

Statutory Notification: revocation and modification of regulatory conditions imposed from 1 October 2011

NOTIFICATION OF DECISION TO REVOKE AND MODIFY REGULATORY CONDITIONS IN ACCORDANCE WITH PARAGRAPH 3 OF SCHEDULE 6 TO THE POSTAL SERVICES ACT 2011

BACKGROUND

- (A) On 13 December 2011, at Annex 17 to the consultation document entitled ‘*Review of Regulatory Conditions: Postal Regulation*’, OFCOM published a notification (the “**First Notification**”), in accordance with paragraph 3(3) of Schedule 6 to, the Act setting out their proposals to revoke and modify regulatory conditions which had been imposed from 1 October 2011 by the Ofcom’s Statement dated 29 September 2011 entitled “*Postal regulations: Transition to the new regulatory framework*” (the “**September Statement**”).
- (B) A copy of the First Notification was sent to the Secretary of State in accordance with Schedule 6 paragraph 5(1)(a) of the Act and to the European Commission in accordance with Schedule 6 paragraph 5(2) of the Act.
- (C) In the First Notification (and the accompanying consultation document), OFCOM invited representations about any of the proposals set out therein by 31 January 2012.
- (D) 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 they have published a notification only if they—
- (i) have considered every representation about the proposal that is made to them within the period specified in the First Notification; and
 - (ii) have had regard to every international obligation of the United Kingdom (if any) which has been notified to them for this purpose by the Secretary of State.
- (E) OFCOM received responses to the First Notification and have considered every such representation made to them in respect of the proposals set out in the First Notification (and the accompanying consultation document); and the Secretary of State has not notified OFCOM of any international obligation of the United Kingdom for this purpose.

DECISION

1. OFCOM hereby revokes, in accordance with paragraph 3 of Schedule 6 to the Act and with effect from 1 April 2012, all the regulatory conditions which applied from 1 October 2011 pursuant to section 66 of, and paragraphs 4 to 6 of Schedule 9 to,

the Act, as set out in Annex 2 to the September Statement, with the exception of Acc 1.1 to Acc 1.28.

2. OFCOM modifies Condition Acc 1.24 as follows: the reference to “Acc 1.24” is substituted with “Acc 1.1”.

3. For the avoidance of doubt, this decision does not affect the following instruments and decisions discussed in the September Statement:

- Provisional designation of Royal Mail as universal service provider;
- Information gathering guidelines;
- Approval of IDRS Ltd to administer the Postal Redress Service under section 52 and Schedule 5 of the Postal Services Act 2011;
- Specification of the manner under which disputes may be brought to OFCOM
- Direction under section 116(5)-(6) of the Postal Services Act 2000;
- Direction under section 116(2A) of the Postal Services Act 2000.

4. The effect of, and OFCOM's reasons for making, this decision are set out in the accompanying explanatory statement.

OFCOM'S DUTIES AND LEGAL TESTS

5. OFCOM is satisfied that this decision satisfies the general test in paragraph 1 of Schedule 6 to the Act.

6. In making this decision, 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.

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—

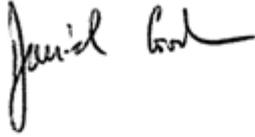
- (a) “**Act**” means the Postal Services Act 2011 (c.5);
- (b) “**First Notification**” has the meaning given to it in recital (A) above;
- (c) “**Royal Mail**” means Royal Mail Group Ltd, whose registered company number in England and Wales is 04138203; and
- (d) “**September Statement**” has the meaning given to it in recital (A) above.

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 **Daniel Gordon**

A handwritten signature in black ink, appearing to read "Daniel Gordon". The signature is written in a cursive style with a long horizontal stroke at the end.

Competition Policy Director

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

27 March 2012