

2012 No. 0000**POSTAL SERVICES****The Postal Services (Universal Postal Service) Order 2012**

Made - - - - [date] 2012

Coming into force - - [target 1 April] 2012

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 given notice of their proposal to do so 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 have considered the representations made to them before the time specified in that notice in accordance with section 403(4)(c) of the 2003 Act(d).

Citation and commencement

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

Interpretation

2. In this Order—

“Act” means the Postal Services Act 2011;

“blind” means registered as blind under the provisions of the National Assistance Act 1948(e);

“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” 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 11, the next day on which a collection is required under article 11;
- (b) in the case of a postal packet deposited in a letter box in the United Kingdom on which, or at a post office in the United Kingdom 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 article 11, the next day on which a collection is required under article 11;

(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) Pursuant to section 30(4) of the Postal Services Act 2011, an assessment under section 30(3) of the Postal Services Act 2011 is not required because this is the first universal service order

(e) 1948 c.29

- (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, before a last collection time notified in accordance with the rules of the country in question, the date of deposit; and
- (e) 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 upon which a collection is required under the rules of that country; and
- (f) in any other case where the access point is outside the United Kingdom, the date of deposit.

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

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

“EC transfer point” means a facility for—

- (a) the collection by a universal service provider of postal packets originating from a country within the European Community 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 Community other than the United Kingdom.

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

“insured item” means an item the value of which has been declared to the universal service provider and 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 an agreed reasonable sum, not exceeding the declared value;

“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 the universal service provider which involve the conveyance of a postal packet, through which the sender having paid in 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 having a standard of close-up vision, with spectacles, certified by an ophthalmologist, doctor or ophthalmic optician, of N12 (print size) or less;

“post office” means any premises or vehicle in the United Kingdom from which postal services, or services provided under arrangements with a government department, are provided directly to the public;

“proof of delivery” means a copy of a signature obtained on delivery of a postal packet;

“registered item” means an item which has been registered with the universal service provider in connection with its conveyance by post and for which an amount 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;

“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 transfer point” means a facility for—

- (a) the collection by a universal service provider of postal packets originating from a country outside the European Community, 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 Community.

“single piece service” means a postal service for which the price (on average for each 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 of text on the postal packet;
- (c) the use of markings which facilitate the use of machines to sort postal packets; or
- (d) presortation into geographical areas for delivery;

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

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

3.References to letters and postal packets exclude postal packets—

- (a) containing items which it is reasonable to exclude from carriage by post; or
- (b) which do not comply with conditions reasonably imposed on their carriage by post,

in either case for reasons of potential harm to health, public security or compliance with law.

4.Routing times shall be expressed using the formula “D + n”, where—

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

The universal service

5.The universal services shall comprise—

- (a) deliveries as described in articles 7 to 10;
- (b) collections as described in article 11;
- (c) end-to-end postal services as described in article 12;
- (d) free postal services as described in article 13; and
- (e) addressee postal services as described in article 14.

6.The universal services shall be available for all postal packets which are legibly addressed, save as otherwise specified in this Order or the Act.

Deliveries

7.At least one delivery of letters originating from anywhere in the world every Monday to Saturday—

- (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.

8. At least one delivery of other postal packets originating from anywhere in the world every Monday to Friday—

- (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.

9. Regulations 7 and 8 shall not apply in relation to a particular address or delivery point, where the addressee has purchased one or more postal services in accordance with which postal packets for that addressee are to be delayed or diverted.

10. In the provision of any universal service in Schedules 1 and 2, 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 an individual named on the postal packet;

- (c) an unsuccessful attempt has been made to deliver the postal packet in accordance with (a) or (b), and the universal service provider offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the postal packet from a post office or delivery office.

Collections

11.At least one collection—

- (a) every Monday to Saturday, from access points for letters for the services described in articles 12 and 13; and
- (b) every Monday to Friday, from access points for other postal packets for the services described in articles 12 and 13.

End-to-end postal services

12. The postal services described in Schedule 1 of this Order shall be provided as single piece services 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 article 11.

Free postal services

13.The postal services described in Schedule 2 of this Order shall be provided free of charge throughout the United Kingdom, save as otherwise specified, on fair and reasonable terms, every day on which a collection is required by article 11.

Addressee postal services

14.The postal services described in Schedule 3 of this Order shall be provided 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 purchase every Monday to Saturday which is a working day.

to be signed

[to be dated]

[] of the []
For and by authority of []

SCHEDULES

SCHEDULE 1

End to end postal services at affordable tariffs

First class services

1. One or more domestic services for the conveyance of postal packets which—
- (a) have a routing time of D + 1;
 - (b) may be paid for by postage stamp, by meter or other reasonable methods;
 - (c) provide a Certificate of Posting on request where the postal packet is deposited at a post office; and
 - (d) offer to provide proof of delivery on application by the sender.

Second class services

2. One or more domestic services for the conveyance of postal packets which—
- (a) have a routing time of D + 3;
 - (b) may be paid for by postage stamp, by meter or other reasonable methods;
 - (c) provide a Certificate of Posting on request where the postal packet is deposited at a post office; and
 - (d) offer to provide proof of delivery on application by the sender.

Special delivery services

3. One or more domestic services for the conveyance of postal packets weighing no more than 10 kilograms which—
- (a) have a routing time of D + 1, with a target delivery time of 1pm, except where this is not reasonably possible;
 - (b) are available for registered items and insured items;
 - (c) provide a tracking facility;
 - (d) offer to provide proof of delivery on application by the sender; and
 - (e) are paid for in advance.

Return to sender services

4. One or more domestic services for the conveyance of postal packets back to the sender within a reasonable routing time, 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 marked on the postal packet.

Outgoing European Community services

- 5.—(1) One or more services for the conveyance of postal packets to EC transfer points—
- (a) having in relation to each country routing times which provide for at least 85% of postal packets to be delivered in D + 3 and at least 97% of postal packets to be delivered in D + 5;

- (b) which may be paid for by postage stamp or other reasonable methods; and
- (c) which provide a Certificate of Posting on request where the postal packet is deposited at a post office.

(2) The services must include services for the conveyance of—

- (a) registered items;
- (b) insured items; and
- (c) items which are neither registered nor insured.

Outgoing rest of world services

6.—(1) One or more services having for the conveyance of postal packets to ROW transfer points for onward delivery to each country of the world other than countries within the European Community where—

- (a) in relation to each country routing times for the end-to-end service are D + 7;
- (b) the services may be paid for by postage stamp or other reasonable methods; and
- (c) a Certificate of Posting is provided on request where the postal packet is deposited at a post office.

(2) One or more services having reasonable routing times for the conveyance of postal packets to ROW transfer points for onward delivery to each country of the world other than countries within the European Community where—

- (a) in relation to each country routing times for the end-to-end service are D + 12 weeks;
- (b) the services may be paid for by postage stamp or other reasonable methods; and
- (c) a Certificate of Posting is provided on request where the postal packet is deposited at a post office.

(3) The services provided for the purposes of paragraph 6 must include services for the conveyance of—

- (a) registered items;
- (b) insured items; and
- (c) items which are neither registered nor insured.

Incoming European Community services

7. One or more services for the onward conveyance and delivery within the United Kingdom of postal packets collected from EC transfer points for postal packets originating from each country within the European Community other than the United Kingdom, having routing times in relation to each country which provide for at least 85% of postal packets to be delivered with a routing time of D + 3 and at least 97% of postal packets to be delivered with a routing time of D + 5.

Incoming rest of world services

8. One or more services for the onward conveyance and delivery within the United Kingdom of postal packets collected from ROW transfer points for postal operators from each country of the world other than countries within the European Community, having reasonable routing times.

SCHEDULE 2

End to end services to be provided free of charge

Legislative petitions and addresses

1. A domestic postal service for the conveyance of legislative petitions and addresses which meet the weight and covers requirements, having a reasonable routing time.

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—

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

Domestic services for blind or partially sighted persons

3. A domestic postal service having a routing time of $D + 1$, which conveys 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.

International services for blind or partially sighted persons

4.—(1) One or more services for the conveyance of eligible items 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) A service shall be available with a routing time of D + 12 weeks for postal packets weighing no more than 7 kilograms.

(3) A service shall be available with a routing time of D + 7 days for postal packets weighing no more than 7 kilograms, except that

- (a) if the destination is one of the territories listed in sub-paragraph (c), the postal packet shall weigh no more than 1 kilogram; and
- (b) in relation to any postal packet weighing between 1 kilogram and 7 kilograms, where the tariff for the postal packet concerned were it to be conveyed in the provision of a service set out in Schedule 1 paragraph 6(1) exceeds the tariff for that postal packet were it to be conveyed in the provision of a service set out in Schedule 1 paragraph 6(2), a tariff may be applied which does not exceed that difference.

(c) The territories are—

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

- Kazakhstan,
- Kirghizstan,
- 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.

SCHEDULE 3

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 the universal service provider should be conveyed to a postal address other than that marked on the postal packet.

(2) This service is not required—

- (a) where the postal address to which postal packets are otherwise to be conveyed pursuant to this service is outside the United Kingdom and—
 - (i) the postal packet contains registered items, insured items or goods; 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 fraud;
- (c) where the address marked on the postal packet relates to premises in relation to which it is reasonable not to provide the service; or
- (d) where the postal address to which postal packets are to be conveyed pursuant to this service is a delivery office or post office.

Poste restante

2. One or more free of charge services for addressees providing for the conveyance during a reasonable period of postal packets to a specified post office in the UK for collection within a reasonable period by the addressee.

Keep safe

3. 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.

EXPLANATORY NOTE

(This note is not part of the Order)