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**Changes to legislation:** There are currently no known outstanding effects for the Postal Services Act 2011,  
Cross Heading: Notification of contravention of regulatory requirements. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 7

#### ENFORCEMENT OF REGULATORY REQUIREMENTS

##### *Notification of contravention of regulatory requirements*

- 2 (1) OFCOM may give a person a notification under this paragraph if they determine that there are reasonable grounds for believing that the person is contravening, or has contravened, a regulatory requirement.
- (2) A notification under this paragraph must—
- (a) set out the determination made by OFCOM, and
  - (b) specify the requirement and contravention in respect of which that determination has been made.
- (3) A notification under this paragraph must also specify the period during which the person notified has an opportunity—
- (a) to make representations about the notified determination,
  - (b) to comply with notified requirements of which the person remains in contravention, and
  - (c) to remedy the consequences of notified contraventions.
- (4) The specified period must be at least one month beginning with the day after the day the notification is given unless—
- (a) OFCOM and the person notified agree a shorter period,
  - (b) OFCOM have reasonable grounds for believing that the contravention is a repeated contravention and, in those circumstances, consider a shorter period would be appropriate, or
  - (c) OFCOM specify a shorter period under paragraph 8(3) (power to deal with urgent cases).
- (5) A contravention is a repeated contravention, in relation to a notification with respect to the contravention, if—
- (a) a previous notification has been given in respect of the same contravention or in respect of another contravention of the same regulatory requirement, and
  - (b) the subsequent notification is given no more than 12 months after the day on which OFCOM determine for the purposes of paragraph 5(2) or 6(2) that the contravention to which the previous notification related did occur.
- (6) OFCOM may (on one or more occasions) extend the specified period.

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#### **Commencement Information**

**II** Sch. 7 para. 2 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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- 3 (1) A notification under paragraph 2—
- (a) may be given in respect of more than one contravention, and
  - (b) if it is given in respect of a continuing contravention, may be given in respect of any period during which the contravention has continued.
- (2) If a notification under paragraph 2 has been given to a person in respect of a contravention of a regulatory requirement, OFCOM may give a further notification in respect of the same contravention of that requirement only if—
- (a) the contravention occurs after the earlier notification is given,
  - (b) the contravention is a continuing one and the subsequent notification is in respect of so much of a period as falls after a period to which the earlier notification relates, or
  - (c) the earlier notification has been withdrawn without a penalty having been imposed in respect of the notified contravention.

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**Commencement Information**

**I2** Sch. 7 para. 3 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- [<sup>F14</sup> (1) Before giving a notification under paragraph 2, OFCOM must consider whether it would be more appropriate to proceed under the Competition Act 1998.
- (2) OFCOM must not give a notification under paragraph 2 if they consider that it would be more appropriate to proceed under the Competition Act 1998.
- (3) In a case where OFCOM decide that it would be more appropriate to proceed under the Competition Act 1998, they must publish a statement to that effect in such manner as they consider appropriate for bringing their decision to the attention of persons whom they consider are likely to be affected by it.]

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**Textual Amendments**

**F1** Sch. 7 para. 4 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 14 para. 19](#); [S.I. 2014/416](#), art. 2(1)(e) (with Sch.)

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**Commencement Information**

**I3** Sch. 7 para. 4 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

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