



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Postal operators generally

50 General access conditions

- (1) OFCOM may impose a general access condition on a particular postal operator (or operators).
- (2) A general access condition is a condition requiring the operator to do either or both of the following—
 - (a) to give access to other postal operators, or users of postal services, to the operator's postal infrastructure or any service within the scope of the universal postal service which it provides, and
 - (b) to maintain a separation for accounting purposes between such different matters relating to access of a kind within paragraph (a) (including proposed or potential access of that kind) as OFCOM may direct.
- (3) An operator's "postal infrastructure" includes both physical infrastructure (such as letter boxes) and infrastructure in non-physical form (such as information relating to postcodes or addresses or arrangements made with others for the provision of any service).
- (4) OFCOM may impose a general access condition only if it appears to them that the condition is necessary for either or both of the following purposes—
 - (a) protecting the interests of the users of postal services, and
 - (b) promoting effective competition.
- (5) In deciding what obligations to impose in general access conditions in a particular case, OFCOM must (in addition to taking into account anything relevant for the purpose of

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performing their duty under section 29) take into account, in particular, the following factors—

- (a) the technical and economic viability, having regard to the state of market development, of installing and using facilities that would make the proposed access unnecessary,
 - (b) the feasibility of giving the proposed access,
 - (c) the investment made by the postal operator in relation to the matters in respect of which access is proposed,
 - (d) the need to secure effective competition in the long term, and
 - (e) any rights to intellectual property that are relevant to the proposal.
- (6) For the purposes of this section a reference to giving a person access to an operator's postal infrastructure includes giving a person an entitlement to use, be provided with or become a party to any services, facilities or arrangements comprised in the infrastructure.
- (7) In Schedule 3—
- (a) Part 1 makes provision about the kind of matters that may be included in general access conditions, and
 - (b) Part 2 makes provision about the resolution of access disputes by OFCOM.

Commencement Information

II S. 50 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

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