing times and delivery**

<b>DUSP 1.2.1(a)</b>	<p><u>Target routing times</u> and <u>actual routing times</u> are expressed using the formula “D + n”, where—</p> <ul style="list-style-type: none"> <li>“D” means the <u>deemed date of collection</u>; and</li> <li>“n” means the number of <u>working days</u> between D and the delivery date, including the delivery date.</li> </ul>
<b>DUSP 1.2.1(b)</b>	<p>“Deemed date of collection” means—</p> <ul style="list-style-type: none"> <li>(i) in the case of a <u>postal packet</u> deposited at an <u>access point</u> in the United Kingdom on a day on which no collection is required under DUSP 1.5, the next day on which a collection is required under DUSP 1.5;</li> <li>(ii) <ul style="list-style-type: none"> <li>(I) in the case of a <u>postal packet</u> deposited in the United Kingdom as described in subparagraph (II), the next day on which a collection is required under DUSP 1.5,</li> <li>(II) subparagraph (I) applies where the <u>postal packet</u> is deposited at a letter box on which, or at a <u>post office</u> at which, a time for last collection is advertised, after the time for last collection on a day on which a collection is required under DUSP 1.5;</li> </ul> </li> <li>(iii) in any other case where the <u>access point</u> is in the United Kingdom, the date of deposit;</li> <li>(iv) in the case of a <u>postal packet</u> deposited at an <u>access point</u> outside the United Kingdom, after a last collection time notified in accordance with the rules of the country in question, the next day on which a collection is required under the rules of that country; and</li> <li>(iv) in any other case where the <u>access point</u> is outside the United Kingdom, the date of deposit.</li> </ul>

<b>DUSP 1.2.1(c)</b>	<p>Where, in relation to a <u>target routing time</u>, the formula as applied to the delivery of a particular <u>postal packet</u> results in delivery being required—</p> <p>(i) in the UK, on a day on which a delivery is not required by DUSP 1.4.1 or DUSP 1.4.2 (as the case may be); or</p> <p>(ii) outside the UK, on a day on which under the rules of the territory of delivery no delivery is required;</p> <p>compliance with the routing time requirement shall be achieved if delivery is effected on the next day on which a delivery is required.</p>
<b>DUSP 1.2.2</b>	<p>Where a service required by this DUSP condition requires delivery of a <u>postal packet</u>, delivery shall be effected if—</p> <p>(a) the <u>postal packet</u> has been delivered to the postal address marked on the <u>postal packet</u>;</p> <p>(b) the <u>postal packet</u> has been delivered to a person named as an addressee on the <u>postal packet</u>;</p> <p>(c) the <u>postal packet</u> has been delivered to another delivery point requested by the addressee or approved by <u>OFCOM</u> for the purposes of this paragraph; or</p> <p>(d) an unsuccessful attempt has been made to deliver the <u>postal packet</u> in accordance with sub-paragraphs (a), (b), or (c) and a <u>universal service provider</u> offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the <u>postal packet</u> from any of the following places—</p> <p>(i) a <u>post office</u>;</p> <p>(ii) a <u>delivery office</u>; or</p> <p>(iii) another collection point approved by <u>OFCOM</u> for the purposes of this paragraph.</p>

### 1.3 Exceptions

<b>DUSP 1.3.1</b>	<p>Nothing in this DUSP Condition requires the doing of anything in relation to a <u>postal packet</u>—</p> <p>(a) whose weight exceeds 20 kilograms;</p> <p>(b) whose dimensions fall outside the minimum and maximum dimensions laid down in the <u>Universal Postal Convention adopted by the 24<sup>th</sup> Congress of the Universal Postal Union, 2008 Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union</u><sup>48</sup>;</p> <p>(c) which contains an item which it is reasonable to exclude from carriage by post for reasons of potential harm to health, public security or compliance with law or other regulatory requirements; or</p> <p>(d) which does not comply with conditions reasonably imposed on an item's carriage by post for reasons of potential harm to health, public security or compliance with law or other regulatory requirements.</p>
<b>DUSP 1.3.2</b>	<p>The requirements in this DUSP Condition in respect of the delivery or collection of <u>postal packets</u> <del>and the target routing times of services</del> do not need to be met—</p> <p>(a) on any day which is (in the territory concerned) a <u>public holiday</u>; or</p> <p>(b) in such geographical conditions or other circumstances as <u>OFCOM</u> has by direction specified to be exceptional for the relevant purpose.</p>
<b>DUSP 1.3.2A</b>	<p><u>OFCOM may by direction impose requirements for the universal service provider—</u></p> <p>(a) <u>to establish and comply with procedures in relation to determining whether the circumstances specified in any direction issued under DUSP 1.3.2 have arisen in any particular case;</u></p> <p>(b) <u>to establish and comply with reporting and notification obligations in relation to such exceptions; and</u></p> <p>(c) <u>to make alternative delivery or collection arrangements where appropriate.</u></p>
<b>DUSP 1.3.3</b>	<p>The requirements in this DUSP Condition in respect of the delivery of <u>postal packets</u>, the <u>target routing times</u> of services and any associated quality of service performance targets do not need to be met in relation to a particular address or delivery point, where the addressee has acquired one or more <u>postal services</u> in accordance with which <u>postal packets</u> for that addressee are to be delayed or diverted.</p>
<b>DUSP 1.3.4</b>	<p>Nothing in this DUSP Condition is to be read—</p> <p>(a) as requiring a service to continue without interruption, suspension or restriction in an emergency; or</p> <p>(b) as preventing individual agreements as to prices from being concluded with customers.</p>

<sup>48</sup> Universal Postal Convention (Berne 2008), published by the Universal Postal Union.

<b>DUSP 1.3.5</b>	<p>The following directions shall be deemed to have been made under DUSP 1.3.2 until they expire or are revoked by <u>OFCOM</u>:</p> <ul style="list-style-type: none"> <li>• <i>Direction designating geographical conditions and other circumstances as exceptional for the purpose of deliveries (Ofcom) 23 February 2012<sup>49</sup></i></li> <li>• <del><i>Exceptions to Royal Mail's Universal Collections Service – A Policy Document and Direction (Postal Services Commission, October 2008)<sup>50</sup></i></del></li> <li>• <del><i>Direction designating circumstances as exceptional for the purpose of collections, Postal Services Commission, 5 October 2009<sup>51</sup></i></del></li> <li>• <del><i>Direction designating circumstances as exceptional for the purpose of deliveries, Postal Services Commission, 5 October 2009<sup>52</sup></i></del></li> <li>• <del><i>Direction designating geographical conditions and other circumstances as exceptional for the purposes of collections, Postal Services Commission, 7 December 2010</i></del></li> </ul>
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#### **1.4 Obligation to provide deliveries**

<b>DUSP 1.4.1</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall offer to provide at least one delivery of <u>letters</u> originating from anywhere in the world every Monday to Saturday—</p> <p>(a) to the home or premises of every individual or other person in the UK; and</p> <p>(b) to delivery points approved by <u>OFCOM</u> for the purposes of this Condition.</p>
<b>DUSP 1.4.2</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall offer to provide at least one delivery of other <u>postal packets</u> originating from anywhere in the world every Monday to Friday—</p> <p>(a) to the home or premises of every individual or other person in the UK; and</p> <p>(b) to delivery points approved by <u>OFCOM</u> for the purposes of this paragraph.</p>
<b>DUSP 1.4.3</b>	<p>The following approval shall be deemed to have been given under DUSP 1.4.1(b) and DUSP 1.4.2(b) until it expires or is revoked by <u>OFCOM</u>:</p> <ul style="list-style-type: none"> <li>• <i>Approval of identifiable points for delivery of relevant postal packets (Ofcom) 23 February 2012<sup>53</sup></i></li> </ul>

<sup>49</sup> ~~Annex 1 in <http://stakeholders.ofcom.org.uk/consultations/direction-extension/direction/>~~

<sup>50</sup> ~~[http://webarchive.nationalarchives.gov.uk/20081212184530/http://www.psc.gov.uk/postcomm/live/policy-and-consultations/consultations/universal-service-services-to-be-provided-exceptions/2008\\_10\\_01\\_Direction\\_Collections\\_letterpolicydirection\\_v1\\_0.pdf](http://webarchive.nationalarchives.gov.uk/20081212184530/http://www.psc.gov.uk/postcomm/live/policy-and-consultations/consultations/universal-service-services-to-be-provided-exceptions/2008_10_01_Direction_Collections_letterpolicydirection_v1_0.pdf)~~

<sup>51</sup> ~~<http://stakeholders.ofcom.org.uk/binaries/post/271.pdf>~~

<sup>52</sup> ~~ibid~~

<sup>53</sup> ~~Annex 2 in <http://stakeholders.ofcom.org.uk/consultations/direction-extension/direction/>~~



### **1.5. Obligation to provide collections**

<b>DUSP 1.5.1</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall provide at least one collection—</p> <p>(a) every Monday to Saturday, from public <u>access points</u> for <u>letters</u> for the services described in DUSP 1.4; and</p> <p>(b) every Monday to Friday, from public <u>access points</u> for other <u>postal packets</u> for the services described in DUSP 1.4.</p>
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### **1.6. Obligation to provide end-to-end services**

	<b><i>End-to-end domestic services at affordable tariffs</i></b>
<b>DUSP 1.6.1</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall provide <u>postal services</u> meeting the following descriptions at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom, on fair and reasonable terms, every day on which a collection is required by DUSP 1.5.</p>
	<ul style="list-style-type: none"> <li>• <b><i>Priority service(s)</i></b></li> </ul>
<b>DUSP 1.6.1(a)</b>	<p>One or more <u>domestic single piece services</u> for the conveyance of <u>postal packets</u> <b>meeting the description in DUSP 1.6.4</b>, other than <u>insured items</u>, which—</p> <p><del>(a)</del>(i) have a <u>target routing time</u> of D+1;</p> <p><del>(b)</del>(ii) are capable of purchase by postage stamp and by <u>meter</u> and may be capable of purchase by other reasonable methods;</p> <p><del>(c)</del>(iii) include provision of a <u>Certificate of Posting</u> <b>free of charge</b> on request where the <u>postal packet</u> is deposited at a <u>post office</u>;</p> <p><del>(d)</del>(iv) include provision of <u>proof of delivery</u> on application by the sender; and</p> <p><del>(e)</del>(v) do not include provision of a <u>tracking facility</u>.</p>
	<ul style="list-style-type: none"> <li>• <b><i>Standard service(s)</i></b></li> </ul>
<b>DUSP 1.6.1(b)</b>	<p>One or more <u>domestic single piece services</u> for the conveyance of <u>postal packets</u> <b>meeting the description in in DUSP 1.6.4</b>, other than <u>insured items</u>, which—</p> <p><del>(a)</del>(i) have a <u>target routing time</u> of D+3;</p> <p><del>(b)</del>(ii) are capable of purchase by postage stamp and by <u>meter</u> and may be capable of purchase by other reasonable methods;</p> <p><del>(c)</del>(iii) include provision of a <u>Certificate of Posting</u> <b>free of charge</b> on request where the <u>postal packet</u> is deposited at a <u>post office</u>;</p> <p><del>(d)</del>(iv) include provision of <u>proof of delivery</u> on application by the sender; and</p> <p><del>(e)</del>(v) do not include provision of a <u>tracking facility</u>.</p>

	<ul style="list-style-type: none"> <li>• <b><i>Return to sender service(s)</i></b></li> </ul>
<b>DUSP 1.6.1(c)</b>	<p>One or more <u>domestic single piece services</u> for the conveyance of <u>postal packets</u> <b>meeting the description in DUSP 1.6.4</b> back to the <u>sender</u> within a reasonable period, where—</p> <p><del>(a)</del>(i) the <u>postal packet</u> has been conveyed in the provision of a universal postal service and delivery to the addressee named on the <u>postal packet</u> has not been effected;</p> <p><del>(b)</del>(ii) the <u>sender's</u> address is legibly marked on the <u>postal packet</u>; and</p> <p><del>(e)</del>(iii) the service may be paid for by reasonable methods;</p> <p>and for the purposes of this service, part (v) of the definition of “single piece service” shall read “the purchase of a conveyance of any other postal packet”.</p>
	<ul style="list-style-type: none"> <li>• <b><i>Registered and insured service(s)</i></b></li> </ul>
<b>DUSP 1.6.1(d)</b>	<p>One or more <u>domestic single piece services</u> for the conveyance of <u>postal packets</u> weighing no more than 10 kilograms <b>and meeting the description in DUSP 1.6.4</b> which—</p> <p><del>(a)</del>(i) have a <u>target routing time</u> of D+1;</p> <p><del>(b)</del>(ii) have a target delivery time of 1pm, except where this is not reasonably possible;</p> <p><del>(e)</del>(iii) are available for <u>registered items</u> and <u>insured items</u> only;</p> <p><del>(d)</del>(iv) provide a <u>tracking facility</u>;</p> <p><del>(e)</del> (v) offer to provide <u>proof of delivery</u> on application by the sender; and</p> <p><del>(f)</del> (vi) are paid for in advance.</p>
<b>DUSP 1.6.1(e)</b>	<p>One or more <u>domestic single piece services</u> for the conveyance of—</p> <p><del>(a)</del>(i) <u>registered items</u> weighing more than 10 kilograms <b>and meeting the description in DUSP 1.6.4</b>; and</p> <p><del>(b)</del>(ii) <u>insured items</u> weighing more than 10 kilograms <b>and meeting the description in DUSP 1.6.4</b>;</p> <p>which convey the <u>postal packet</u> to the delivery point within a reasonable period.</p>
	<ul style="list-style-type: none"> <li>• <b><i>End-to-end international services – fast outgoing EU services</i></b></li> </ul>
<b>DUSP 1.6.1(f)</b>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets</u> <b>meeting the description in DUSP 1.6.5</b> to <u>EU offices of exchange</u>, where—</p> <p><del>(a)</del>(i) in relation to each country, the postal packet is conveyed to the EU office of exchange within a period that is—</p> <p style="padding-left: 40px;"><del>(a)</del>(i) reasonable; and</p> <p style="padding-left: 40px;"><del>(b)</del>(ii) compatible with the provision of an end-to-end service in which at least 85% of <u>postal packets</u> are <u>deemed delivered</u> in D + 3 and at least 97% of <u>postal packets</u> are <u>deemed delivered</u> in D +</p>

	<p>5; and</p> <p><del>(b)</del>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods;</p> <p><del>(e)</del>(iii) the service or services include provision of a <u>Certificate of Posting free of charge</u> on request where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The service must include one or more services for the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• items that are neither registered nor insured;</li> <li>• <u>registered items</u>;</li> <li>• <u>insured items</u>.</li> </ul>
	<p><b><i>End-to-end international services – slow outgoing EU services</i></b></p>
<p><b>DUSP 1.6.1(f)A</b></p>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets</u> meeting the description in DUSP 1.6.6 to <u>EU offices of exchange</u>, where—</p> <p>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> within a period that is</p> <ul style="list-style-type: none"> <li>(a) reasonable; and</li> <li>(b) compatible with a <u>routing time</u> for the provision of an end –to-end service of D+30;</li> </ul> <p>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p>(ii) the service or services include provision of a <u>Certificate of Posting free of charge</u> on request where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The service must include one or more services for the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• items that are neither registered nor insured;</li> <li>• registered items</li> <li>• <u>insured items</u>.</li> </ul>

	<b><i>End-to-end international services – fast outgoing ROW services</i></b>
<b>DUSP 1.6.1(g)</b>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets meeting the description in DUSP 1.6.5</u> to <u>ROW offices of exchange</u> for onward delivery to each country of the world other than countries within the European Union, where—</p> <p><del>(a)</del>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>ROW office of exchange</u> within a period that is—</p> <ul style="list-style-type: none"> <li><del>(a)</del>(i) reasonable; and</li> <li><del>(b)</del>(ii) compatible with a <u>target routing time</u> for the provision of the end-to-end service of D + 7;</li> </ul> <p><del>(b)</del>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p><del>(c)</del>(iii) the service or services include provision of a <u>Certificate of Posting free of charge on request</u> <del>is provided</del> where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The services must include <del>one or more services for</del> the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• <del>items that are neither registered nor insured;</del></li> <li>• <u>registered items;</u></li> <li>• <u>insured items.</u></li> </ul>
	<b><i>End-to-end international services – slow outgoing ROW services</i></b>
<b>DUSP 1.6.1(h)</b>	<p>One or more <u>single piece services</u> for the conveyance of <u>postal packets meeting the description in DUSP 1.6.5</u> to <u>ROW offices of exchange</u> for onward delivery to each country of the world other than countries within the European Union, where—</p> <p><del>(a)</del>(i) in relation to each country, the <u>postal packet</u> is conveyed to the <u>ROW office of exchange</u> within a period that is—</p> <ul style="list-style-type: none"> <li><del>(a)</del>(i) reasonable; and</li> <li><del>(b)</del>(ii) compatible with a <u>target routing time</u> for the provision of the end-to-end service of D + 72;</li> </ul> <p><del>(b)</del>(ii) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and</p> <p><del>(c)</del>(iii) the service or services include provision of a <u>Certificate of Posting free of charge on request</u> <del>is provided</del> where the <u>postal packet</u> is deposited at a <u>post office</u>.</p> <p>The services must include <del>one or more services for</del> the conveyance of each of the following:</p> <ul style="list-style-type: none"> <li>• <del>items that are neither registered nor insured;</del></li> <li>• <u>registered items;</u></li> <li>• <u>insured items.</u></li> </ul>
	<b><i>End-to-end international services – inbound EU services</i></b>
<b>DUSP 1.6.1(i)</b>	<p>One or more <u>single piece services</u> for the onward conveyance and delivery within the United Kingdom of <u>postal packets meeting the description in DUSP 1.6.7</u> collected from <u>EU offices of exchange</u> for <u>postal packets</u> originating from each country within the European Union</p>

	<p>other than the United Kingdom, where in relation to each country, the <u>postal packet</u> is conveyed from the <u>EU office of exchange</u> to the delivery point within a period that is—</p> <p>(i) reasonable; and</p> <p>(ii) compatible with the provision of an end-to-end service in which at least 85% of <u>postal packets</u> are <u>deemed delivered</u> in D + 3 and at least 97% of <u>postal packets</u> are <u>deemed delivered</u> in D + 5.</p>
	<b><i>End-to-end international services – inbound ROW services</i></b>
<b>DUSP 1.6.1(j)</b>	<p>One or more <u>single piece services</u> for the onward conveyance and delivery within the United Kingdom of <u>postal packets</u> <b>meeting the requirements of DUSP 1.6.7</b> collected from <u>ROW offices of exchange</u>, where in relation to each country, the <u>postal packet</u> is conveyed from the <u>ROW office of exchange</u> to the delivery point within a reasonable period.</p>
	<b><i>End-to-end international services – overseas operators</i></b>
<b>DUSP 1.6.2</b>	<p>The <u>universal service provider</u> shall use reasonable endeavours directly or indirectly to establish arrangements with <u>postal operators</u> in countries outside the United Kingdom for them to—</p> <p><b>(a)</b> deliver to the <u>universal service provider</u> any <u>postal packets</u> posted from outside the United Kingdom for addressees in the United Kingdom; and</p> <p><b>(b)</b> deliver to addressees within their country of operation any <u>postal packets</u> posted from inside the United Kingdom for addressees in their country of operation.</p>
	<b><i>End-to-end services to be provided free of charge</i></b>
<b>DUSP 1.6.3</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall provide the following <u>postal services</u> free of charge throughout the United Kingdom, save as otherwise specified, and on fair and reasonable terms every day on which a collection is required by DUSP 1.5.</p>
	<ul style="list-style-type: none"> <li>• <b><i>Legislative petitions and addresses</i></b></li> </ul>
<b>DUSP 1.6.3(a)</b>	<p>A domestic <u>postal service</u> for the conveyance of <u>legislative petitions and addresses</u> within a reasonable period.</p>
	<ul style="list-style-type: none"> <li>• <b><i>Services for blind or partially sighted persons</i></b></li> </ul>
<b>DUSP 1.6.3(b)</b>	<p>A domestic <u>postal service</u> having a <u>target routing time</u> of D + 1, which conveys <u>eligible items</u> weighing up to 7 kilograms in aggregate per <u>postal packet</u>—</p> <p>(a) to <u>blind</u> or <u>partially sighted</u> persons;</p> <p>(b) from <u>blind</u> or <u>partially sighted</u> persons; or</p> <p>(c) from organisations representing <u>blind</u> people or providing a service specifically designed for <u>blind</u> or <u>partially sighted</u> persons.</p> <p><b>The service—</b></p> <p><b>(i)</b> includes provision of a <u>Certificate of Posting</u> free of charge on request if the <u>postal packet</u> is deposited at a <u>post office</u>; and</p> <p><b>(ii)</b> does not include the conveyance of <u>insured items</u>.</p>

<p><b>DUSP 1.6.3(c)</b></p>	<p>The services described in DUSP 1.6.3(e) <del>(d) to (f)</del> for the conveyance of <u>eligible items</u> to <u>EU offices of exchange</u> and <u>ROW offices of exchange</u> for onward conveyance to any country in the world other than the United Kingdom—</p> <p>(d) to <u>blind</u> or <u>partially sighted</u> persons;</p> <p>(e) from <u>blind</u> or <u>partially sighted</u> persons; or</p> <p>(f) from organisations representing <u>blind</u> people or providing a service specifically designed for <u>blind</u> or <u>partially sighted</u> persons.</p>
<p><del><b>DUSP 1.6.3(d)</b></del></p>	<p><del>One or more services for the conveyance of <u>postal packets</u> weighing no more than 7 kilograms, where the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> or the <u>ROW office of exchange</u> (as the case may be) within a period that is—</del></p> <p><del>(a) reasonable; and</del></p> <p><del>(b) compatible with a <u>target routing time</u> for the provision of the end-to-end service of D + 72.</del></p>
<p><b>DUSP 1.6.3(e)</b></p>	<p>One or more services for the conveyance of <u>postal packets</u> weighing no more than <del>7 kilograms</del> <u>4 kilogram</u>, where the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> or the <u>ROW office of exchange</u> (as the case may be) within a period that is—</p> <p>(a) reasonable; and</p> <p>(b) compatible with a <u>target routing time</u> for the provision of the end-to-end service of D + 7.</p> <p>The services—</p> <p>(i) include provision of a <u>Certificate of Posting</u> free of charge on request if the <u>postal packet</u> is deposited at a <u>post office</u>; and</p> <p>(ii) do not include the conveyance of <u>registered items</u> or <u>insured items</u>.</p>
<p><del><b>DUSP 1.6.3(f)</b></del></p>	<p><del>One or more services for the conveyance of <u>postal packets</u> weighing more than 1 kilogram and up to 7 kilograms to any territory not listed in Annex 1 to this Condition, where the <u>postal packet</u> is conveyed to the <u>EU office of exchange</u> or the <u>ROW office of exchange</u> (as the case may be) within a period that is—</del></p> <p><del>(a) reasonable; and</del></p> <p><del>(b) compatible with a <u>target routing time</u> for the provision of the end-to-end service of D + 7.</del></p> <p><del>A price may be charged by a universal service provider for the provision of a service falling within this DUSP 1.6.3(f) if the condition below is satisfied.</del></p> <p><del>The condition is that the price (“P”) for conveyance of the <u>postal packet</u> concerned were the <u>postal packet</u> to be conveyed in the provision of a service set out in DUSP 1.6.1(g) exceeds the price (“Q”) for conveyance of the <u>postal packet</u> were it to be conveyed in the provision of a service falling within DUSP 1.6.1(h).</del></p> <p><del>The price that may be charged in accordance with this is an amount not exceeding the difference between P and Q.</del></p>

	<b><i>Description of postal packets for domestic services</i></b>
<b>DUSP 1.6.4</b>	<p>The description is:</p> <ul style="list-style-type: none"> <li>(a) as to the <u>postal packet</u>'s maximum dimensions— <ul style="list-style-type: none"> <li>(i) if the <u>postal packet</u> is a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</li> <li>(bb) the length does not exceed 900 millimetres; and</li> <li>(cc) the diameter does not exceed 900 millimetres;</li> </ul> </li> <li>(ii) if the <u>postal packet</u> is not a right circular cylinder, the dimensions of the <u>postal packet</u> (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and</li> </ul> </li> <li>(b) as to the <u>postal packet</u>'s minimum dimensions (measured at their narrowest points), each dimension of the <u>postal packet</u> exceeds 0.25 millimetres.</li> </ul>
	<b><i>Description of postal packets for fast outgoing international services and slow outgoing ROW services</i></b>
<b>DUSP 1.6.5</b>	<p>The description is:</p> <ul style="list-style-type: none"> <li>(a) at minimum, each dimension of the postal packet, measured at their narrowest points, exceeds 0.25 millimetres;</li> <li>(b) at maximum as to weight— <ul style="list-style-type: none"> <li>(i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms; and</li> <li>(ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;</li> </ul> </li> <li>(c) at maximum as to dimensions— <ul style="list-style-type: none"> <li>(i) if the postal packet is a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</li> <li>(bb) the length does not exceed 900 millimetres; and</li> <li>(cc) the diameter does not exceed 900 millimetres; and</li> </ul> </li> <li>(ii) if the postal packet is not a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</li> <li>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</li> </ul> </li> </ul> </li> </ul>

	<b><i>Description of postal packets for slow outgoing EU services</i></b>
<b>DUSP 1.6.6</b>	<p>The description is:</p> <ul style="list-style-type: none"> <li>(a) at minimum— <ul style="list-style-type: none"> <li>(i) the weight of the <u>postal packet</u> exceeds 100 grams; and</li> <li>(ii) the dimensions of the <u>postal packet</u>, measured at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;</li> </ul> </li> <li>(b) at maximum as to weight— <ul style="list-style-type: none"> <li>(i) if the <u>postal packet</u> contains items that are not printed papers, its weight does not exceed 2 kilograms; and</li> <li>(ii) if the <u>postal packet</u> only contains printed papers, its weight does not exceed 5 kilograms;</li> </ul> </li> <li>(c) at maximum as to dimensions— <ul style="list-style-type: none"> <li>(i) if the <u>postal packet</u> is a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</li> <li>(bb) the length does not exceed 900 millimetres; and</li> <li>(cc) the diameter does not exceed 900 millimetres; and</li> </ul> </li> <li>(ii) if the <u>postal packet</u> is not a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</li> <li>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</li> </ul> </li> </ul> </li> </ul>
	<b><i>Description of postal packets for inbound services</i></b>
<b>DUSP 1.6.7</b>	<p>The description is:</p> <ul style="list-style-type: none"> <li>(a) at maximum as to weight— <ul style="list-style-type: none"> <li>(i) if the <u>postal packet</u> only contains literature for the <u>blind</u>, its weight does not exceed 7 kilograms</li> <li>(ii) if the <u>postal packet</u> contains anything else, its weight does not exceed 5 kilograms</li> </ul> </li> <li>(b) at maximum as to dimensions— <ul style="list-style-type: none"> <li>if the <u>postal packet</u> is a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the length plus twice the diameter does not exceed 1040 millimetres;</li> <li>(bb) the length does not exceed 900 millimetres; and</li> <li>(cc) the diameter does not exceed 900 millimetres; and</li> </ul> </li> <li>(ii) if the <u>postal packet</u> is not a right circular cylinder— <ul style="list-style-type: none"> <li>(aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and</li> <li>(bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.</li> </ul> </li> </ul> </li> </ul>

### **1.7 Obligation to provide addressee services**

<b>DUSP 1.7.1</b>	<p>Except as set out in DUSP 1.3, the <u>universal service provider</u> shall provide the following <u>postal services</u> to addressees at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom, on fair and reasonable terms, and shall be available for acquisition every <del>working</del> day <u>excluding any day which is a Sunday or a</u></p>
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	<u>public holiday in the place of acquisition.</u>
	<ul style="list-style-type: none"> <li>• <b>Redirection services</b></li> </ul>
DUSP 1.7.1(a)	<p>One or more services for addressees providing that during a specified reasonable period all <u>postal packets</u> <b>meeting the description in DUSP 1.6.4, that are to be delivered by the universal service provider to a particular addressee named individual</b> should be conveyed to a postal address other than that marked on the <u>postal packet</u> ("the <u>redirection address</u>") within a reasonable period, save that this service is not required-</p> <p>(i) where the <u>redirection address</u> is outside the United Kingdom and—</p> <ul style="list-style-type: none"> <li>• the <u>postal packet</u> contains <u>registered items</u>, <u>insured items</u> or goods; or</li> <li>• the <u>postal packet</u> exceeds 100 grams in weight, 240 millimetres in length, 165 millimetres in width or 25 millimetres in thickness.</li> </ul> <p>(ii) in relation to <u>postal packets</u> to a particular addressee or from a particular sender or class of sender, where the provision of the service in relation to those <u>postal packets</u> would create a substantial risk of crime;</p> <p>(iii) where the address marked on the <u>postal packet</u> or the redirection address relates to premises in relation to which it is reasonable not to provide the service; or</p> <p>(iv) where the <u>redirection address</u> is a <u>delivery office</u> or a <u>post office</u>.</p>
	<ul style="list-style-type: none"> <li>• <b>Post restante services</b></li> </ul>
DUSP 1.7.1(b)	<p>One or more free of charge services for addressees, which provide—</p> <p>(i) for the address of any specified <u>post office</u> in the UK to be used as an addressee's postal address for a reasonable period, and</p> <p>(ii) for <u>postal packets</u> <b>meeting the description in DUSP 1.6.4</b> for that addressee to be held at that <u>post office</u> for a reasonable period for collection by the addressee, provided, in relation to any <u>post office</u>, that it is reasonable for the <u>post office</u> concerned to be used to provide the service.</p>
	<ul style="list-style-type: none"> <li>• <b>Retention services</b></li> </ul>
DUSP 1.7.1(c)	<p>One or more services for addressees which provide for a delay for a specified reasonable period to the target delivery date otherwise applicable to any <u>postal packets</u> <b>meeting the description in DUSP 1.6.4.</b></p>

## **1.8 Obligation to provide access points for the universal service**

DUSP 1.8.1	<p>Except as OFCOM may have directed otherwise, the <u>universal service provider</u> shall provide, or procure the provision of, <u>letter boxes</u> and other <u>access points</u> for the purpose of providing the universal postal services referred to in DUSP 1.6.</p>
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<b>DUSP 1.8.2</b>	<p>In particular the <u>universal service provider</u> must ensure that –</p> <ul style="list-style-type: none"> <li>(a) in the UK as a whole, the distribution of <u>letter boxes</u> is such that there is a <u>letter box</u> within half a mile (805 metres) of the premises of not less than 98% of <u>users of postal services</u>; and</li> <li>(b) in the case of any <u>users of postal services</u> whose premises are not within half a mile (805 metres) of a <u>letter box</u> or other <u>access point</u>, the <u>universal service provider</u> shall provide, or procure the provision of, access to the universal service in a manner which sufficiently meets the reasonable needs of such <u>users</u>, having regard to the costs and operational practicalities of doing so; and</li> <li>(c) the distribution of <u>access points</u> capable of receiving the largest relevant <u>postal packets</u> and <u>registered items</u> is such that – <ul style="list-style-type: none"> <li>i. in the UK as a whole the premises of not less than 95% of <u>users of postal services</u> are within 5 kilometres of such an <u>access point</u>; and</li> <li>ii. in all <u>postcode areas</u> the premises of not less than 95% of <u>users of postal services</u> are within 10 kilometres of such an <u>access point</u>, and such <u>access points</u> are available to the public in accordance with conveniently published schedules.</li> </ul> </li> </ul>
<b>DUSP 1.8.3</b>	<p>The <u>universal service provider</u> shall establish, maintain, and review annually a statement of arrangements to ensure that <u>users of postal services</u> whose premises are not within 10 kilometres of an <u>access point</u> provided pursuant to DUSP 1.8.2(c) will be provided with reasonable access to such facilities.</p>
<b>DUSP 1.8.4</b>	<p>The <u>universal service provider</u> shall establish, maintain and review annually a statement of arrangements to ensure that <u>users of postal services</u> who are <u>blind</u>, <u>partially sighted</u>, infirm through age, chronically sick, or disabled are able to post <u>postal packets</u> using the universal services regularly and as far as possible without significant cost to those <u>users</u> attributable to their difficulties.</p>

### **1.9 Obligation to meet performance targets**

<b>DUSP 1.9.1</b>	<p>The <u>universal service provider</u> shall meet the performance targets set out in Table 1 and in Table 2 for the <u>universal services</u> included in that Table, measured on average in the United Kingdom as a whole throughout the periods of 12 months ending on 31 March in each year, excluding the <u>Christmas period</u>.</p>
<b>DUSP 1.9.2</b>	<p>The <u>universal service provider</u> shall monitor or procure the monitoring of its performance in relation to the standards set out in Table 1 using an <u>appropriate testing methodology</u>.</p>
<b>DUSP 1.9.3</b>	<p>The <u>universal service provider</u> shall subject its monitoring to review annually as set out in Table 1, where:</p> <ul style="list-style-type: none"> <li>(a) <b><u>Method A</u></b> means the <u>universal service provider</u> shall appoint an independent person to test and give an opinion on the suitability of the methodology used; and</li> <li>(b) <b><u>Method B</u></b> means the <u>universal service provider</u> shall permit and cooperate with audit of its monitoring by persons appointed by <u>OFCOM</u> with the agreement of the <u>universal service provider</u>, which shall not be unreasonably withheld.</li> </ul>

<b>DUSP 1.9.4</b>	The <u>universal service provider</u> shall monitor or procure the monitoring of its performance in relation to the D+3 standard set out in Table 2 for USO outgoing European Union services using an <u>appropriate testing methodology</u> .
<b>DUSP 1.9.5</b>	Where a standard in Table 1 or Table 2 is expressed by reference to <u>deemed delivery</u> , this shall entail no obligation to monitor separately each one of the ways in which <u>deemed delivery</u> may be achieved.
<b>DUSP 1.9.6</b>	The <u>universal service provider</u> shall at all times maintain and comply with a code of practice for identifying the incidence of, and addressing the causes of, significant failure to meet the performance targets in relation to any <u>postcode districts</u> within a <u>postcode area</u> in which the performance targets overall are met.

**Table 1 – domestic standards, performance targets and monitoring**

USO	Standard	Performance target (%)	Review of monitoring method
<b>Deliveries</b>			
DUSP 1.4.1 and 1.4.2	Delivery routes completed each day upon which a delivery is required by DUSP 1.4.1 and DUSP 1.4.2.	99.90	A
	Postal packets <u>deemed delivered</u> in the UK in the provision of the universal service.	99.50	B
DUSP 1.10.2	Deliveries made every day upon which a delivery is required by DUSP 1.4.1 and DUSP 1.4.2, by the latest delivery time notified to <u>OFCOM</u> in accordance with DUSP 1.10.2.	N/A	B
<b>Collections</b>			
DUSP 1.5	Public <u>access points</u> used in the provision of any <u>postal service</u> provided pursuant to DUSP 1.6, served each day upon which a collection is required by DUSP 1.5.	99.90	A
DUSP 1.5 and 1.10.2	Collections made every day upon which a collection is required by DUSP 1.5 from <u>letter boxes</u> and other public <u>access points</u> used in the provision of any <u>domestic service</u> provided pursuant to DUSP 1.6, at or after the final time of collection advertised on the <u>access point</u> .	N/A	A
<b>Domestic end-to-end services</b>			
DUSP 1.6.1(a)	USO priority services: services <b>provided pursuant to DUSP 1.6.1(a)</b> <u>deemed delivered</u> with an <u>actual routing time</u> of D+1.	93.0	B
DUSP 1.6.1(a)	USO priority services <b>provided pursuant to DUSP 1.6.1(a)</b> , purchased by postage stamp and by <u>meter</u> : <u>deemed delivered</u> with an <u>actual routing time</u> of D+1 in each <u>postcode area</u> apart from HS, KW and ZE.	91.5	B
DUSP 1.6.1(a)	USO priority services <b>provided pursuant to DUSP 1.6.1(a)</b> , purchased by postage stamp and by <u>meter</u> : <u>deemed delivered</u> with an <u>actual routing time</u> of D+1 in each of the <u>postcode areas</u> HS, KW and ZE.	N/A	B
DUSP 1.6.1(b)	USO standard services <b>provided pursuant to DUSP 1.6.1(b)</b> for <u>postal packets weighing up to 1kg</u> : <u>deemed delivered</u> with an <u>actual routing time</u> of D+3.	98.5	B
<del>DUSP</del>	<del>USO standard services for postal packets weighing more than 1kg: deemed delivered</del>	<del>90.0</del>	<del>B</del>

<u>1.6.1(b)</u>	<u>with an actual routing time of D+3.</u>		
DUSP 1.6.1(d)	USO registered and insured services for postal packets weighing no more than 10 kilograms, <b>provided pursuant to DUSP 1.6.1(d): deemed delivered</b> with an <u>actual routing time</u> as specified in accordance with DUSP 1.6.1(d).	99.0	A

**Table 2 – EU standards and performance targets**

USO	Standard	Performance target (%)
DUSP 1.6.1(g)	USO incoming European Union services <b>provided pursuant to DUSP 1.6.1(g) deemed delivered</b> with an <u>actual routing time</u> of D+3.	85
DUSP 1.6.1(g)	USO incoming European Union services <b>provided pursuant to DUSP 1.6.1(g) deemed delivered</b> with an <u>actual routing time</u> of D+5.	97
DUSP 1.6.1(f)	USO outgoing European Union services <b>provided pursuant to DUSP 1.6.1(f) deemed delivered</b> with an <u>actual routing time</u> of D+3.	85
DUSP 1.6.1(f)	USO outgoing European Union services <b>provided pursuant to DUSP 1.6.1(f) deemed delivered</b> with an <u>actual routing time</u> of D+5.	97

### **1.10 Obligation to notify and publish information**

<b>DUSP 1.10.1</b>	The <u>universal service provider</u> shall notify <u>OFCOM</u> and the <u>Council</u> of, and publish in such a manner as will ensure reasonable publicity for it – (a) the brand names of the services it provides with a view to meeting its obligations under DUSP 1.6 and 1.7; (b) the terms and conditions of those services (including prices); and (c) any proposed change to the information in (a) and (b), at least one month in advance of the date on which it is to be implemented.
<b>DUSP 1.10.2</b>	The <u>universal service provider</u> shall notify <u>OFCOM</u> and the <u>Council</u> of, and publish in such a manner as will ensure reasonable publicity for it – (a) the <u>latest delivery times</u> for the United Kingdom and the <u>specified collection times</u> ; (b) any changes it intends to make to its <u>latest delivery times</u> and its <u>specified collection times</u> not less than three months prior to the change being made; and (c) every re-classification of addresses that will result in the <u>latest delivery time</u> of an address becoming later and of every re-classification of <u>access points</u> that will result in an <u>access point's specified collection time</u> starting earlier, within one month of such a change.
<b>DUSP 1.10.3</b>	The <u>universal service provider</u> shall publish its <u>latest delivery times</u> and its <u>specified collection times</u> and shall ensure any changes to them are published within one month of the change in such a manner as will ensure reasonable publicity for them.
<b>DUSP</b>	The <u>universal service provider</u> shall publish, in such a manner as will

<b>1.10.4</b>	ensure reasonable publicity for them, its statement of arrangements under DUSP 1.8.3 (access arrangements for premises more than 10 km from access points) and DUSP 1.8.4 (access arrangements for those facing mobility challenges).
<b>DUSP 1.10.5</b>	The <u>universal service provider</u> shall notify <u>OFCOM</u> and the <u>Council</u> and publish, no later than two months from the end of each quarter, its performance for that quarter in relation to - (a) all the standards in Table 1; and (b) the D+3 standard for <b>the</b> European Union outgoing service <b>required by DUSP 1.6.1(f)</b> .
<b>DUSP 1.10.6</b>	The <u>universal service provider</u> shall notify <u>OFCOM</u> and the <u>Council</u> and publish in such a manner as will ensure reasonable publicity for it, no later than two months from the end of each <u>Christmas period</u> , its performance during that <u>Christmas period</u> in relation to - (a) the D+3 standard for <b>the</b> European Union outgoing service <b>required by DUSP 1.6.1(f)</b> ; and (b) all the standards in Table 1 apart from - (i) deliveries made every <b>day upon which a delivery is required in the area in question working day</b> by the latest delivery time notified to <u>OFCOM</u> in accordance with DUSP 1.10.2; and (ii) collections made each <b>day upon which a collection is required in the area in question working day</b> from <u>letter boxes</u> and other <u>access points</u> used in the provision of any <u>domestic service</u> provided pursuant to DUSP 1.6, at or after the final time of collection advertised on the <u>access point</u> .
<b>DUSP 1.10.7</b>	The <u>universal service provider</u> shall notify <u>OFCOM</u> and the <u>Council</u> and publish in such a manner as will ensure reasonable publicity for it, no later than three months from 31 March each year, its performance in relation to the following standards for the period of 12 months ending 31 March, (providing both adjusted and unadjusted results when appropriate <sup>54</sup> ): (a) the D+3 standard for <b>the</b> European Union outgoing service <b>required by DUSP 1.6.1(f)</b> ; and (b) all the standards in Table 1.
<b>1.10.8</b>	The <u>universal service provider</u> shall ensure that <u>OFCOM</u> and the <u>Council</u> are provided with up to date copies of the code of practice maintained in accordance with DUSP 1.9.6.

### **1.11 Obligation to maintain and review contingency plans**

<b>DUSP 1.11.1</b>	The <u>universal service provider</u> shall at all times maintain appropriate contingency plans, which set out the measures to be taken by the <u>universal service provider</u> to ensure as far as practicable the provision of the services required by DUSP 1.4 to 1.7 without interruption, suspension or restriction of any service in the event, locally, regionally or nationally, of industrial action, an emergency or a natural disaster, and implement those plans, as appropriate, where such events occur.
<b>DUSP 1.11.2</b>	At least once every two years from the <u>appointed date</u> , the <u>universal service provider</u> must review and where appropriate, update or amend its contingency plans.

<sup>54</sup> E.g. to take account of a force majeure incident.

## **~~Annex 1~~**

~~The countries are:~~

~~— Albania,~~  
~~— Andorra,~~  
~~— Armenia,~~  
~~— Austria,~~  
~~— Azerbaijan,~~  
~~— Azores,~~  
~~— Balearic Islands,~~  
~~— Belarus,~~  
~~— Belgium,~~  
~~— Bosnia-Herzegovina,~~  
~~— Bulgaria,~~  
~~— Canary Islands,~~  
~~— Corsica,~~  
~~— Croatia,~~  
~~— Cyprus,~~  
~~— Czech Republic,~~  
~~— Denmark,~~  
~~— Estonia,~~  
~~— F  roe Islands,~~  
~~— Finland,~~  
~~— France,~~  
~~— Georgia,~~  
~~— Germany,~~  
~~— Gibraltar,~~  
~~— Greece,~~  
~~— Greenland,~~  
~~— Hungary,~~  
~~— Iceland,~~  
~~— Irish Republic,~~  
~~— Italy,~~  
~~— Kazakhstan,~~

~~— Kirghizstan,~~  
~~— Kosovo~~  
~~— Latvia,~~  
~~— Liechtenstein,~~  
~~— Lithuania,~~  
~~— Luxembourg,~~  
~~— Macedonia,~~  
~~— Madeira,~~  
~~— Malta,~~  
~~— Moldova,~~  
~~— Monaco,~~  
~~— Montenegro,~~  
~~— Netherlands,~~  
~~— Norway,~~  
~~— Poland,~~  
~~— Portugal,~~  
~~— Romania,~~  
~~— Russia,~~  
~~— San Marino,~~  
~~— Serbia,~~  
~~— Slovak Republic,~~  
~~— Slovenia,~~  
~~— Spain,~~  
~~— Spitzbergen,~~  
~~— Sweden,~~  
~~— Switzerland,~~  
~~— Tajikistan,~~  
~~— Turkey,~~  
~~— Turkmenistan,~~  
~~— Ukraine,~~  
~~— Uzbekistan,~~  
~~— Vatican City State.~~

***Table of terms defined in the Act***

*This table is provided for information and does not form a part of this condition. We make no representations as to its accuracy or completeness. Please refer to the Act.*

<b><i>Defined term</i></b>	<b><i>Section of the Act</i></b>
<i>access points</i>	<i>29(11)</i>
<i>legislative petitions and addresses</i>	<i>32(2)</i>
<i>OFCOM</i>	<i>90</i>
<i>postal network</i>	<i>38(3)</i>
<i>postal operator</i>	<i>27(3)</i>
<i>postal packet</i>	<i>27(2)</i>
<i>universal service provider</i>	<i>65(1) and Schedule 9 paragraph 3(3)</i>
<i>user</i>	<i>65(1)</i>



## Annex 10

# Statutory Notification: proposed modification of consumer protection condition 4

## NOTIFICATION OF PROPOSALS TO MODIFY REGULATORY CONDITIONS IN ACCORDANCE WITH SECTION 51 OF, AND PARAGRAPH 3 OF SCHEDULE 6 TO, THE POSTAL SERVICES ACT 2011

### BACKGROUND

A. On 27 March 2012, following a consultation, Ofcom published a statement entitled '*Securing the Universal Postal Service - Decision on the new regulatory framework*<sup>55</sup>' setting out various decisions, including the imposition of regulatory conditions under section 51 of the Postal Services Act 2011 (the "**Act**").

B. Consumer protection condition 4 ("**CP 4**") of those regulatory conditions relates to compensation. It applies to the universal service provider.

### PROPOSAL

1. Ofcom hereby proposes, in accordance with section 51 of, and paragraph 3 of Schedule 6 to, the Act and pursuant to powers in section 51 of the Act, to modify CP 4 to make provision for matters set out in that section 51.
2. The proposed modification of CP 4 is specified in the Schedule hereto.
3. The effect of, and Ofcom's reasons for making, this proposal are set out in the accompanying consultation document.

### OFCOM'S DUTIES AND LEGAL TESTS

4. Ofcom is satisfied that this proposal satisfies the general test in paragraph 1 of Schedule 6 to the Act.
5. In making this proposal, Ofcom has considered and acted in accordance with its principal duty in section 29 of the Act and its general duties in section 3 of the Communications Act 2003.

### MAKING REPRESENTATIONS

6. Representations may be made to Ofcom about the proposal set out in this Notification by no later than **7 October 2013**.
7. Copies of this Notification and the accompanying consultation document have been sent to the Secretary of State in accordance with paragraph 5(1)(a) of Schedule 6 to the Act.

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<sup>55</sup> <http://stakeholders.ofcom.org.uk/binaries/consultations/review-of-regulatory-conditions/statement/statement.pdf>

8. By virtue of paragraph 3(5) of Schedule 6 to the Act, Ofcom may give effect, with or without modifications, to a proposal with respect to which it has published a notification only if Ofcom has—

- (a) considered every representation about the proposal that is made to Ofcom within the period specified in this Notification; and
- (b) had regard to every international obligation of the United Kingdom (if any) which has been notified to Ofcom for this purpose by the Secretary of State.

9. The Schedule to this Notification shall form part of this Notification.

Signed by **Chris Rowsell**

A handwritten signature in black ink, appearing to read 'Chris Rowsell', with a long horizontal line extending from the end of the signature.

**Competition Policy Director**

A person duly authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

**5 September 2013**

## SCHEDULE

### PROPOSED MODIFICATIONS TO CONSUMER PROTECTION CONDITION 4

	Modification
88.	In CP 4.1.2(k), for “stated that exceptional circumstances require it to be treated as a <u>public holiday</u> ”, substitute “provided for an exception under DUSP 1.3.2”
89.	In CP 4.1.2(n), delete the footnote.
90.	In CP 4.1.2(p), after “ <u>public holiday</u> ” insert “in the place of collection or the place of delivery of the <u>postal packet</u> concerned”.
91.	In CP 4.1.3, omit sub-paragraph (f).
92.	In CP 4.2.3, after “ <u>USO service</u> ”, insert “, except for free international <u>USO services</u> for the blind and partially sighted”.

# Informal consolidated version of Consumer Protection Condition 4 if amended as proposed

This marked up version of CP4 is provided as an aid to understanding but is not the proposed legal instrument.

- Deletions are marked in red struck-through text.
- Additions are marked in red.

## CONSUMER PROTECTION CONDITION 4: COMPENSATION

### 1. Application, Definitions and Interpretation

CP 4.1.1	This consumer protection condition (" <b>CP Condition</b> ") shall apply to the <u>universal service provider</u> .
CP 4.1.2	<p>In this CP Condition—</p> <p>(a) "<b>Act</b>" means the Postal Services Act 2011 (c.5);</p> <p>(b) "<b>damage</b>" means any physical damage to a <u>postal packet</u> including its contents at any time after the date of deposit of that <u>postal packet</u> at an <u>access point</u> used in the provision of the universal service and before it has been <u>delivered</u>;</p> <p>(c) "<b>deemed delivery date</b>" means the earlier of -</p> <ul style="list-style-type: none"> <li>(i) the date upon which a <u>postal packet</u> is <u>delivered</u> to the address given on the <u>postal packet</u>;</li> <li>(ii) the date upon which a <u>postal packet</u> is <u>delivered</u> to a person named as the addressee on the <u>postal packet</u>;</li> <li>(iii) the date upon which a <u>postal packet</u> is <u>delivered</u> to an alternative delivery point requested by the addressee or approved by <u>OFCOM</u>;</li> <li>(iv) the date upon which an unsuccessful attempt is made to deliver the <u>postal packet</u> in accordance with (i), (ii) or (iii) and the <u>universal service provider</u> offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the <u>postal packet</u> from any of the following places— <ul style="list-style-type: none"> <li>o a <u>post office</u>;</li> <li>o a <u>delivery office</u>; or</li> <li>o another collection point approved by <u>OFCOM</u> for the purposes of this paragraph;</li> </ul> </li> </ul> <p>(d) "<b>delivered</b>" means -</p> <ul style="list-style-type: none"> <li>(i) the <u>postal packet</u> is delivered to the address given on the <u>postal packet</u>;</li> </ul>

	<p>(ii) the <u>postal packet</u> is delivered to a person named as the addressee on the <u>postal packet</u>; or</p> <p>(iii) the <u>postal packet</u> is delivered to an alternative delivery point requested by the addressee or approved by <u>OFCOM</u>;</p> <p>(e) “<b>delivery office</b>” means an office managed by a <u>universal service provider</u> for the purposes of processing <u>postal packets</u> immediately prior to the activity of delivery to the addressee;</p> <p>(f) “<b>domestic USO service</b>” means a <u>USO service</u> for the conveyance of <u>postal packets</u> from <u>access points</u> in the United Kingdom to delivery points in the United Kingdom;</p> <p>(g) “<b>DUSP condition</b>” means a designated USP condition imposed under s.36 of the Act;</p> <p>(h) “<b>loss</b>” has the meaning given in CP 4.2.4;</p> <p>(i) “<b>post office</b>” means any premises or vehicle in the United Kingdom from which <u>postal services</u> are provided directly to the public;</p> <p>(j) “<b>proof of delivery</b>” means a copy of a signature, or other evidence from the recipient in confirmation of receipt, obtained on delivery of a <u>postal packet</u>;</p> <p>(k) “<b>public holiday</b>” includes, in relation to a particular territory, any day in relation to which <u>OFCOM</u> have by direction <del>provided for an exception under DUSP 1.3.2 stated that exceptional circumstances require it to be treated as a public holiday</del>;</p> <p>(l) “<b>redirection service</b>” means a service provided pursuant to the obligation in DUSP 1.7.1(a);</p> <p>(m) “<b>routing time</b>” means the target maximum time, as specified in a <u>DUSP condition</u>, for conveying <u>postal packets</u> from the <u>access point</u> to the delivery point in the provision of a <u>postal service</u>;</p> <p>(n) “<b>Standards document</b>” means the document entitled “<i>Standards of service compensation scheme of Royal Mail Group Ltd</i>” published by the Postal Services Commission on 18 November 2008<sup>56</sup>;</p> <p>(o) “<b>USO service</b>” means a service provided pursuant to an obligation imposed by a <u>DUSP condition</u>;</p> <p>(p) “<b>working day</b>” means any day which is not a Sunday or a <u>public holiday</u> <del>in the place of collection or the place of delivery of the postal packet concerned.</del></p>
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<sup>56</sup> ~~<http://stakeholders.OFCOM.org.uk/binaries/post/archive/875.pdf>~~

<b>CP 4.1.3</b>	<p>For the purpose of interpreting this CP Condition—</p> <p>(a) except in so far as the context otherwise requires, any word or expression shall have the same meaning as it has been ascribed for the purpose of Part 3 of the Act<sup>57</sup>;</p> <p>(b) headings and titles shall be disregarded;</p> <p>(c) expressions cognate with those referred to in this CP Condition shall be construed accordingly;</p> <p>(d) the Interpretation Act 1978 (c. 30) shall apply as if this CP Condition were an Act of Parliament;</p> <p>(e) references to a <b>day</b> are references to a period of twenty-four hours beginning with one midnight and ending with the next, which period shall be treated to include a Saturday, a Sunday and <u>public holidays</u>;</p> <p><del>(f) the following directions shall be deemed to be issued by OFCOM under this Condition:</del></p> <ul style="list-style-type: none"> <li><del>• Exceptions to Royal Mail's universal service obligation — for 26 December 2009 in the UK, bank holidays on Saturdays in the UK, as local holidays in Northern Ireland and Scotland: a decision document (Postal Services Commission, October 2009).</del></li> </ul>
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## **2. Obligation to provide compensation**

<b>CP 4.2.1</b>	The <u>universal service provider</u> shall establish, maintain and abide by policies for the provision of fair and reasonable remedies and redress in respect of delay to the delivery of a <u>postal packet</u> conveyed only in the provision of an end-to-end <u>domestic USO service</u> required by DUSP 1.6, except for <u>legislative petitions and addresses</u> and <u>return to sender</u> .
<b>CP 4.2.2</b>	A delay to the delivery of a <u>postal packet</u> has taken place if its <u>deemed delivery date</u> is later than that specified in the service <u>routing time</u> required by a <u>DUSP condition</u> , for a reason other than one specified in paragraph 13 of the <u>standards document</u> .
<b>CP 4.2.3</b>	<p>The <u>universal service provider</u> shall establish, maintain and abide by policies for the provision of fair and reasonable remedies and redress in respect of <u>loss</u> of and <u>damage</u> of a <u>postal packet</u> in the provision of —</p> <p>(a) any <u>domestic USO service</u>, except for <u>legislative petitions and addresses</u> and <u>return to sender</u>; and</p> <p>(b) any outgoing international <u>USO service</u>, <del>except for free international USO services for the blind and partially sighted.</del></p>
<b>CP 4.2.4</b>	In this CP Condition, “loss” shall have occurred in either of the following circumstances:

<sup>57</sup> A table for information identifying such defined terms is provided at the end of this condition. This table is intended only as a guide and does not form a part of this condition. We make no representations as to its accuracy or completeness.

	<p>(a) where a <u>postal packet</u> has been physically lost, other than as a result of its being incorrectly addressed, before it has been <u>delivered</u>.</p> <p>(b) where, within 15 <u>working days</u> of a <u>postal packet</u>'s due date of delivery according to the service <u>routing time</u> required by a <u>DUSP condition</u>, the <u>postal packet</u> has not been <u>delivered</u>, except where the addressee has been notified that a <u>postal packet</u> is being held for collection and the addressee has failed to collect it within a fair and reasonable retention period.</p>
<b>CP 4.2.5</b>	<p>The <u>universal service provider</u> shall establish, maintain and abide by policies for the provision of fair and reasonable remedies and redress in respect of failure to provide the following services, having agreed to provide those services –</p> <p>(a) any <u>redirection service</u>;</p> <p>(b) any <u>USO service</u> providing for a delay for a specified reasonable period to the target delivery date otherwise applicable to any <u>postal packet</u>.</p>
<b>CP 4.2.6</b>	<p>The <u>universal service provider</u> shall establish, maintain and abide by policies for the provision of fair and reasonable remedies and redress in respect of failure to provide <u>proof of delivery</u>, in the course of provision of a <u>USO service</u> in relation to which <u>proof of delivery</u> is offered.</p>

### **3. Obligations to notify and report**

<b>CP 4.3.1</b>	<p>The <u>universal service provider</u> shall prepare and publish in such a manner as will ensure reasonable publicity for it an annual report on the operation of the policies required by CP 4.2, setting out for the United Kingdom as a whole, not later than three months from the end of the year to which they relate,</p> <p>(i) the number of complaints received incorporating the number of claims for compensation made,</p> <p>(ii) the number of claims for compensation in relation to which compensation was paid, and</p> <p>(iii) the amount of compensation (including any payments in lieu of compensation) that was paid,</p> <p>in each case broken down by not less than ten of the main causes of the claims.</p>
<b>CP 4.3.2</b>	<p>The <u>universal service provider</u> shall notify <u>OFCOM</u> at least one month in advance of implementing any change to the policies required by CP 4.2.</p>

### ***Table of terms defined in the Act***

*This table is provided for information and does not form a part of this condition. We make no representations as to its accuracy or completeness. Please refer to the Act.*

<b><i>Defined term</i></b>	<b><i>Section</i></b>
<i>access points</i>	29(11)
<i>legislative petitions and addresses</i>	32(2)

<i>OFCOM</i>	<i>90</i>
<i>postal packet</i>	<i>27(2)</i>
<i>universal service provider</i>	<i>65(1) and Schedule 9 paragraph 3(3)</i>