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STATUTORY INSTRUMENTS

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**1999 No. 2107**

**POSTAL SERVICES**

**The Postal Services Regulations 1999**

*Made* - - - - *26th July 1999*  
*Laid before Parliament* *27th July 1999*  
*Coming into force – In*  
*accordance with regulation 1*

The Secretary of State for Trade and Industry, being the Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to postal services, in exercise of the powers conferred on him by the said section 2(2) hereby makes the following Regulations:–

**Citation, purpose, interpretation and commencement**

- 1.—(1) These Regulations may be cited as the Postal Services Regulations 1999.  
(2) These Regulations have effect for the purpose of implementing the Postal Services Directive.  
(3) In these Regulations–  
    “the 1969 Act” means the Post Office Act 1969<sup>(3)</sup>;  
    “the 1981 Act” means the British Telecommunications Act 1981<sup>(4)</sup>;  
    “the Postal Services Directive” means Directive [97/67/EC](#) of the European Parliament and of the Council on common rules for the development of the internal market of community postal services and the improvement of quality of service<sup>(5)</sup>.  
(4) Subject to paragraph (5), these Regulations shall come into force on 1st September 1999.  
(5) Regulation 3, and so much of regulation 2 as relates to the Postal Services Commission, shall come into force on 1st April 2000.

**The national regulatory authorities**

- 2.—(1) The Secretary of State and the body known as the Postal Services Commission are hereby designated as the national regulatory authorities for the postal sector in the United Kingdom.

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(1) S.I. [1998/1750](#).  
(2) [1972 c. 68](#).  
(3) [1969 c. 48](#).  
(4) [1981 c. 38](#).  
(5) O.J. No. L15, 21.1.98, p. 14.

(2) The function of the Commission shall be to advise the Secretary of State in relation to postal services generally and, in particular, on the exercise of his powers under the 1969 Act and the 1981 Act.

(3) It shall be the duty of—

- (a) the Secretary of State to exercise his powers in relation to the Post Office under the 1969 Act and the 1981 Act; and
- (b) the Commission to perform its function so as to ensure compliance with the obligations arising from the Postal Services Directive.

### **The Postal Services Commission**

3.—(1) It shall be the duty of the Postal Services Commission in the performance of its function—

- (a) to promote the interests of consumers of postal services generally, having regard, in particular, to the need for effective competition wherever possible and appropriate;
- (b) to promote the provision of a universal postal service (within the meaning given by section 59(1A) of the 1981 Act<sup>(6)</sup>);
- (c) to promote the provision of high quality postal services;
- (d) to have regard to guidance issued to it by the Secretary of State;
- (e) to keep itself informed about postal services generally;
- (f) to prepare an annual report on the performance of its function to the Secretary of State;
- (g) to consult the Post Office Users' National Council<sup>(7)</sup>; and
- (h) to prepare, consult on, publish and have regard to a code of practice governing the exercise of its function.

(2) For the purposes of performing its function the Commission shall have power—

- (a) with the approval of the Secretary of State and the Minister for the Civil Service as to numbers and terms and conditions of service, to appoint such staff as it may determine;
- (b) to require the Post Office to furnish the Commission with such information as appears to the Commission to be requisite or expedient for the purposes of facilitating the performance of its function and, if it considers it in the public interest, to publish such information.

(3) Anything authorised or required by or under these Regulations to be done by the Commission may be done by any member of the staff of the Commission who is authorised generally or specifically in that behalf by the Commission.

(4) In Schedule 2 to the Parliamentary Commissioner Act 1967<sup>(8)</sup> (departments and authorities subject to investigation), there shall be inserted (at the appropriate place) the following entry—

“Postal Services Commission.”

(5) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975<sup>(9)</sup> (bodies of which all members are disqualified), there shall be inserted (at the appropriate place) the following entry—

“The Postal Services Commission.”

<sup>(6)</sup> Subsection (1A) is inserted by regulation 4(1) of these Regulations.

<sup>(7)</sup> Established by section 14 of the 1969 Act.

<sup>(8)</sup> 1967 c. 13.

<sup>(9)</sup> 1975 c. 24.

### **Provision of universal postal service**

4.—(1) For subsection (1) of section 59 of the 1981 Act (general duty of the Post Office) there shall be substituted the following subsections—

“(1) It shall be the duty of the Post Office (consistently with any directions given to it under the provisions of Part III of the 1969 Act or this Part) so to exercise its powers as to provide a universal postal service throughout the United Kingdom, except in so far as—

- (a) any part of such a service is provided by other persons; or
- (b) the provision of any part of such a service is, in its opinion, impracticable or not reasonably practicable.

(1A) For the purposes of subsection (1), a universal postal service is provided if—

- (a) at least one delivery of postal packets is made every working day to each postal address in the United Kingdom;
- (b) at least one collection of postal packets is made every working day from each collection point designated by the Post Office;
- (c) postal services for the collection, sorting, transport and delivery of postal packets—
  - (i) whose weight does not exceed 20 kilograms; and
  - (ii) whose dimensions fall within the permitted limits, are provided at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom; and
- (d) a registered post service is provided at such prices.”

(2) For subsection (3) of that section there shall be substituted the following subsection—

“(3) Subsection (1) shall not be taken to preclude the Post Office from—

- (a) interrupting, suspending or restricting, in cases of emergency, any service provided by it; or
- (b) concluding with customers individual agreements as to prices.”

(3) After subsection (5) of that section there shall be inserted the following subsection—

“(6) In this section—

“letter” has the same meaning as in section 66;

“postal address” means any address recognised by the Post Office as being an identifiable point for the delivery of postal packets;

“permitted limits”, in relation to the dimensions of a postal packet, means the minimum and maximum dimensions laid down in the Universal Postal Union Convention and the Agreement concerning Postal Parcels adopted by the Universal Postal Union;

“postal packet” means a letter, parcel, packet or other article transmissible by post;

“public holiday” means Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(10) in any part of the United Kingdom;

“registered post service” means a service which provides for the registration of postal packets and for the payment of compensation for any loss or damage;

“working day” means—

- (a) in relation to the collection and delivery of letters, any day which is not a Sunday or a public holiday;
- (b) in relation to the collection and delivery of postal packets other than letters, any day which is not a Saturday, a Sunday or a public holiday.”

#### **Exclusive privilege of Post Office**

5.—(1) After subsection (4) of section 66 of the 1981 Act (exclusive privilege of Post Office) there shall be inserted the following subsections—

“(4A) No proceedings shall be instituted in respect of an offence under this section except by or on behalf of the Secretary of State.

(4B) Without prejudice to subsection (2), compliance with this section shall be enforceable by civil proceedings by or on behalf of the Crown for an injunction or interdict or for any other appropriate relief.”

(2) In article 2(2) of the Postal Privilege (Suspension) Order 1981(**11**) (suspension of exclusive privilege for certain letters), after the words “conveyance of a letter which” there shall be inserted the words “either weighs not less than 350 grams or”.

#### **Schemes for dealing with users' complaints**

6. In subsection (1) of section 28 of the 1969 Act (schemes for determining charges and other terms and conditions)—

- (a) for the word “may” there shall be substituted the word “shall”;
- (b) the words “any of” shall be omitted;
- (c) for the words “either or both” there shall be substituted the word “each”; and
- (d) after paragraph (b) there shall be inserted the words  
“and  
(c) procedures for dealing with users' complaints;”.

26th July 1999

*Ian McCartney*  
Minister of State,  
Department of Trade and Industry

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Directive [97/67/EC](#) of the European Parliament and of the Council sets out common rules for the development of the internal market of Community postal services and the improvement of quality of service (“the Postal Services Directive”).

These Regulations implement the Postal Services Directive to the extent that it is not already covered by existing legislation and procedures.

In particular, the Regulations designate the Secretary of State and the Postal Services Commission as the national regulatory authorities for the postal sector in the United Kingdom (Article 22 of the Postal Services Directive requires the designation of one or more national regulatory authorities that are legally separate from and operationally independent of the postal operators) and set out the function and duties of the Postal Services Commission.

The Regulations also amend the British Telecommunications Act 1981 (“the 1981 Act”) to impose a duty on the Post Office to provide a universal postal service which will now be defined in the 1981 Act. The 1981 Act is also amended to make it possible to enforce the monopoly by civil proceedings (as well as by criminal proceedings as currently provided for in the 1981 Act).

The extent of the Post Office’s monopoly is to be defined by reference to the weight of a letter as well as its price by an amendment to the Postal Privilege (Suspension) Order 1981 (S.I.[1981/1483](#)).

There is also amendment to the Post Office Act 1969 which requires the Post Office to establish schemes for dealing with users' complaints.