



Postal Services Act 2011

2011 CHAPTER 5

PART 3

REGULATION OF POSTAL SERVICES

Postal operators generally

51 Consumer protection conditions

- (1) OFCOM may impose a consumer protection condition on—
 - (a) every postal operator, or
 - (b) every postal operator of a specified description.
- (2) A consumer protection condition is a condition requiring the operator to do one or more of the following—
 - (a) to assume specified liability in respect of specified loss of or damage to specified postal packets,
 - (b) to establish and maintain procedures, standards and policies with respect to consumer protection matters,^{F1}...
 - (c) to make payments relating to qualifying consumer expenses of^{F2}... [^{F3}Citizens Advice^{F4F5}... or the General Consumer Council for Northern Ireland], [^{F6F7}...
^{F8} [to make payments relating to such amounts as the Secretary of State considers reasonable in respect of the provision, in or as regards Scotland, of consumer advocacy and advice by, or by agreement with, a public body or the holder of a public office, in relation to users of postal services, and]
 - (d) to make payments relating to qualifying consumer expenses of the Secretary of State.]
- (3) The reference in subsection (2)(b) to consumer protection matters is to—
 - (a) the handling of complaints made to postal operators by users of their services,
 - (b) the resolution of disputes between postal operators and users of their services,
 - (c) the provision of remedies and redress in respect of matters that form the subject-matter of such complaints or disputes,

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- (d) the information that is to be made available by postal operators to users of their services about service standards and about the rights of those users, and
- (e) anything else appearing to OFCOM to be necessary to secure effective protection for those users.

[^{F9}(4) The reference in subsection (2)(c) to qualifying consumer expenses of Citizens Advice^{F10}... or the General Consumer Council for Northern Ireland is to—

- (a) such proportion of the expenses of Citizens Advice as the Secretary of State considers reasonable having regard to the functions exercisable by it in relation to users of postal services (including expenses which relate to taking on functions transferred from the National Consumer Council, but not including expenses within paragraph (b)),
- (b) such proportion of the expenses of Citizens Advice relating to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011 as the Secretary of State considers reasonable having regard to the functions exercisable by Citizens Advice in relation to users of postal services,
- (c) such proportion of the expenses of Citizens Advice incurred in connection with its support of any qualifying public consumer advice scheme as the Secretary of State considers reasonable having regard to the functions under the scheme exercisable in relation to users of postal services,

^{F11}(d)

^{F11}(e)

^{F11}(f)

- (g) such proportion of the expenses of the General Consumer Council for Northern Ireland as the Secretary of State considers reasonable having regard to the functions exercisable by it in relation to users of postal services (including expenses which relate to taking on functions transferred from the National Consumer Council).]

[^{F12}(4ZA) The reference in subsection (2)(d) to qualifying consumer expenses of the Secretary of State is to—

- (a) such proportion of the expenses of the Secretary of State relating to the abolition of the National Consumer Council as the Secretary of State considers reasonable having regard to the functions exercised by the National Consumer Council in relation to users of postal services,
- (b) such proportion of the expenses of the Secretary of State relating to the conferring of functions on Citizens Advice, Citizens Advice Scotland and the General Consumer Council for Northern Ireland by the Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...) as the Secretary of State considers reasonable having regard to the functions exercisable by any of those bodies in relation to users of postal services, and
- (c) such proportion of the expenses of the Secretary of State relating to a transfer scheme made in respect of the National Consumer Council under section 23 of the Public Bodies Act 2011 as the Secretary of State considers reasonable having regard to the functions exercised by the National Consumer Council in relation to users of postal services.]

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- [^{F13}(4A) A qualifying public consumer advice scheme is a scheme that is supported by Citizens Advice^{F14}... in a manner that the [^{F15}Competition and Markets Authority] is prohibited from using by section 8A of the Enterprise Act 2002.]
- (5) In imposing a consumer protection condition, OFCOM must (so far as they consider appropriate) secure that—
- (a) the procedures for the handling of complaints and the resolution of disputes are easy to use, transparent and effective and otherwise facilitate the settling of disputes fairly and promptly,
 - (b) users have the right to use those procedures free of charge, and
 - (c) if a postal operator contravenes a consumer protection condition, the operator follows such procedures as may be required by the condition.
- (6) The Secretary of State may direct OFCOM to include provision within subsection (2) (c) [^{F16}, (ca)] [^{F17}or (d)] in consumer protection conditions.
- (7) In this section and section 52 any reference, in relation to postal operators, to users of their services is to users of any of the postal services provided by the operators.
- (8) In this section [^{F18}—
^{F19}...]

“specified” means means specified in the consumer protection condition.

Textual Amendments

- F1** Word in s. 51(2)(b) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(2)(a)(i)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F2** Words in s. 51(2)(c) omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(2)(a)(ii)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F3** Words in s. 51(2)(c) substituted (28.3.2013) by [The Public Bodies \(The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions\) Order 2013 \(S.I. 2013/783\)](#), arts. 1(2), **6(2)**
- F4** Words in s. 51(2)(c) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(2)(a)(iii)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F5** Words in s. 51(2)(c) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 50(16)(a)**, 72(7)
- F6** S. 51(2)(d) and word inserted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(2)(a)(iv)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F7** Word in s. 51(2)(c) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 50(14)**, 72(7)
- F8** S. 51(2)(ca) inserted (23.5.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 50(14)**, 72(7)
- F9** S. 51(4) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 13(2)(b)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F10** Words in s. 51(4) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 50(16)(b)**, 72(7)
- F11** S. 51(4)(d)-(f) omitted (23.5.2016) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 50(16)(c)**, 72(7)

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- F12** S. 51(4ZA) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 13(2)(c)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F13** S. 51(4A) inserted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **6(4)**
- F14** Words in s. 51(4A) omitted (23.5.2016) by virtue of Scotland Act 2016 (c. 11), **ss. 50(16)(d)**, 72(7)
- F15** Words in s. 51(4A) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 185** (with art. 3)
- F16** Word in s. 51(6) inserted (23.5.2016) by Scotland Act 2016 (c. 11), **ss. 50(15)**, 72(7)
- F17** Words in s. 51(6) inserted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 13(2)(d)** (with Sch. 1 para. 28, 2 paras. 13-15)
- F18** Words in s. 51(8) inserted (28.3.2013) by The Public Bodies (The Office of Fair Trading Transfer of Consumer Advice Scheme Function and Modification of Enforcement Functions) Order 2013 (S.I. 2013/783), arts. 1(2), **6(5)**
- F19** Words in s. 51(8) omitted (1.4.2014) by virtue of The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 13(2)(e)(i)(ii)** (with Sch. 1 para. 28, 2 paras. 13-15)

Commencement Information

- I1** S. 51 in force at 1.10.2011 by S.I. 2011/2329, **art. 3**

Changes to legislation:

There are currently no known outstanding effects for the Postal Services Act 2011, Section 51.