

# Statutory Notification: proposed revocation of Consumer Protection condition 5

**NOTIFICATION OF PROPOSALS TO REVOKE 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>1</sup> setting out various decisions, including the imposition of consumer protection conditions to make provision for matters set out in section 51 of the Postal Services Act 2011 (the “**Act**”). These conditions included Consumer Protection Condition 5 (“**CP 5**”), as set out at Annex 8 to the 2012 Statement.

## **PROPOSAL**

1. OFCOM hereby proposes, in accordance with section 51 of, and paragraph 3 of Schedule 6 to, the Act to revoke CP 5.
2. 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**

3. In making this proposal, OFCOM have considered and acted in accordance with their principal duty in section 29 of the Act and their general duties in section 3 of the Communications Act 2003.

## **Making representations**

4. Representations may be made to OFCOM about the proposal set out in this Notification by no later than 3 August 2016.
5. 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.
6. 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.

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<sup>1</sup> <http://stakeholders.ofcom.org.uk/binaries/consultations/review-of-regulatory-conditions/statement/statement.pdf>

## Interpretation

7. Except insofar as the context otherwise requires, words or expressions shall have the meaning assigned to them in this Notification and otherwise any word or expression shall have the same meaning as it has been ascribed for the purpose of Part 3 of the Act.
8. In this Notification—
  - (a) “**Act**” means the Postal Services Act 2011 (c.5);
  - (b) “**CP 5**” means consumer protection condition referred to in recital (A) to this Notification.
9. For the purpose of interpreting this Notification—
  - (a) headings and titles shall be disregarded;
  - (b) expressions cognate with those referred to in this Notification shall be construed accordingly;
  - (c) the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.

Signed by



**Jonathan Oxley**

**Group Director, Competition Group**

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

24 May 2016