

*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Part 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 12

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 2

##### COMMUNICATIONS ACT 2003

56 The Communications Act 2003 is amended as follows.

**Annotations:**

**Commencement Information**

**II** Sch. 12 para. 56 in force at 1.10.2011 by [S.I. 2011/2329](#), art. 3

57 In section 3 (general duties of OFCOM), after subsection (6) insert—

“(6A) Where it appears to OFCOM, in relation to the carrying out of any of their functions in relation to postal services, that any of their general duties conflict with their duty under section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service), priority must be given to their duty under that section.”

**Annotations:**

**Commencement Information**

**I2** Sch. 12 para. 57 in force at 1.10.2011 by [S.I. 2011/2329](#), art. 3

58 In section 14 (consumer research), after subsection (6) insert—

“(6A) OFCOM must make arrangements for ascertaining—

- (a) the state of public opinion from time to time about the way in which postal services are provided;
- (b) the experiences of consumers in the markets for postal services, in relation to the way in which those services are provided;
- (c) the experiences of such consumers in relation to the handling, by persons providing postal services, of complaints made to them by such consumers;
- (d) the experiences of such consumers in relation to the resolution of disputes with persons providing postal services;
- (e) the interests and experiences of such consumers in relation to matters that are incidental to or otherwise connected with their experiences of the provision of postal services.”

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**Annotations:**

**Commencement Information**

**I3** Sch. 12 para. 58 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 59 (1) Section 16 (consumer consultation) is amended as follows.
- (2) In subsection (1)(b), at the end insert “ (other than postal services) ”.
- (3) In subsection (3)—
- (a) in paragraph (c), for “any such services or facilities” substitute “ a service or facility mentioned in subsection (4)(a) to (e) ”, and
  - (b) in paragraph (e), for “such services or facilities” substitute “ services or facilities mentioned in subsection (4) ”.
- (4) In subsection (4)—
- (a) omit “and” at the end of paragraph (d), and
  - (b) after paragraph (e) insert—  
 “(f) postal services.”
- (5) In subsection (13), in paragraph (a) of the definition of “domestic and small business consumer”, for “any such services or facilities” substitute “ a service or facility mentioned in subsection (4)(a) to (e) ”.

**Annotations:**

**Commencement Information**

**I4** Sch. 12 para. 59 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 60 (1) Section 22(5) (representation on international and other bodies) is amended as follows.
- (2) In the definition of “communication functions”, omit the “and” at the end of paragraph and after that paragraph insert—  
 “(ba) functions relating to postal services; and”.
- (3) In the definition of “international meetings about communication”, after paragraph (b) insert—  
 “(ba) the regulation of postal services;”.

**Annotations:**

**Commencement Information**

**I5** Sch. 12 para. 60 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 61 (1) Section 26 (publication of information and advice for consumers etc) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” at the end of paragraph (c), and
  - (b) after paragraph (d) insert—

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“(e) the customers of persons who provide postal services.”

(3) After that subsection insert—

“(2A) In subsection (2)(e) the reference to customers of persons who provide postal services includes—

- (a) persons who wish to be provided with such services,
- (b) persons who are likely to seek to be provided with such services, and
- (c) addressees.”

**Annotations:**

**Commencement Information**

**I6** [Sch. 12 para. 61](#) in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

62 In section 369(1) (matters in relation to which OFCOM have competition functions), after paragraph (e) insert—

“(f) the provision of postal services.”

**Annotations:**

**Commencement Information**

**I7** [Sch. 12 para. 62](#) in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

63 (1) Section 370 (OFCOM's functions under Part 4 of the Enterprise Act 2002) is amended as follows.

(2) In subsection (11), for “section 3 does not” substitute “ section 3 of this Act (general duties) and section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service) do not ”.

(3) In subsection (12), for “section 3(1) to (4)” substitute “ section 3(1) to (4) of this Act or section 29 of the Postal Services Act 2011 ”.

**Annotations:**

**Commencement Information**

**I8** [Sch. 12 para. 63](#) in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

64 (1) Section 371 (OFCOM's functions under Competition Act 1998) is amended as follows.

(2) In subsection (11), for “section 3 does not” substitute “ section 3 of this Act (general duties) and section 29 of the Postal Services Act 2011 (duty to secure provision of universal postal service) do not ”.

(3) In subsection (12), for “section 3(1) to (4)” substitute “ section 3(1) to (4) of this Act or section 29 of the Postal Services Act 2011 ”.

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**Annotations:**

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**I9** Sch. 12 para. 64 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 65 In section 394(2) (service of notifications and other documents)—
- (a) omit the “and” at the end of paragraph (e), and
  - (b) at the end insert—
    - “(g) Part 3 of the Postal Services Act 2011.”

**Annotations:**

**Commencement Information**

**I10** Sch. 12 para. 65 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 66 In section 400(1) (destination of licence fees and penalties), at the end insert—
- “(i) an amount paid to OFCOM in respect of a penalty imposed by them under Part 3 of the Postal Services Act 2011.”

**Annotations:**

**Commencement Information**

**I11** Sch. 12 para. 66 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 67 In section 404(4) (criminal liability of company directors etc.)—
- (a) omit the “or” at the end of paragraph (d), and
  - (b) at the end insert “; or
  - (f) Part 3 of the Postal Services Act 2011.”

**Annotations:**

**Commencement Information**

**I12** Sch. 12 para. 67 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 68 (1) Section 405 (general interpretation) is amended as follows.
- (2) In subsection (1), after the definition of “other member State” insert—
- ““postal services” has the meaning given by section 27 of the Postal Services Act 2011;”.
- (3) After subsection (5) insert—
- “(5A) References in this Act to consumers in a market for a service include, where the service is a postal service, addressees.”

**Annotations:**

**Commencement Information**

**I13** Sch. 12 para. 68 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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69 In Schedule 16, omit paragraph 6 (which made amendments superseded by this Act).

**Annotations:**

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**Commencement Information**

**I14** Sch. 12 para. 69 in force at 1.10.2011 by S.I. 2011/2329, art. 3

70 In Schedule 17, omit paragraph 162(3) (which made amendments superseded by this Act).

**Annotations:**

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**Commencement Information**

**I15** Sch. 12 para. 70 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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