

**2012 No. 936**

**POSTAL SERVICES**

**The Postal Services (Universal Postal Service) Order 2012**

*Made* - - - - 26th March 2012

*Coming into force* - - 1st 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.

**Citation and commencement**

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

**Interpretation**

2. In this Order—

“Act” means the Postal Services Act 2011;

“addressee services” has the meaning given in article 5(1)(e);

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

“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” has the meaning given in article 3(2);

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

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

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

“end-to-end services at affordable prices” has the meaning given in article 5(1)(c);

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(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) 1948 c.29.

“EU office of exchange” means a facility for—

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

“free end-to-end services” has the meaning given in article 5(1)(d);

“insured item” means a postal packet the value of which has been declared to a 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 the declared value or such lesser sum as is consistent with the provision of the service at affordable prices;

“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 a 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 certified by an ophthalmologist, doctor or ophthalmic optician as having vision which cannot be improved using optical aids (including magnifiers) or additional illumination to allow 12 point sized print to be read at a comfortable reading distance;

“post office” means any premises or vehicle in the United Kingdom from which postal services are provided directly to the public;

“proof of delivery” means a copy of a signature, or other evidence from the recipient in confirmation of receipt, obtained on delivery of a postal packet;

“registered item” means a postal packet which has been registered with a universal service provider in connection with its conveyance by post and for which an amount determined by the universal service provider is payable by the universal service provider 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 office of exchange” means a facility for—

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

“single piece service” has the meaning given in paragraph 1 of Schedule 1;

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

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

### **Routing times**

3.—(1) Routing times are expressed using the formula  $D + n$ , where—

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

(2) “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 7, the next day on which a collection is required under article 7;
- (b) (i) in the case of a postal packet deposited in the United Kingdom as described in sub-paragraph (ii), the next day on which a collection is required under article 7;  
(ii) sub-paragraph (i) applies where the postal packet is deposited at a letter box on which, or at a post office at which, a time for last collection is advertised, after that time on a day on which a collection is required under article 7;
- (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 after a last collection time notified in accordance with the rules of the country in question, the next day on which a collection is required under the rules of that country; and
- (e) in any other case where the access point is outside the United Kingdom, the date of deposit.

(3) Where the formula as applied to the delivery of a particular postal packet results in delivery being required—

- (a) in the United Kingdom, on a day on which a delivery is not required under article 6; or
- (b) outside the United Kingdom, on a day on which under the rules of the country of delivery no delivery is required;

compliance with the routing time shall be achieved if delivery is effected on the next day on which a delivery is required.

### **Delivery**

4. Where a service described in this Order requires delivery of a postal packet, 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 a person named as an addressee on the postal packet;
- (c) the postal packet has been delivered to another delivery point requested by the addressee or approved by OFCOM for the purposes of this paragraph; or
- (d) an unsuccessful attempt has been made to deliver the postal packet in accordance with sub-paragraphs (a), (b), or (c) and a universal service provider offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the postal packet from any of the following places—
  - (i) a post office;
  - (ii) a delivery office; or
  - (iii) another collection point approved by OFCOM for the purposes of this paragraph.

### **The universal postal service**

5.—(1) The universal postal service shall comprise—

- (a) the delivery services described in article 6;
- (b) the collection services described in article 7;
- (c) the services described in Schedule 1 (“end-to-end services at affordable prices”);
- (d) the services described in Schedule 2 (“free end-to-end services”); and
- (e) the services described in Schedule 3 (“addressee services”).

(2) It is a characteristic of the universal postal service that its component services are available for all postal packets which meet the qualifying requirements (if any) set out in this Order for the provision of the service in question.

### **Delivery services**

6.—(1) At least one delivery every Monday to Saturday of letters originating from anywhere in the world—

- (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.

(2) At least one delivery every Monday to Friday of other postal packets originating from anywhere in the world—

- (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.

(3) The requirements in paragraphs (1) and (2) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

### **Collection services**

7.—(1) At least one collection—

- (a) every Monday to Saturday, from access points for letters for the end-to-end services at affordable prices and the free end-to-end services; and
- (b) every Monday to Friday, from access points for other postal packets for the end-to-end services at affordable prices and the free end-to-end services.

(2) The requirements in paragraph (1) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

### **End-to-end services at affordable prices**

8. The end-to-end services at affordable prices shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

### **Free end-to-end services**

9. The free end-to-end services shall be provided—

- (a) free of charge throughout the United Kingdom, save as specified in paragraph 4(6) of Schedule 2;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

### **Addressee services**

10. The addressee services shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom, save as specified in paragraph 2 of Schedule 3;
- (b) on fair and reasonable terms; and
- (c) shall be available for acquisition every working day.

26th March 2012

*Ed Richards*  
Chief Executive of the Office of Communications  
For and by authority of the Office of Communications

# SCHEDULES

## SCHEDULE 1

Article 5(1)(c)

### End-to-end services at affordable prices

#### Single piece service

1. “Single piece service” means a postal service for the conveyance of an individual postal packet to the addressee, for which the price per 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 or formatting of text on the postal packet;
- (c) the use of markings which facilitate the use of machines to sort postal packets;
- (d) presortation into geographical areas for delivery; or
- (e) the purchase of any other conveyance of the same or any other postal packet.

#### Priority services

2. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—

- (a) have a routing time of  $D + 1$ ;
- (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
- (c) include provision of a Certificate of Posting on request if the postal packet is deposited at a post office;
- (d) include provision of proof of delivery on application by the sender; and
- (e) do not include provision of a tracking facility.

#### Standard services

3. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—

- (a) have a routing time of  $D + 3$ ;
- (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
- (c) include provision of a Certificate of Posting on request if the postal packet is deposited at a post office; and
- (d) include provision of proof of delivery on application by the sender; and
- (e) do not include provision of a tracking facility.

#### Registered and insured services

4.—(1) One or more domestic single piece services for the conveyance of insured items weighing no more than 10 kilograms and registered items weighing no more than 10 kilograms, which—

- (a) have a routing time of  $D + 1$ ;
- (b) have a target delivery time of 1pm, except where this is not reasonably possible;

- (c) include provision of a tracking facility;
- (d) include provision of proof of delivery on application by the sender; and
- (e) are paid for in advance.

(2) One or more domestic single piece services for the conveyance of registered items weighing more than 10 kilograms and insured items weighing more than 10 kilograms which convey the postal packet to the delivery point within a reasonable period.

#### **Return to sender services**

5.—(1) One or more domestic single piece services for the conveyance of postal packets back to the sender within a reasonable period, 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 legibly marked on the postal packet.

(2) For the purpose of this paragraph, the definition of "single piece service" shall apply as though the words at sub-paragraph (e) of that definition were replaced with "the purchase of a conveyance of any other postal packet".

#### **Outgoing European Union services**

6. One or more single piece services for the conveyance of postal packets to EU offices of exchange for onward delivery to each country within the European Union other than the United Kingdom, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
  - (i) reasonable; and
  - (ii) compatible with a routing time for the provision of an end-to-end service of D + 3;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting on request if the postal packet is deposited at a post office.

#### **Outgoing rest of world services**

7.—(1) One or more single piece services for the conveyance of postal packets to ROW offices of exchange for onward delivery to each country of the world other than countries within the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
  - (i) reasonable; and
  - (ii) compatible with a routing time for the provision of the end-to-end service of D + 7;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting on request if the postal packet is deposited at a post office.

(2) One or more single piece services for the conveyance of postal packets to ROW offices of exchange for onward delivery to each country of the world other than countries within the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
  - (i) reasonable; and
  - (ii) compatible with a routing time for the provision of the end-to-end service of D + 72;

- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting on request if the postal packet is deposited at a post office.

**Incoming European Union services**

8. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from EU offices of exchange, where the postal packet is conveyed from the EU office of exchange to the delivery point within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 3.

**Incoming rest of world services**

9. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from ROW offices of exchange, where the postal packet is conveyed from the ROW office of exchange to the delivery point within a reasonable period.

## SCHEDULE 2

Article 5(1)(d)

### Free end-to-end services

#### **Legislative petitions and addresses**

1. A domestic postal service for the conveyance of legislative petitions and addresses within a reasonable period.

#### **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—

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

#### **Domestic services for blind or partially sighted persons**

3.—(1) A domestic postal service having a routing time of  $D + 1$ , for the conveyance of 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.

(2) The service required under sub-paragraph (1) does not include the conveyance of insured items.



## **International services for blind or partially sighted persons**

4.—(1) The services described in sub-paragraphs (3) to (5) for the conveyance of eligible items to EU offices of exchange and ROW offices of exchange for onward conveyance 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) The services required under sub-paragraph (1) do not include the conveyance of insured items.

(3) One or more services for the conveyance of postal packets weighing no more than 7 kilograms, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 72;

(4) One or more services for the conveyance of postal packets weighing no more than 1 kilogram, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 7;

(5) One or more services for the conveyance of postal packets weighing more than 1 kilogram and up to 7 kilograms to any territory not listed in paragraph 5, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 7;

(6) A price may be charged by a universal service provider for the provision of a service falling within sub-paragraph (5) if the condition set out in sub-paragraph (7) is satisfied.

(7) The condition is that the price (“P”) for conveyance of the postal packet concerned were the postal packet to be conveyed in the provision of a service set out in paragraph 7(1) of Schedule 1 exceeds the price (“Q”) for conveyance of the postal packet were it to be conveyed in the provision of a service falling within paragraph 7(2) of that Schedule.

(8) The price that may be charged in accordance with sub-paragraph (6) is an amount not exceeding the difference between P and Q.

## **Territories**

5. The territories for the purposes of paragraph 4(5) are—

- Albania,
- Andorra,
- Armenia,
- Austria,
- Azerbaijan,
- Azores,
- Balearic Islands,
- Belarus,
- Belgium,
- Bosnia-Herzegovina,

- Bulgaria,
- Canary Islands,
- Corsica,
- Croatia,
- Cyprus,
- Czech Republic,
- Denmark,
- Estonia,
- F roe Islands,
- Finland,
- France,
- Georgia,
- Germany,
- Gibraltar,
- Greece,
- Greenland,
- Hungary,
- Iceland,
- Irish Republic,
- Italy,
- Kazakhstan,
- Kirghizstan,
- Kosovo,
- 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

Article 5(1)(e)

### 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 a universal service provider should be conveyed to a postal address other than that marked on the postal packet (“the redirection address”) within a reasonable period.

(2) This service is not required—

- (a) where the redirection address is outside the United Kingdom and—
  - (i) the postal packet contains registered items or insured items; 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 crime;
- (c) where the address marked on the postal packet or the redirection address relates to premises in relation to which it is reasonable not to provide the service; or
- (d) where the redirection address is a delivery office or a post office.

#### Poste restante services

2. One or more free of charge services for addressees, which provide—

- (a) for the address of any specified post office in the United Kingdom to be used as an addressee’s postal address for a reasonable period, and
- (b) for postal packets for that addressee to be held at that post office for a reasonable period for collection by the addressee, provided, in relation to any post office, that it is reasonable for the post office concerned to be used to provide the service.

#### Retention services

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)*

This Order, which comes into force on 1 April 2012, sets out a description of the services that OFCOM consider should be provided in the United Kingdom as a universal postal service, and the standards with which those services are to comply, as required by section 30 of the Postal Services Act 2011 (the “Act”).

This is the first universal postal service order. Accordingly, the requirement in section 30(3) of the Act for OFCOM to carry out an assessment of the extent to which the market for the provision of postal services in the United Kingdom is meeting the reasonable needs of the users of those services before making a universal postal order does not apply to the making of this Order (section 30(4) of the Act).

Section 31 of the Act sets out seven minimum requirements that must be included in a universal postal service. The universal postal service described in this Order includes those minimum requirements together with additional requirements that OFCOM consider are appropriate.

Article 3 explains “routing times”, which are standards for the provision of postal services involving the conveyance of postal packets. Article 4 explains “delivery” requirements in the provision of those services.

Article 5 sets out the five kinds of postal services required as a universal postal service: delivery services (set out in article 6, implementing requirement 1 in section 31 of the Act); collection services (set out in article 7, implementing requirement 2 in section 31 of the Act); end-to-end services at affordable prices (set out in Schedule 1); free end-to-end services (set out in Schedule 2) and addressee services (set out in Schedule 3).

In Schedule 1, paragraphs 2 and 3 implement requirement 3 in section 31 of the Act (service at affordable prices in accordance with uniform public tariff), together with some requirements which go beyond the minimum. Paragraph 4 implements requirements 4 and 5 (registered items service and insured items service), together with some additional requirements. Paragraph 5 requires the provision of return to sender services, which is not part of the minimum requirements. Paragraphs 6 and 7 implement requirement 3(2) (conveyance of postal packets to places outside the United Kingdom). Paragraphs 8 and 9 require the conveyance of postal packets from places outside the United Kingdom; the delivery of such packets is part of requirement 1 (delivery of letters or other postal packets).

In Schedule 2, paragraph 1 implements requirement 7 in section 31 of the Act (legislative petitions and addresses) and paragraphs 2 to 5 implement requirement 6 (services to blind or partially sighted).

In Schedule 3, paragraph 1 requires redirection services, paragraph 2 requires post restante services and paragraph 3 requires retention services. These services are not minimum requirements under section 31 of the Act.

A full regulatory impact assessment of the effect that this Order will have on the costs of business is available to the public from OFCOM’s website at <http://www.ofcom.org.uk> or from the OFCOM library at Riverside House, 2A Southwark Bridge Road, London SE1 9HA (Tel: 020 7981 3000). Copies of this assessment have also been placed in the libraries of both Houses of Parliament.

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STATUTORY INSTRUMENTS

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