

2013 No. 3108

POSTAL SERVICES

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

Made - - - - *9th December 2013*

Coming into force - - *31st December 2013*

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 30(1) of the Postal Services Act 2011^(a), 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^(b) (“the 2003 Act”)^(c), 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 31st December 2013.

Amendments to the principal order

2. The Postal Services (Universal Postal Service) Order 2012^(d) 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”.

(a) 2011 c.5.

(b) 2003 c.21.

(c) 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.

(d) 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) a Sunday; or
 - (b) 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(a).”

Amendment to Article 9

6. In Article 9 (Free end-to-end services) sub-paragraph (a), omit “, save as specified in paragraph 4(6) of Schedule 2”.

Amendments to article 10

7. 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

8. 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

9. 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) omit sub-paragraph (e).

Amendments to paragraph 3 of Schedule 1

10. 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) omit sub-paragraph (e).

Amendments to paragraph 5 of Schedule 1

11. In paragraph 5 of Schedule 1—

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

12. 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

13. 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;
 - (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;
 - (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

14. 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

15. 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;
 - (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;
 - (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

16. In paragraph 3 of Schedule 2—

- (a) after sub-paragraph (1), insert—

“(1A) 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.”

- (b) in sub-paragraph (2), after “conveyance of”, insert “registered items or”.

Amendments to paragraph 4 of Schedule 2

17. In paragraph 4 of Schedule 2—

- (a) in sub-paragraph (1), for “sub-paragraphs (3) to (5)” substitute “sub-paragraph (1A)”;

- (b) after sub-paragraph (1), insert—

“(1A) 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.

(1B) 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.”

- (c) in sub-paragraph (2), after “conveyance of”, insert “registered items or”;
- (d) omit sub-paragraphs (3) to (8).

Omission of paragraph 5 of Schedule 2

18. Omit paragraph 5 of Schedule 2.

Amendments to paragraph 1 of Schedule 3

19. 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

20. In paragraph 2 of Schedule 3—

- (a) the existing provision becomes sub-paragraph (1);
- (b) in that sub-paragraph, after “for postal packets”, insert “meeting the description in sub-paragraph (2)”;
- (c) after sub-paragraph (1), 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

21. In paragraph 3 of Schedule 3—

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

Ed Richards

Chief Executive of the Office of Communications
For and by authority of the Office of Communications

9th December 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Postal Services (Universal Postal Service) Order 2012 (S.I. 2012/936)(the “principal Order”).

Ofcom's *Review of postal users' needs - An assessment of the reasonable needs of users in relation to the market for the provision of postal services in the United Kingdom* (27th March 2013) is available to the public from OFCOM's website at <http://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2A Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000).

Article 3 of this Order removes unused defined terms.

Articles 3, 4 and 6 change the way in which the term "working day" is used, and limit its use to the calculation of routing times.

The maximum weight and minimum and maximum dimensions of postal packets required to be dealt with as part of the statutory minimum universal postal service are set out in section 33(1) of the Postal Services Act 2011 (the "Act") and limitations on the statutory minimum universal postal service are set out in section 33(3) of the Act. Articles 5 and 7 of this Order apply these limits to postal packets in relation to all the services described in the principal Order.

Articles 8 and 9 respectively amend the description of the "priority" and "standard" services in paragraphs 2 and 3 of Schedule 1 of the principal Order to require Certificates of Posting to be provided free of charge and to omit the prohibition of tracking.

Article 10 sets limits of size for postal packets required to be conveyed as part of the "return to sender" service described in Schedule 1 paragraph 5 of the principal Order.

Articles 11 to 14 change the descriptions of outgoing international services.

Regulations 15 to 17 amend requirements in the principal Order relating to services for the blind and partially sighted by removing requirements to provide free of charge registered items, requiring Certificates of Posting to be provided free of charge and removing provisions which allowed a charge to be made for international services to certain territories.

Article 18 amends the definition of redirection services to cover any addressee.

Articles 19 and 20 set limits of size for postal packets in relation to certain services described in Schedule 3 paragraphs 2 and 3 of the principal Order.

A full regulatory impact assessment of the effect that this Order will have on the costs to business is available to the public from OFCOM's website at <http://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2A Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000). Copies of this assessment have also been placed in the libraries of both Houses of Parliament.