

Annex 14

Statutory Notification: proposed modification of Consumer Protection condition 2

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*”¹ (the “**2012 Statement**”) 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 2 (“**CP 2**”).
- (B) On 1 April 2014, following a consultation, Ofcom published a statement entitled ‘*Amendments to regulatory conditions DUSP 1.8 and CP 1 and minor amendments to other regulatory conditions*’² setting out various decisions, including the decision to modify CP 2 (the “**2014 Modification**”).³ In the 2014 Modification, Ofcom explained that this revised version replaced the previous published version notified in the 2012 Statement and took effect when this notification was published.

PROPOSAL

1. OFCOM hereby proposes, in accordance with section 51 of, and paragraph 3 of Schedule 6 to, the Act and pursuant to powers and duties in section 51 of the Act, to revoke CP 2 and replace it with a new consumer protection condition to make provision for matters set out in section 51.
2. The proposed new CP 2 is specified in the Schedule, marked up against the existing condition to show the changes which are proposed, as highlighted in red text.
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 this Act.

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

² <http://stakeholders.ofcom.org.uk/binaries/consultations/amendments-dusp-cp/statement/Statement.pdf>

³ http://stakeholders.ofcom.org.uk/binaries/consultations/amendments-dusp-cp/statement/CP2_3.pdf

5. 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

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

Interpretation

9. 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 or for the purpose of CP 2 (as relevant).
10. In this Notification—
 - (a) “**2012 Statement**” has the meaning given to it in recital (A) to this Notification;
 - (b) “**2014 Modification**” has the meaning given to it in recital (B) to this Notification;
 - (c) “**Act**” means the Postal Services Act 2011 (c.5); and
 - (d) “**CP 2**” means consumer protection condition referred to in recital (A) to this Notification as modified and replaced by the 2014 Modification.
11. 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.

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

Signed by

A handwritten signature in blue ink, appearing to read 'Jonathan Oxley', is written in a cursive style.

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

Schedule

Proposed modification of CP2

CONSUMER PROTECTION CONDITION 2: POSTAL COMMON OPERATIONAL PROCEDURES

1. Application, Definitions and Interpretation

CP 2.1.1	This consumer protection condition (“ CP Condition ”) shall apply to postal operator <u>regulated postal operator</u> the universal service provider .
CP 2.1.2	<p>In this CP Condition—</p> <p>(a) “Access Indicator” means the Customer Access Indicator and the Royal Mail Access Indicator as those terms are defined in the relevant USP Access Agreement;</p> <p>(b) “Access Party” means a regulated postal operator (other than the universal service provider) that is party to a USP Access Agreement;</p> <p>(ae) “Act” means the Postal Services Act 2011 (c.5);</p> <p>(bd) “appointed day” means 1 October 2011;</p> <p>(ch) “complainant” means a person who has made a <u>complaint</u>;</p> <p>(di) “complaint” means any expression of dissatisfaction made to a <u>postal operator</u>, related to one or more of its products or services or the manner in which the <u>postal operator</u> has dealt with any such expression of dissatisfaction, where a response is explicitly or implicitly required or expected to be provided;</p> <p>(e) “express and secured service” means a service involving the conveyance of <u>postal packets</u> and any incidental services of collecting, sorting and delivering those <u>postal packets</u> which has at least one of the following features:</p> <ul style="list-style-type: none">i. a guarantee for delivery by a certain time or date;ii. a facility enabling the sender and the recipient to monitor the progress of a postal packet through the postal operator’s network, including confirmation of delivery; <p>(fi) “intended operator” means the <u>postal operator</u> which, in accordance with arrangements agreed between that <u>regulated postal operator</u> and its customer, is responsible for the conveyance and delivery of <u>relevant letters</u> the Relevant Code Letters;</p> <p>(gs) “postal facilities” means the physical and human resources deployed by <u>a regulated postal operator</u> the universal service provider (and, where relevant, by its contractors and agents) for the purpose of providing <u>postal services</u>;</p> <p>(h) “miscollected letters” means <u>relevant letters</u> which have been</p>

collected in error by the universal service provider when it is not the intended operator;

- (i) “**misdirected letters**” means relevant letters, other than miscollected letters (but, for the avoidance of doubt, including misposted letters), which have entered the postal facilities of the universal service provider when it is not the intended operator in respect of those relevant letters;
- (j) “**misposted letters**” means relevant letters which due to customer error have entered the postal facilities of the universal service provider when it is not the intended operator in respect of those relevant letters and which have not been delivered to the relevant addressee;
- (k) “**relevant letter**” means a postal packet that is up to no more than 353mm in length, up to no more than 250mm in width, up to no more than 25mm thick and which weighs up to no more than 750g;
- (l) “**relevant postal operator**” means a postal operator that provides a relevant postal service;
- (m) “**relevant postal service**” means a service of conveying relevant letters from one place to another by post and the incidental services of receiving, collecting, sorting and delivering relevant letters, excluding:
 - (a) services for which the postal operator has not received any payment, reward, profit or advantage with respect to the conveyance of the relevant letters;
 - (b) services provided by a charity which comprise solely the collection, conveyance and delivery of Christmas cards;
 - (c) express and secured services; and
 - (d) services consisting of conveying relevant letters, which have been sent from a location outside of the United Kingdom and which are addressed for delivery to a location outside of the United Kingdom, out of the United Kingdom.
- ~~(e) “**Code Identifier**” means such mark, number or other identifier unique to each regulated postal operator as may be allocated and notified to each regulated postal operator from time to time prior to the Appointed Day by the Postal Services Commission or, from the Appointed Day, by OFCOM;~~
- ~~(f) “**Code Letter**” means~~
 - ~~(a) in the case of the universal service provider and a regulated postal operator acting in the capacity of an Access Party or Intermediary, a postal packet which is no larger than 460mm by 610mm by 460mm (or, if a tubular postal packet, the length plus twice the diameter does not exceed 1040mm with a maximum length of 900mm), and no heavier than 2kg;~~
 - ~~(b) in the case of any other regulated postal operator (including an Access Party or Intermediary not acting in the capacity of~~

Access Party or Intermediary), a Letter which:

(i) is conveyed in consideration of a payment of not more than £1 made by or on behalf of the person for whom it is conveyed; and

(ii) weighs less than 350 grams;

(c) any postal packet deemed to be a Code Letter in accordance with CP 2.3.12 of this CP Condition;

(g) “Code Objectives” means the objectives set out in CP 2.3.1;

(j) “Consumer Advocacy Bodies” means Citizens Advice, Citizens Advice Scotland and the General Consumer Council for Northern Ireland;

(k) “Indicator” means in the case of an Access Party acting in that capacity, the relevant Access Indicator, and in all other cases, a payment indicator such as PPI;

(m) “Intermediary” means a an access operator or any other postal operator that hands over postal packets to another postal operator (including but not limited to the universal service provider) for subsequent conveyance and delivery to the intended recipients of the postal packets regulated postal operator (other than an Access Party) that is party to arrangements with the universal service provider under which that regulated postal operator delivers Postal Packets to the universal service provider for subsequent conveyance;

(n) “Letter” has the meaning ascribed to it in the Act but excludes parcels;

(o) “Miscollected Code Letters” means Code Letters which have been collected in error by a regulated postal operator which is not the Intended Operator;

(p) “Misdirected Code Letters” means Code Letters, other than Miscollected Code Letters (but, for the avoidance of doubt, including Mispasted Code Letters), which have entered the Postal Facilities of a regulated postal operator which is not the Intended Operator in respect of those Code Letters;

(q) “Mispasted Code Letters” means Code Letters which due to customer error have entered the Postal Facilities of a regulated postal operator which is not the Intended Operator in respect of those Code Letters and which have not been delivered to the relevant addressee;

(r) “Postal Common Operational Procedures Code” means the Code of Practice in section 3 of this Condition;

(t) “Postal Packet” has the meaning ascribed to it in the Act but excludes parcels;

	<p>(u) “Prohibited Code Letters” means any postal packet which contains items and/or material prohibited or restricted by the Scheme;</p> <p>(v) “public holiday” means a Christmas Day, Good Friday and a day which is a bank holiday under the Banking and Financial Dealings Act 1971;</p> <p>(w) “Receiving Operator” means the regulated postal operator whose Postal Facilities the Relevant Code Letters (in respect of which it is not the Intended Operator) have entered;</p> <p>(x) “regulated postal operator” means a postal operator which provides services in relation to which, had those services been carried out prior to the appointed day, it would have been required to hold a licence under the Postal Services Act 2000;</p> <p>(y) “Relevant Code Letters” means Miscollected Code Letters or Misdirected Code Letters, as the case may be;</p> <p>(z) “regulatory condition” means any condition of authorisation set by OFCOM under the Act;</p> <p>(aa) “Royal Mail” means Royal Mail Group Limited (registered number 4138203);</p> <p>(bb) “Scheme” means the Successor Postal Services Company Inland Letter Post Scheme 2001 made pursuant to section 89 of the Postal Services Act 2000 (or other comparable scheme made pursuant to that section);</p> <p>(cc) “Sender” in relation to any letter or other communication, means the person whose communication it is;</p> <p>(dd) “Voluntary Code Letter” means any Postal Packet (other than a Prohibited Code Letter) which is not a Code Letter for the purposes of paragraph (b) of the definition of Code Letter but which is no larger than 460mm by 610mm by 460mm (or, if a tubular Postal Packet, the length plus twice the diameter does not exceed 1040mm with a maximum length of 900mm), and no heavier than 2kg.</p>
<p>CP 2.1.3</p>	<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 meaning set out in CP 2.1.2 above and otherwise the same meaning as it has been ascribed for the purpose of Part 3 of the Act⁴;</p> <p>(b) headings and titles shall be disregarded;</p> <p>(c) expressions cognate with those referred to in this CP Condition shall be</p>

⁴ 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>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 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 public holidays.</p>
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2. Obligation to have procedures relating to miscollected letters and misdirected letters abide by the Postal Common Operational Procedures Code

CP 2.2.1	<p>The <u>universal service provider</u> shall establish, maintain and adhere to policies and procedures for the purpose of achieving the following objectives:</p> <p>(a) ensuring that <u>miscollected letters</u> and <u>misdirected letters</u> are:</p> <ol style="list-style-type: none"> i. returned to the <u>intended operator</u>; or ii. if such return is not reasonably practicable, otherwise handled (including, where appropriate and agreed with the <u>intended operator</u>, delivered to the intended recipient), in either case in an efficient, economic and timely manner; and <p>(b) ensuring <u>complaints</u> or other enquiries (including from customers) in relation to <u>relevant letters</u> made to the <u>universal service provider</u> which is not the <u>postal operator</u> to which the <u>complaint</u> or other enquiry should have been made, are handled in an efficient, economic and timely manner and in accordance with the requirements of CP 2.4.</p>
CP 2.2.1	<p>Unless <u>OFCOM</u> otherwise consent, each <u>regulated postal operator</u> shall comply with the <u>Postal Common Operational Procedures Code</u>.</p>
CP 2.2.2	<p>Unless <u>OFCOM</u> otherwise consent, a <u>regulated postal operator</u> shall become and remain a party to the <u>Postal Common Operational Procedures Agreement</u> which shall apply insofar as:</p> <ol style="list-style-type: none"> (a) it is consistent with, and deals with matters not provided for in, the terms and conditions of any <u>Access Agreement</u>, <u>Intermediary Agreement</u>, <u>USP Access Agreement</u> or <u>Access Code</u> to which the <u>regulated postal operator</u> is a party; and (b) the <u>regulated postal operator</u> has not established alternative arrangements with other <u>regulated postal operators</u> relating to the treatment of misdirected mail and miscollected mail.
CP 2.2.3	<p>Unless <u>OFCOM</u> otherwise consent, a <u>regulated postal operator</u> shall at all times refrain from acting in a manner which is inconsistent with the <u>Code Objectives</u> or which is likely to prejudice the effective functioning of the <u>Postal Common Operational Procedures Code</u>;</p>

<p>CP 2.2.4</p>	<p>If nominated by <u>OFCOM</u> by direction in writing given for the purposes of this Condition generally to the office of Secretary of the <u>Postal Common Operational Procedures Agreement</u>, perform the functions of that office in an efficient, timely, impartial and professional manner, subject to reimbursement by <u>OFCOM</u> of the costs reasonably incurred in the discharge of those functions.</p>
<p>CP 2.2.5</p>	<p>The <u>Postal Common Operational Procedures Agreement</u> shall be modified in accordance with this paragraph if:</p> <p>(a) — <u>OFCOM</u> have received a proposal to change the <u>Postal Common Operational Procedures Agreement</u> from a person entitled under its provisions to make such a proposal, and</p> <p>(b) — that proposal has been submitted to <u>OFCOM</u> in the manner, and containing the information, provided for in the <u>Postal Common Operational Procedures Agreement</u>, and</p> <p>(c) — <u>OFCOM</u>:</p> <p>(i) — are of the opinion that modification of the <u>Postal Common Operational Procedures Agreement</u> in the manner proposed will enable the <u>Code Objectives</u> better to be fulfilled and that such modification is consistent with its statutory duties;</p> <p>(ii) — have given notice of the proposed modification in accordance with CP 2.2.6 and 2.2.7;</p> <p>(iii) — have considered any representations made in accordance with that notice and not withdrawn; and</p> <p>(iv) — have directed by a direction given for the purpose of this Condition generally that the proposed modification be made.</p>
<p>CP 2.2.6</p>	<p>A notice under CP 2.2.5(c)(ii) shall be in accordance with this paragraph if it states:</p> <p>(a) — that <u>OFCOM</u> propose to make the modification;</p> <p>(b) — the effect of the proposed modification;</p> <p>(c) — the reasons for the proposed modification; and</p> <p>(d) — the period (of not less than 28 days starting with the date of publication of the notice) within which representations may be made in relation to the proposed modification.</p>
<p>CP 2.2.7</p>	<p>A notice under CP 2.2.5(c)(ii) shall be in accordance with this paragraph if it is given by:</p> <p>(a) — serving a copy of the notice on each of the parties to the <u>Postal Common Operational Procedures Agreement</u> as at the date of such notice and on</p>

	<p>the <u>Consumer Advocacy Bodies</u>, and</p> <p>(b) — publishing the notice in such manner as <u>OFCOM</u> consider appropriate for the purpose of bringing the matters included in the notice to the attention of persons likely to be affected by them.</p>
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3. Arrangements with relevant postal operators

CP 2.3.1	<p>The <u>universal service provider</u> shall use all reasonable endeavours to enter into arrangements with <u>relevant postal operators</u> for the purposes of meeting the objectives set out in CP 2.2.1(a). Those arrangements must:</p> <p>(a) be on fair and reasonable terms and conditions, including charges; and</p> <p>(b) not include a charge for the return of <u>miscollected letters to the intended operator</u>.</p>
CP 2.3.2	<p>The <u>universal service provider</u> shall prepare, publish and maintain standard terms and conditions for arrangements to achieve the objectives of CP 2.2.1(a).</p>
CP 2.3.3	<p>The <u>universal service provider</u> shall comply with any direction made by <u>OFCOM</u> requiring it to:</p> <p>(a) adopt such policies or procedures;</p> <p>(b) enter into or amend the terms of conditions of any arrangements required by CP 2.3.1; or</p> <p>(c) take any such other steps as <u>OFCOM</u> considers necessary, for the purposes of facilitating the achievement of the objectives set out in CP 2.2.1.</p>

4. Customer service enquiries

CP 2.4.1	<p>The policies and procedures that the <u>universal service provider</u> has in place in order to meet the objective set out in CP 2.2.1(b) shall ensure that:</p> <p>(a) <u>complaints</u> or other enquiries it receives in relation to <u>relevant letters</u> which should have been made to another <u>relevant postal operator</u> are treated with the same degree of care and importance that it would if the <u>complaint</u> or other enquiry had been made to that <u>relevant postal operator</u>;</p> <p>(b) an explanation is given to the <u>complainant</u> that the <u>complainant</u> should contact the <u>relevant postal operator</u>; and</p> <p>(c) the <u>complainant</u> is given the contact details of the <u>relevant postal operator</u>.</p>
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5. Obligation to keep records

CP 2.5.1	The <u>universal service provider</u> shall keep records of: (a) any <u>misdirected letters</u> or <u>miscollected letters</u> which it has handled in accordance with this condition CP 2; and (b) any charges it has made to the <u>intended operator</u> in respect of returning or otherwise handling <u>misdirected letters</u> , for a period of three years following the date on which it handled the <u>misdirected letters</u> or <u>miscollected letters</u> .
CP 2.5.2	The <u>universal service provider</u> shall provide copies of any records made for the purposes of CP 2.5.1 as soon as reasonably practicable in response to a request by <u>OFCOM</u> for such records.

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.

Defined term	Section of the Act
<i>OFCOM</i>	90
<i>postal operator</i>	27(3)
<i>postal packet</i>	27(2)
<i>postal services</i>	27(1)
<i>universal service provider</i>	65(1) and Schedule 9, paragraph 3
<i>user</i>	65(1)

3. The Postal Common Operational Procedures Code

Introduction

~~CP 2.3.1 — This is the Code of Practice covering common operational procedures for handling misdirected or miscollected mail and misdirected complaints or other enquiries. Its purpose is to achieve the following objectives in respect of such matters (the “Code Objectives”):~~

~~(a) — the furtherance of the interests of users of postal services;~~

~~(b) — ensuring that Miscollected Code Letters and Misdirected Code Letters are:~~

~~(i) — returned to the Intended Operator; or~~

~~(ii) — if such return is not reasonably practicable, otherwise handled (including, where appropriate, delivered to the intended user)~~

~~in either case in an efficient, economic and timely manner;~~

~~(c) — ensuring complaints or other enquiries (including from customers) in relation to Code Letters made to a regulated postal operator which is not the regulated postal operator to which the complaint or other enquiry should have been made, are handled in an efficient, economic and timely manner; and~~

~~(d) — so far as is consistent with sub-paragraphs (a) to (c), the promotion of effective competition between regulated postal operators.~~

~~CP 2.3.2 — The Code sets out the requirements and procedures to be followed in order to satisfy the Code Objectives.~~

~~CP 2.3.3 — This Code applies to all regulated postal operators. Compliance is obligatory for all regulated postal operators in accordance with regulatory conditions.~~

~~CP 2.3.4 — Regulated postal operators will need to enter into contractual arrangements separate to this Code in order to comply with and give effect to the provisions of the Code: for example, day-to-day arrangements for the repatriation of misdirected mail and any charges payable for that service will need to be established. Regulated postal operators are required to be party to a separate "default agreement" — the Postal Common Operational Procedures Agreement — so as to ensure that in the absence of any bespoke negotiated arrangements between regulated postal operators, regulated postal operators will be able to comply with this Code.~~

~~CP 2.3.5 — This Code shall not be interpreted in any way which is inconsistent with the Code Objectives.~~

Code Identifier and voluntary application of the Code

General

~~CP 2.3.6 Subject to CP 2.3.7 – CP 2.3.12, each regulated postal operator must take all reasonable steps:~~

~~(a) — to ensure that its Code Identifier is clearly and legibly marked in accordance with industry practice on each Code Letter in respect of which it is the Intended Operator;~~

~~(b) — not to mark its Code Identifier on any Postal Packet (which for the purposes of CP 2.3.6 – CP 2.3.12 includes parcels) in respect of which it is the Intended Operator which is not a Code Letter.~~

The universal service provider

~~CP 2.3.7 Royal Mail will be taken to have satisfied its obligations under CP 2.3.6(a) if a Code Letter in respect of which Royal Mail is the Intended Operator bears:~~

~~(a) — a Royal Mail postage stamp; or~~

~~(b) — a mark or impression which includes the words "Royal Mail" or other reasonably recognisable Royal Mail text or symbol.~~

~~CP 2.3.8 — In relation to all other Code Letters in respect of which Royal Mail is the Intended Operator which do not meet the requirements of CP 2.3.7, Royal Mail must comply with CP 2.3.6(a).~~

Access Parties and Intermediaries

~~CP 2.3.9 — An Access Party or Intermediary will be taken to have satisfied its obligations under CP 2.3.6(a) if a Code Letter in respect of which the Access Party or Intermediary is the Intended Operator, is marked with that Access Party's or Intermediary's Indicator.~~

~~CP 2.3.10 — In relation to all other Code Letters in respect of which an Access Party or~~

~~Intermediary is the Intended Operator which do not meet the requirements of CP 2.3.9, that Access Party or Intermediary must comply with CP 2.3.6(a).~~

~~Voluntary application of the Code~~

~~CP 2.3.11 A regulated postal operator (other than the universal service provider acting in any capacity, and an Access Party and an Intermediary acting in those capacities) may elect to extend the application of the Code to Voluntary Code Letters.~~

~~CP 2.3.12 If a regulated postal operator makes an election in accordance with CP 2.3.11, those Voluntary Code Letters in respect of which the election is made:~~

~~(a) must be clearly and legibly marked in accordance with industry practice with the relevant Code Identifier; and~~

~~(b) if so marked, shall be deemed to constitute for all purposes of this Code, Code Letters.~~

~~Treatment of Misdirected Code Letters~~

~~CP 2.3.13 Regulated postal operators must take all reasonable steps to ensure that Misdirected Code Letters are:~~

~~(a) returned to the Intended Operator; or~~

~~(b) if such return is not reasonably practicable, otherwise handled (including, where appropriate, delivered to the intended user)~~

~~in either case, in an efficient, economic and timely manner.~~

~~CP 2.3.14 Regulated postal operators may:~~

~~(a) charge the relevant Intended Operator for the reasonable costs properly and reasonably incurred in returning or otherwise handling the relevant Misdirected Code Letter in accordance with CP 2.3.13;~~

~~(b) where in accordance with CP 2.3.13 they deliver or return the relevant Misdirected Code Letter to the relevant intended user or Sender, as the case may be, charge the user or Sender for such delivery or return on the same basis that they would be entitled to charge if they were the Intended Operator of the relevant Misdirected Code Letter.~~

~~Treatment of Miscollected Code Letters~~

~~CP 2.3.15 Regulated postal operators must take all reasonable steps to ensure that Miscollected Code Letters are returned to the Intended Operator or its customer, in either case, in an efficient, economic and timely manner.~~

~~CP 2.3.16 Regulated postal operators may not charge for returning the relevant Miscollected Code Letters in accordance with CP 2.3.15.~~

~~Customer Service Enquiries~~

~~CP 2.3.17 If a regulated postal operator receives a complaint or other enquiry in relation to a Code Letter that should have been made to another regulated postal operator, the regulated postal operator receiving the complaint or other enquiry shall:~~

~~(a) treat that complaint or other enquiry with the same degree of care and importance that it would if the complaint or other enquiry should have been made to that regulated postal operator;~~

~~(b) explain to the complainant that the complainant should contact the other relevant regulated postal operator; and~~

~~(c) provide to the complainant the contact details of that other relevant regulated postal operator.~~

~~CP 2.3.18 If a regulated postal operator receives a complaint or other enquiry where the identity of the regulated postal operator to which that complaint or other enquiry should have been made is not discernable from the relevant Code Letter, the regulated postal operator receiving the complaint or other enquiry is only required to refer the complainant to the Sender of the Code Letter.~~

~~CP 2.3.19 Regulated postal operators must take all reasonable steps to ensure that they have sufficient personnel properly trained (and with access to all relevant information) in order to handle complaints or other enquiries in accordance with the other provisions of CP 2.3.17 – CP 2.3.18.~~

Information and Reporting

~~CP 2.3.20 Within 3 months of 31 March each year, each regulated postal operator must provide to OFCOM details of:~~

~~(a) the total number of Misdirected Code Letters in respect of which that regulated postal operator was the Receiving Operator during the relevant year ending 31 March; and~~

~~(b) where relevant, the total such number broken down by Intended Operator.~~