



# Postal regulation: Transition to the new regulatory framework

Update statement

Statement

Publication date:

1 October 2011



# Contents

Section	Page
1 Summary	1
Annex	Page
1 Directions and Formal Notice	2

## Section 1

# Summary

- 1.1 The Postal Services Act 2011 (“the Act”) received Royal Assent on 13 June 2011. It provides, amongst other things, for responsibility of regulation for postal services to move from the existing regulator, Postcomm, to Ofcom.
- 1.2 On 8 August 2011, Ofcom consulted on our proposals for the regulatory regime to apply from 1 October 2011. The consultation closed on 9 September 2011 and on 29 September 2011, Ofcom published a statement<sup>1</sup> setting out our decisions:
  - provisionally to designate Royal Mail as a universal service provider;
  - to re-approve the Postal Redress Service (POSTRS) and the consumer redress scheme criteria;
  - for the regulatory conditions;
  - for the charging principles; and
  - for information gathering.
- 1.3 Annex 7 of that statement set out the form of decisions Ofcom intended to make on 1 October 2011 for the directions under s.116 of the Postal Services Act 2000 (Postcode Address File) and re-approving the Postal Redress Service (POSTRS). This was because the formal power to make these decisions did not arise until 1 October 2011.
- 1.4 As our formal powers have now come into force, we confirm that these directions and the formal notice have now been made. These can be found at Annex 1.

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<sup>1</sup> The statement “Postal regulation: Transition to the new regulatory framework” can be found here: <http://stakeholders.ofcom.org.uk/consultations/postal-regulation/statement/>

## **Annex 1**

# **Directions and Formal Notice**

## **The Postcode Address File – Access**

### **Direction under s.116(5)-(6) Postal Services Act 2000**

This Direction is issued by Ofcom under s.116(5) Postal Services Act 2000 and has effect from the Appointed Day.

1. In this Direction, “File” means the Postcode Address File as defined in s.116(3) Postal Services Act 2000.
2. The owner for the time being of the File shall:
  - (a) make the file available to any person who wishes to use it in an electronic format that can be read by computer software packages that are commonly available, and
  - (b) furnish a copy of the File to any person who may request it upon payment of a reasonable charge.
3. The owner for the time being of the File shall not impose as a term or condition (however expressed) of furnishing a copy of the File (or of any revision or update to it) any term or condition other than reasonable restrictions to ensure –
  - (a) that such intellectual property rights in the File as are vested in the owner for the time being of the File are protected,
  - (b) that the File and any updates to it are utilised in an appropriate manner to encourage correct addressing, and
  - (c) that such reasonable charges referred to in paragraph 2(b) are paid.

**Signed by Stuart McIntosh**

**Group Director, Competition**

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

**1 October 2011**

## **The Postcode Address File - Code of Practice**

### **Direction under s.116(2A) Postal Services Act 2000**

This Direction is issued by Ofcom under s.116(2A) Postal Services Act 2000 and has effect from the Appointed Day.

1. Definitions:
  - (a) "Postcode Address File" has the meaning given in s.116(3) Postal Services Act 2000; and
  - (b) "PAF Code of Practice" means the document of that name published by Royal Mail in May 2010<sup>2</sup>;
2. The owner for the time being of the Postcode Address File shall:
  - (a) publish the PAF Code of Practice in such manner as to ensure reasonable publicity for it,
  - (b) at all times observe the provisions of the PAF Code of Practice, and
  - (c) not alter the PAF Code of Practice other than with the approval in writing of Ofcom.

**Signed by Stuart McIntosh**

**Group Director, Competition**

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

**1 October 2011**

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<sup>2</sup> [ftp://ftp.royalmail.com/Downloads/public/ctf/rm/paf\\_code\\_of\\_practice\\_june\\_10.pdf](ftp://ftp.royalmail.com/Downloads/public/ctf/rm/paf_code_of_practice_june_10.pdf)

## **Approval of redress scheme**

This Approval is issued by Ofcom under section 52 and Schedule 5 of the Postal Services Act 2011 and has effect from the 1 October 2011.

Ofcom hereby approves IDRS Ltd to administer the Postal Redress Service for the purposes of section 52 and Schedule 5 of the Postal Services Act 2011.