



Postal Services Act 2000

2000 CHAPTER 26

PART II

LICENCES FOR POSTAL SERVICES

Licences

11 Licences: general.

- (1) The Commission may, on an application by a person under section 12, grant a licence to that person authorising him to do anything which—
 - (a) would otherwise contravene section 6(1), and
 - (b) is specified in the licence or determined by or under it.
- (2) A licence shall not be valid unless it is in writing.
- (3) A licence shall not be transferred.
- (4) A licence shall, unless it previously ceases to have effect in accordance with its provisions, continue in force for the period specified in it or determined by or under it.

12 Licences: grant.

- (1) An application for a licence shall be made in writing to the Commission in accordance with such requirements as the Commission may specify.
- (2) The Commission may, in particular, require the application to be accompanied by such reasonable application fee as it may determine.
- (3) Before granting a licence the Commission shall—
 - (a) publish a notice in such manner as the Commission considers appropriate for bringing it to the attention of persons likely to be affected by the grant,
 - (b) serve a copy of the notice on the Council, and

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- (c) consider any representations made in accordance with the notice and not withdrawn.
- (4) The notice shall—
- (a) state that the Commission proposes to grant the licence and the reasons for so proposing, and
 - (b) state the period (not less than 28 days starting with the date of publication of the notice) within which representations may be made regarding the proposed licence.
- (5) As soon as practicable after granting a licence the Commission shall send a copy of it to the Secretary of State and the Council.

Commencement Information

- II** S. 12 wholly in force; s. 12 not in force at Royal Assent see s. 130; s. 12(1)(2)(3)(a)(c)(4) in force at 6.11.2000 and s. 12 in force insofar as not already in force at 1.1.2001 by [S.I. 2000/2957](#), [art. 2\(1\)\(2\)](#), [Sch. 1](#), [Sch. 2](#) (with transitional provisions in [arts. 3-8](#))

[^{F1}12A Licences: refusal

Where the Commission determines not to grant a licence (in whole or in part), it shall, as soon as practicable after making that determination, notify the applicant and give him a written statement of its reasons for the determination.]

Textual Amendments

- F1** S. 12A inserted (1.1.2003) by [S.I. 2002/3050](#), [reg. 5](#)

[^{F2}12B Licences: determination of applications

- (1) For the purposes of this section—
- “non-reservable service” means a service of conveying letters from one place to another, where each letter has either or both of the following characteristics, namely—
- (a) that it is conveyed in consideration of a payment of not less than [^{F3}65 pence] made by or on behalf of the person for whom it is conveyed, or
 - (b) that it weighs not less than [^{F3}50 grams];
- “reservable service” means a service of conveying letters from one place to another, where each letter—
- (a) is conveyed in consideration of a payment of less than [^{F4}65 pence] made by or on behalf of the person for whom it is conveyed, and
 - (b) weighs less than [^{F4}50 grams];
- and subsection (6) of section 6 applies as it applies for the purposes of that section.
- (2) Where an application for a licence seeks authority for the provision of a reservable service which no person (other than a universal service provider) is authorised by a licence to provide in the manner sought in the application—

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- (a) in a case where the application seeks authority for the provision of that service alone, the Commission shall grant a licence if, and only if, it is satisfied that the requirements of subsections (5) and (6) will be met in relation to the licence (if and when it is granted), and
 - (b) in any other case, the Commission shall grant a licence so far as the application relates to the provision of that service if, and only if, it is satisfied that (if and when the licence is granted) those requirements will be met in relation to so much of the licence as relates to the provision of that service.
- (3) Where an application for a licence seeks authority for the provision of a reservable service which a person (other than a universal service provider) is authorised by a licence to provide in the manner sought in the application—
- (a) in a case where the application seeks authority for the provision of that service alone, the Commission shall grant a licence if, and only if, it is satisfied that the requirements of subsection (5) will be met in relation to the licence (if and when it is granted), and
 - (b) in any other case, the Commission shall grant a licence so far as the application relates to the provision of that service if, and only if, it is satisfied that (if and when the licence is granted) those requirements will be met in relation to so much of the licence as relates to the provision of that service.
- (4) Where an application for a licence seeks authority for the provision of a non-reservable service, the Commission—
- (a) in a case where the application seeks authority for the provision of that service alone, shall grant a licence if, and only if, it is satisfied that the requirements of subsection (5) will be met in relation to the licence (if and when it is granted), and
 - (b) in any other case, shall grant a licence so far as the application relates to the provision of that service if, and only if, it is satisfied that (if and when the licence is granted) those requirements will be met in relation to so much of the licence as relates to the provision of that service.
- (5) The requirements of this subsection are—
- (a) that the licence includes provisions designed to safeguard the provision of a universal postal service,
 - (b) that the licence includes provisions designed to ensure that the holder complies with such requirements as the Commission considers necessary for the purpose of—
 - (i) safeguarding confidentiality in connection with the sending, conveyance and delivery of letters;
 - (ii) safeguarding security where dangerous goods are transported;
 - (iii) safeguarding the confidentiality of information conveyed;
 - (iv) preserving privacy;
 - (v) protecting the environment;
 - (vi) promoting such policies as the Secretary of State may from time to time have in respect of regional planning and development, and
 - (c) that the holder of the licence is in a position to comply with any requirement imposed on him by provision made under paragraph (a) or (b).
- (6) The requirement of this subsection is that—
- (a) the grant of the licence, and

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- (b) the grant to the holder or any other person of any licence of a similar nature, does not endanger the ability of a universal service provider to provide basic postal services.
- (7) In subsection (6) “basic postal services”, in relation to a universal service provider, means such postal services as he is required to provide in the discharge of any duty to provide a universal postal service, or part of such a service,—
- (a) imposed under section 3(2) as a condition of his licence,
 - (b) included in his licence as a condition by virtue of section 13(1), or
 - (c) imposed on him by an order under section 102(2).]

Textual Amendments

- F2** S. 12B inserted (1.1.2003) by [S.I. 2002/3050](#), [reg. 6](#)
- F3** Words in [s. 12B](#) substituted (1.1.2006) by [Postal Services \(EC Directive\) Regulations 2002 \(S.I. 2002/3050\)](#), [regs. 1\(5\)](#), [8\(a\)](#)
- F4** Words in [s. 12B](#) substituted (1.1.2006) by [Postal Services \(EC Directive\) Regulations 2002 \(S.I. 2002/3050\)](#), [regs. 1\(5\)](#), [8\(b\)](#)

13 Licences: conditions and other provisions.

- (1) A licence may include such provisions as the Commission considers appropriate; and a provision need not relate to anything authorised by the licence.
- (2) The provisions of a licence may, in particular, require a payment to the Commission on the grant of the licence, or payments while the licence is in force, or both, of such amount or amounts as may be specified in the licence or determined by or under it.
- (3) Such provisions of a licence as the Commission considers appropriate may be expressed as conditions.
- (4) The Commission shall consult any person who is to be granted a licence about any conditions that the Commission proposes to include in the licence (other than any condition which the Commission is required to include in the licence by virtue of this Act).
- (5) References in this Act to a condition of a licence are to a provision of a licence which is expressed as a condition.
- (6) Subject to subsection (7) no action shall lie or, in Scotland, be competent in respect of a contravention by a licence holder of a condition of his licence.
- (7) Subsection (6) does not affect—
 - (a) a right of action in respect of an act or omission which takes place in the course of the provision of any postal services or the doing of anything else to which the condition relates,
 - (b) the power to make an order under section 22 or 23, confirm an order made under section 23 or impose a penalty under section 30,
 - (c) the duty to comply with any such order or pay any such penalty and a power to bring proceedings in respect of such a duty.

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