

Statutory Notification: revocation of Consumer Protection condition 5

NOTIFICATION OF REVOCATION OF CONSUMER PROTECTION CONDITION 5 IN ACCORDANCE WITH SECTION 53 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 setting out various decisions, including the imposition of consumer protection conditions to make provision for matters set out in section 51 of the Act. These conditions included Consumer Protection Condition 5 (“**CP 5**”), as set out at Annex 8 to the 2012 Statement.
- (B) On 25 May 2016 Ofcom published a consultation document entitled “*Review of the Regulation of Royal Mail*”² (the “**2016 Consultation**”) setting out a notification of Ofcom’s proposal to revoke CP 5 (the “**First Notification**”).
- (C) 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.
- (D) Ofcom invited representations about the proposals set out in the First Notification (and the 2016 Consultation) by 3 August 2016.
- (E) Ofcom received responses to the First Notification and has considered every such representation made to them in respect of the proposals set out in the First Notification and the 2016 Consultation in accordance with paragraph 3(5) of Schedule 6 to the Act. The Secretary of State has not notified Ofcom of any international obligation of the United Kingdom for this purpose.

DECISION

1. In accordance with section 53 of, and paragraph 3 of Schedule 6 to, the Act, Ofcom hereby revokes CP 5 with effect from the date of publication of this Notification. Section 16 of the Interpretation Act 1978 shall apply as if this revocation were a repeal of an enactment by an Act of Parliament.
2. The effect of, and Ofcom’s reasons for making, this decision are set out in the accompanying statement.

¹ https://www.ofcom.org.uk/_data/assets/pdf_file/0029/74279/Securing-the-Universal-Postal-Service-statement.pdf

² <https://www.ofcom.org.uk/consultations-and-statements/category-1/royal-mail-review2016>

Ofcom's duties and legal tests

3. 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

4. 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.
5. In this Notification—
 - (a) “**2016 Consultation**” has the meaning given to it in recital (C) to this Notification;
 - (b) “**Act**” means the Postal Services Act 2011 (c.5);
 - (c) “**CP 5**” means the consumer protection condition referred to in recital (A) to this Notification;
 - (d) “**First Notification**” has the meaning given to it in recital (C) to this Notification; and
 - (e) “**Ofcom**” means the Office of Communications.
6. 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

1 March 2017