

POSTAL SERVICES ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I Introductory

Section 1: The Postal Services Commission

13. *Section 1* creates the *Postal Services Commission*. This body will be the independent regulator of licensed postal operators and replaces the advisory body, also called the Postal Services Commission, which is abolished by the Act. In these Notes, references to “the Commission” are to the Commission established by section 1.

Section 2: The Consumer Council for Postal Services

14. *Section 2* creates a new consumer body to be known as the *Consumer Council for Postal Services*. The existing user-representative bodies in the UK, which are limited in their scope to representing users of Post Office services, are abolished. In these notes, references to “the Council” are to this Council.

Section 3: Duty of the Commission to ensure provision of a universal postal service

15. *Section 3* sets out the primary duty of the Commission, which is to exercise its functions in a manner best calculated to ensure the provision of a universal postal service. In pursuance of this duty it has power to require a person licensed to provide postal services under Part II of the Act (“a licence holder”) to provide a universal service or part of such a service. This is to be read with *section 5* which sets out other duties of the Commission.

Section 4: Provision of a universal postal service: meaning

16. *Section 4* sets out the meanings of a universal postal service and of a universal service provider. These definitions comply with those required under the EU Postal Services Directive (97/67/EC). A universal service provider is described for the purposes of this Act as any person who the Secretary of State has notified to the European Commission as being a provider of universal postal services in the UK and on whom the Secretary of State has served a notice informing him of that fact. It also provides that in the event that the Directive lapses (and with it the requirement to notify the Commission of universal service providers) that references in the Act to a universal service provider are to be construed as references to any person who is treated by the Secretary of State as a universal service provider for the purposes of the Act and on whom the Secretary of State has served a notice informing him of that fact.

Section 5: Other duties of the Commission in the consumer interest

17. Subject to the duty to ensure the provision of a universal postal service as set out in section 3, *section 5* places a duty on the Commission to exercise its functions in a manner which will further the interests of users of postal services, wherever appropriate by promoting competition.

*These notes refer to the Postal Services Act 2000
(c.26) which received Royal Assent on 28 July 2000*

18. In performing these duties the Commission is to have regard to, amongst other things, the interests of the disabled or chronically sick, pensioners, those on low incomes, and those located in rural areas. It also provides for the Commission to have regard to the promotion of efficiency and economy on the part of postal operators; and the need to ensure that they are able to finance activities authorised or required by their licences.