



Postal Services Act 2000

2000 CHAPTER 26

PART III

OTHER FUNCTIONS OF THE COMMISSION AND THE COUNCIL

The Commission

42 Duties in relation to public post offices.

- (1) The Commission shall provide advice and information to the Secretary of State about—
 - (a) the number and location of public post offices of such descriptions as the Secretary of State may specify, and
 - (b) their accessibility¹² to users of postal and other services.
- (2) The Commission shall consult the Council before providing any advice or information under this section.
- (3) In this Act “public post office” means any post office from which any postal services are provided directly to the public (whether or not together with other services).

Commencement Information

- II** S. 42 wholly in force; s. 42 not in force at Royal Assent see s. 130; s. 42(3) in force at 6.11.2000 and s. 42 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](#)

43 Duties in relation to social and environmental matters.

- (1) The Commission shall, in exercising its functions, have regard to any guidance given by the Secretary of State under this section.

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- (2) The Secretary of State shall from time to time give guidance about the making by the Commission of a contribution towards the attainment of any social or environmental policies set out or referred to in the guidance.
- (3) Before giving any such guidance, the Secretary of State shall consult—
 - (a) the Commission,
 - (b) the Council,
 - (c) any universal service provider,
 - (d) any licence holder under Part II who is not a universal service provider, and
 - (e) such other persons as the Secretary of State considers appropriate.
- (4) A draft of any guidance proposed to be given under this section shall be laid before each House of Parliament.
- (5) Guidance shall not be given under this section until after the period of 40 days starting with—
 - (a) the day on which the draft is laid before each House of Parliament, or
 - (b) if the draft is laid before the House of Lords on one day and the House of Commons on another day, the later of those two days.
- (6) If, before the end of that period, either House resolves that the guidance should not be given, the Secretary of State shall not give it.
- (7) In reckoning any period of 40 days for the purposes of subsection (5) or (6), no account shall be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) both Houses are adjourned for more than four days.
- (8) The Secretary of State shall publish any guidance given by him under this section in such manner as he considers appropriate.

Commencement Information

- I2** S. 43 wholly in force; s. 43 not in force at Royal Assent see s. 130; s. 43(1)(2)(3)(a)(c)-(e)(4)-(8) in force at 6.11.2000 and s. 43 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](#))

44 Review and information.

- (1) So far as the Commission considers it practicable to do so with a view to facilitating the exercise of its functions, it shall—
 - (a) keep under review the provision (in the United Kingdom, other member States and elsewhere) of postal services,
 - (b) collect information about the provision (in the United Kingdom, other member States and elsewhere) of those services.
- (2) The Secretary of State may give directions indicating considerations to which the Commission is to have particular regard in deciding the order of priority in which matters are to be reviewed in performing its duty under subsection (1)(a).
- (3) So far as the Commission considers it practicable to do so with a view to facilitating the exercise of its functions, it shall, in particular, collect information which enables

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- comparisons to be made between the efficiency and economy of different postal operators (whether in the United Kingdom, other member States or elsewhere).
- (4) The Commission shall from time to time collect information in relation to the standards of performance achieved by—
- (a) any universal service provider in the provision of a universal postal service, and
 - (b) so far as not falling within paragraph (a), licence holders under Part II in the provision of services authorised or required by their licences.
- (5) The Commission may collect such information as is necessary for it to comply with a notice of the Council under section 58(1).
- (6) If the Commission considers it expedient or is asked by the Secretary of State to do so, it shall provide information, advice and help to the Secretary of State regarding any matter in relation to which the Commission has a function.

Commencement Information

- I3** S. 44 wholly in force; s. 44 not in force at Royal Assent see s. 130; s. 44(1)-(4)(6) in force at 6.11.2000 and s. 44 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](#))

45 Annual and other reports: the Commission.

- (1) The Commission shall, as soon as practicable after the end of each financial year, make a report to the Secretary of State on its activities during that year (“the annual report”).
- (2) The annual report for each year shall, in particular, include—
- (a) a general survey of developments in relation to matters falling within the scope of the Commission’s functions,
 - (b) a report as to the manner in which the Commission has complied with its obligations under the Postal Services Directive,
 - (c) a report as to whether each licence holder under Part II has achieved any standards of performance specified for him in his licence, or determined for him by or under it, in relation to the provision of services authorised or required by his licence,
 - (d) a summary of final and provisional orders made under Part II during that year, of provisional orders confirmed under that Part during that year, and penalties imposed under that Part during that year,
 - (e) a report on the progress of the projects described in the forward work programme for that year (within the meaning of section 61),
 - (f) a report on such other matters as the Secretary of State may from time to time require.
- (3) The Secretary of State shall consult the Commission before exercising his power under subsection (2)(f) in relation to any matter.
- (4) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament, and
 - (b) publish the report in such manner as he considers appropriate.

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- (5) The Commission may prepare other reports in relation to any matter falling within the scope of its functions and may publish any such report in such manner as it considers appropriate.
- (6) The Commission shall send a copy of each annual or other report published under this section to the Council.
- (7) So far as practicable the Commission shall secure the exclusion from any report under this section of any matter relating to the affairs of a person if the Commission considers that its inclusion would or might seriously and prejudicially affect the person's interests.
- (8) Subsection (7) does not apply if—
 - (a) the person concerned consents to inclusion of the matter in the report, or
 - (b) the Commission considers that inclusion of the matter in the report would be in the public interest.

46 Publication of information and advice: the Commission.

- (1) The Commission may publish such information and advice as it considers expedient to give to—
 - (a) a universal service provider,
 - (b) any licence holder under Part II who is not a universal service provider, or
 - (c) users of postal services.
- (2) Publication under this section shall be in such form and manner as the Commission considers appropriate.
- (3) So far as practicable the Commission shall secure the exclusion of any matter relating to the affairs of a person if the Commission considers that its publication would or might seriously and prejudicially affect the person's interests.
- (4) Subsection (3) does not apply if—
 - (a) the person concerned consents to publication of the matter, or
 - (b) the Commission considers that publication of the matter would be in the public interest.

47 Power of the Commission to require information.

- (1) The Commission may, for any relevant purpose, serve notice on any person requiring him—
 - (a) to produce any documents which are specified or described in the notice and are in that person's custody or under his control, and
 - (b) to produce them at a time and place so specified and to a person so specified.
- (2) The Commission may, for any relevant purpose, serve notice on any person who carries on any business requiring him—
 - (a) to supply to the Commission such information as may be specified or described in the notice, and
 - (b) to supply it at a time and place and in a form and manner so specified and to a person so specified.

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- (3) The person to whom any document is produced in accordance with a notice under this section may, for any relevant purpose, copy the document so produced.
- (4) No person shall be required under this section—
 - (a) to produce any documents which he could not be compelled to produce in civil proceedings before the court, or
 - (b) to supply any information which he could not be compelled to supply in evidence in such proceedings.
- (5) Any reference in this section to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form.
- (6) In this section—
 - “the court”—
 - (a) in relation to England and Wales or Northern Ireland, means the High Court, and
 - (b) in relation to Scotland, means the Court of Session,
 - “relevant purpose” means any purpose connected with—
 - (a) the investigation of an offence under section 6 or any proceedings for such an offence, or
 - (b) the exercise of the Commission’s functions under section 22, 23, 24, 30, 42 or 44(4) or (5).

Commencement Information

- 14** S. 47 wholly in force; s. 47 not in force at Royal Assent see s. 130; s. 47 in force for specified purposes at 6.11.2000, for further specified purposes at 1.1.2001 and in force insofar as not already in force at 26.3.2001 by [S.I. 2000/2957](#), [art. 2\(1\)-\(3\)](#), [Schs. 1, 2, 3](#) (with transitional provisions in [arts. 3-8](#))

48 Information powers: enforcement.

- (1) A person commits an offence if, without reasonable excuse, he fails to do anything required of him by a notice under section 47.
- (2) A person commits an offence if he intentionally obstructs or delays any person in the exercise of his powers under section 47(3).
- (3) A person who commits an offence under subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A person commits an offence if he—
 - (a) intentionally alters, suppresses or destroys any document which he has been required to produce by a notice under section 47, or
 - (b) in supplying any information required of him by a notice under section 47, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular.
- (5) A person who commits an offence under subsection (4) shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

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- (6) If a person makes default in complying with a notice under section 47, the court may, on the application of the Commission, make such order as the court considers appropriate for requiring the default to be made good.
- (7) Any such order may, in particular, provide that all the costs or expenses of and incidental to the application shall be borne—
 - (a) by the person in default, or
 - (b) if officers of a company or other association are responsible for its default, by those officers.
- (8) The reference in this section to the production of a document includes a reference to the production of a legible and intelligible copy of information recorded otherwise than in legible form; and the reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (9) In this section “the court”—
 - (a) in relation to England and Wales or Northern Ireland, means the High Court, and
 - (b) in relation to Scotland, means the Court of Session.

VALID FROM 26/03/2001

49 Powers of entry and seizure.

- (1) Subsection (2) applies where, on an application made by a constable or the Commission, a justice of the peace or, in Scotland, a sheriff is satisfied that there are reasonable grounds for suspecting—
 - (a) that a person has committed an offence under section 6 (“the suspect”), and
 - (b) that articles or documents of a particular description which are required for the purposes of an investigation of the offence are on particular premises.
- (2) The justice or sheriff may issue a warrant authorising a person appointed by him (“the appointed person”) to enter the premises concerned, search for the articles or documents and, subject to subsection (3), seize and remove any that he may find.
- (3) A warrant issued under subsection (2) shall not authorise the seizure and removal of any postal packet, mail-bag or document to which section 104(2) applies; but any such warrant may authorise the appointed person to take copies of the cover of any such packet, bag or document that he finds.
- (4) The appointed person, in the exercise of his powers under a warrant issued under this section, may if necessary use reasonable force.
- (5) The appointed person, in seeking to enter any premises in the exercise of his powers under the warrant, shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of the warrant, before entering.
- (6) Any articles or documents which have been seized and removed under a warrant issued under this section may be retained until the conclusion of proceedings against the suspect.

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- (7) For the purposes of this section, proceedings in relation to a suspect are concluded if—
- (a) he is found guilty and sentenced or otherwise dealt with for the offence,
 - (b) he is acquitted,
 - (c) proceedings for the offence are discontinued, or
 - (d) it is decided not to prosecute him.
- (8) In this section “premises” includes any vehicle, ship or aircraft.

50 Codes of practice.

- (1) The Commission shall prepare, and may revise, a code of practice governing the discharge by it of its functions.
- (2) The Commission shall, in exercising its functions, have regard to the provisions of the code.
- (3) In preparing or revising the code, the Commission shall consult—
 - (a) the Secretary of State,
 - (b) the Council,
 - (c) any universal service provider,
 - (d) any licence holder under Part II who is not a universal service provider, and
 - (e) such other persons as the Commission considers appropriate.
- (4) The Commission shall publish in such manner as it considers appropriate the code as for the time being in force.

The Council

51 Relevant postal issues.

In this section and sections 52 to 57—

“relevant postal issues” means the interests of users of relevant postal services in the United Kingdom and matters affecting those interests,

“relevant postal services” means any postal services provided in connection with the provision of a universal postal service and any other postal services which are provided, or authorised or required to be provided, by a licence holder under Part II in accordance with a licence under that Part,

and, for this purpose, services are provided in accordance with a licence if the licence authorises or requires them to be provided by the licence holder.

52 Provision of advice and information to public authorities and licence holders.

- (1) The Council shall—
 - (a) provide advice and information,
 - (b) represent the views of users of relevant postal services, and
 - (c) make proposals,about relevant postal issues to any person mentioned in subsection (2).

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- (2) Those persons are—
- (a) the Secretary of State, the Commission, the Competition Commission and any other public authority,
 - (b) any universal service provider,
 - (c) any licence holder under Part II who is not a universal service provider, and
 - (d) any other person whose activities may affect the interests of users of relevant postal services.
- (3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section to a person mentioned in subsection (2) (b) to (d) if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.
- (4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

53 Publication of information to users.

- (1) The Council shall make available to users of relevant postal services such information as it considers expedient to give to such users about—
- (a) relevant postal services,
 - (b) relevant postal issues, and
 - (c) itself and its functions.
- (2) The Council may perform its function under subsection (1) by—
- (a) publishing information in such form and manner as the Council considers appropriate, or
 - (b) furnishing any such information to any user of relevant postal services (whether in response to a request or otherwise).
- (3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.
- (4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

54 Exercise of functions: general.

- (1) The Council shall, in exercising its functions in relation to relevant postal services, have regard to the interests of different users of relevant postal services (including, in particular, the interests of users in different areas).
- (2) The Council shall, in exercising its functions, have regard to the interests of—
- (a) individuals who are disabled or chronically sick,
 - (b) individuals of pensionable age,
 - (c) individuals with low incomes, and
 - (d) individuals residing in rural areas,
- but that is not to be taken as implying that regard may not be had to the interests of other descriptions of persons.

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- (3) So far as the Council considers it practicable to do so with a view to facilitating the exercise of its functions, it shall collect and keep under review information about—
 - (a) the provision (in the United Kingdom and elsewhere) of postal services, and
 - (b) the interests and views of users of postal services in the United Kingdom and matters affecting those interests and views.
- (4) As part of the arrangements it makes for exercising its functions, the Council—
 - (a) shall establish—
 - (i) a committee for Scotland,
 - (ii) a committee for Wales, and
 - (iii) a committee for Northern Ireland,
 - (b) may establish other committees for any areas within Scotland, Wales or Northern Ireland, and
 - (c) shall establish at least one committee, and may establish other committees, in relation to England (whether a committee for England or a committee for an area within England).
- (5) The purposes of a committee established under subsection (4) (in this Act referred to as a “regional committee”) shall be—
 - (a) the provision of advice and information to the Council about relevant postal issues affecting the area for which it is established, and
 - (b) such other purposes as the Council may determine.
- (6) The Council shall maintain in each of England, Scotland, Wales and Northern Ireland at least one office at which users of relevant postal services may apply for information.

55 Annual and other reports: the Council.

- (1) The Council shall, as soon as practicable after the end of each financial year, make a report to the Secretary of State on its activities during that year (“the annual report”).
- (2) The Secretary of State shall—
 - (a) lay a copy of each annual report before each House of Parliament, and
 - (b) publish the report in such manner as he considers appropriate.
- (3) The Council may prepare other reports in relation to any matter falling within the scope of its functions and may publish any such report in such manner as it considers appropriate.
- (4) A report under this section shall contain such information as may be specified in any direction given to the Council by the Secretary of State.
- (5) So far as practicable the Council shall secure the exclusion from any report under this section of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person’s interests.
- (6) Subsection (5) does not apply if the person concerned consents to inclusion of the matter in the report.

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56 Complaints referred to the Council.

- (1) Where a matter which relates to the provision of relevant postal services is referred to the Council by or on behalf of a user of such services and—
 - (a) the matter has previously been the subject of a complaint to the person providing the service concerned,
 - (b) the complaint has not been satisfactorily resolved, and
 - (c) the matter does not appear to the Council to be of a frivolous or vexatious nature,the Council shall investigate the matter as it considers appropriate.
- (2) Where, as the result of any such investigation, the Council considers that—
 - (a) a condition of a licence under Part II may have been contravened,
 - (b) the matter referred, or any other matter, is a referable matter, or
 - (c) it is appropriate to do so,it shall, as soon as practicable, refer the matter concerned to the Commission for its consideration.
- (3) The Council and the Commission shall from time to time agree the descriptions of matters which are to be referred to the Commission and, for the purposes of subsection (2)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

57 Power of the Council to investigate other matters.

- (1) The Council may investigate—
 - (a) any matter (not being a matter which it is under a duty to investigate under section 56) which it considers to be a matter relating to the interests of users of relevant postal services, and
 - (b) any matter relating to the number and location of public post offices.
- (2) The Council may send a report on any matter investigated under this section to—
 - (a) the Commission,
 - (b) the Secretary of State,
 - (c) the Director General of Fair Trading, or
 - (d) any other public authority whose functions appear to the Council to be exercisable in relation to that matter.
- (3) Subject to subsection (4), the Council may also—
 - (a) send a report on any such matter to any person who appears to the Council to have an interest in the matter, and
 - (b) publish any such report in such manner as the Council considers appropriate.
- (4) So far as practicable the Council shall secure the exclusion from any report under subsection (3) of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person’s interests.
- (5) Subsection (4) does not apply if the person concerned consents to inclusion of the matter in the report.

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58 Power of the Council to require information.

- (1) The Council may serve notice on any person mentioned in subsection (2) requiring him—
 - (a) to supply to the Council such information specified or described in the notice as the Council may reasonably require in the exercise of its functions, and
 - (b) to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (2) The persons on whom a notice under subsection (1) may be served are—
 - (a) the Commission,
 - (b) a universal service provider,
 - (c) any licence holder under Part II who is not a universal service provider.
- (3) In deciding whether to serve a notice under this section and the contents of any such notice, the Council shall have regard to the desirability of minimising the costs of, and any other detriment to, the person on whom the notice may be, or is to be, served.
- (4) Subject to subsections (5) to (7), a person on whom a notice is served under this section shall comply with the notice.
- (5) The Commission may refuse to supply information required from it by a notice under this section if subsection (7) applies.
- (6) A person falling within subsection (2)(b) or (c) may refuse to supply information required from him by a notice under this section if the Commission determines that he need not comply with the notice; and the Commission may so determine if subsection (7) applies.
- (7) This subsection applies if the Commission considers that—
 - (a) the information concerned is not reasonably required by the Council in the exercise of its functions,
 - (b) the information concerned is of a description specified in an order made by the Secretary of State, or
 - (c) any other circumstances so specified apply.
- (8) The Commission shall, if required by the Council to do so, give a statement to the Council of its reasons for—
 - (a) a refusal to supply information under this section,
 - (b) a determination under subsection (6),and the Council may publish that statement in such manner as it considers appropriate.
- (9) No person shall be required under this section—
 - (a) to produce any documents which he could not be compelled to produce in civil proceedings before the court, or
 - (b) to supply any information which he could not be compelled to supply in evidence in such proceedings.
- (10) If a person makes default in complying with a notice under this section, the court may, on the application of the Council, make such order as the court considers appropriate for requiring the default to be made good.
- (11) Any such order may, in particular, provide that all the costs or expenses of and incidental to the application shall be borne—

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- (a) by the person in default, or
 - (b) if officers of a company or other association are responsible for its default, by those officers.
- (12) In this section, “the court”—
- (a) in relation to England and Wales or Northern Ireland, means the High Court, and
 - (b) in relation to Scotland, means the Court of Session.

The Commission and the Council

59 Provision of information by the Council to the Commission.

- (1) The Council shall, as soon as practicable after being required to do so by the Commission, provide to the Commission such information relating to the exercise of the Commission’s functions as the Commission may require.
- (2) The Secretary of State may by order specify—
 - (a) descriptions of information which the Council may refuse to provide under this section, and
 - (b) circumstances in which the Council may refuse to provide information under this section.
- (3) Where the Council refuses to provide any information under this section, it shall give notice to the Commission of the reason for its refusal and the Commission may publish that notice in such manner as it considers appropriate.

Commencement Information

I5 S. 59 wholly in force; s. 59 not in force at Royal Assent see s. 130; s. 59(2) in force at 6.11.2000 and s. 59 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](#))

60 Memorandum of understanding.

- (1) The Commission and the Council shall make arrangements with a view to securing—
 - (a) co-operation and the exchange of information between them, and
 - (b) consistent treatment of matters which affect both of them.
- (2) As soon as practicable after agreement is reached on those arrangements, the Commission and the Council shall prepare a memorandum setting them out and send a copy of it to the Secretary of State.
- (3) Arrangements under this section shall be kept under review by the Commission and the Council.
- (4) As soon as practicable after agreement is reached on any changes to those arrangements, the Commission and the Council shall revise their memorandum and send a copy of the revised memorandum to the Secretary of State.
- (5) The Secretary of State shall lay before each House of Parliament a copy of any document received by him under this section.

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61 Forward work programmes.

- (1) The Commission and the Council shall, before each financial year, each publish a document (“the forward work programme”) containing a general description of the projects, other than those comprising routine activities in the exercise of its functions, which it plans to undertake during the year.
- (2) That description shall, in particular, include—
 - (a) the objectives of each project, and
 - (b) an estimate of the overall expenditure which the Commission or the Council expects to incur during the year in undertaking the projects.
- (3) Before publishing the forward work programme for any year, the Commission or the Council shall—
 - (a) give notice of the draft forward work programme, and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- (4) The notice shall—
 - (a) contain a draft of the forward work programme, and
 - (b) specify the period within which representations may be made about the proposals contained in it.
- (5) A notice under this section shall be given by—
 - (a) serving a copy of the notice on the Secretary of State, and the Council or (as the case may be) the Commission, and
 - (b) publishing the notice in such manner as the Commission or (as the case may be) the Council considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them.

Status:

Point in time view as at 01/01/2001. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

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