
Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011,
Cross Heading: Regulatory conditions applicable as from appointed day. (See end of Document for details)

SCHEDULES

SCHEDULE 9

TRANSITIONAL PROVISIONS FOR PART 3

Regulatory conditions applicable as from appointed day

- 4 (1) OFCOM must determine before the end of the transitional period what regulatory conditions (“initial conditions”) are to apply to postal operators on and after the appointed day.
- (2) Except as mentioned below, the initial conditions applicable to—
- (a) universal service providers, and
 - (b) other postal operators,
- must be to substantially the same effect as the licence conditions applying immediately before the appointed day to the universal service provider or (as the case may be) in relation to the corresponding description of operator.
- (3) Sub-paragraph (2) does not apply to consumer protection conditions (and, accordingly, references elsewhere in this Schedule to initial conditions do not include consumer protection conditions).
- (4) If it appears to OFCOM to be unnecessary to maintain any provision made by the existing licence conditions, sub-paragraph (2) does not require OFCOM to replicate that provision in the initial conditions.
- (5) The provisions of Part 3 as to what regulatory conditions may be imposed—
- (a) have effect subject to sub-paragraph (2) in their application to the imposition of initial conditions, and
 - (b) do not apply in relation to the modification of initial conditions.
- 5 (1) This paragraph applies to licence conditions—
- (a) which apply immediately before the appointed day to the universal service provider or other postal operators, and
 - (b) which contain provision of a kind that (but for this paragraph) could not be contained in any regulatory condition under Part 3.
- (2) The provision made by those licence conditions is to be regarded for the purposes of Part 3 as being capable of being imposed by a regulatory condition under that Part (to be known as a “transitory condition”).
- (3) Accordingly—
- (a) the references in paragraph 4 to initial conditions include transitory conditions, and
 - (b) paragraph 4(2) and(4) apply in relation to those licence conditions as they apply in relation to other licence conditions.

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- (4) A transitory condition is (as a result of this sub-paragraph) to be treated as revoked at the time when the first universal postal service order under section 30 comes into force.
- 6 (1) If OFCOM modify the initial conditions, they may not impose any conditions that could not have been imposed under Part 2 of the 2000 Act.
- (2) The provisions of Part 3 about—
- (a) the procedure for imposing, modifying or revoking regulatory conditions,
 - (b) the enforcement of regulatory conditions, and
 - (c) appeals,
- apply to initial conditions as to other regulatory conditions.
- (3) Any decision of OFCOM pursuant to paragraph 4(2) is not to be regarded as an initial price control decision for the purposes of section 59.
- (4) This paragraph applies in relation to transitory conditions as it applies in relation to other initial conditions, except that sub-paragraph (2)(a) does not apply in relation to the revocation of a transitory condition.

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