
Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Enforcement of directions under paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 4

RECOVERY OF ADMINISTRATIVE CHARGES INCURRED BY OFCOM

Enforcement of directions under paragraph 7

- 9 (1) A person commits an offence if the person provides any service—
- (a) while the person's entitlement to do so is suspended by a direction under paragraph 7, or
 - (b) in contravention of a restriction contained in a direction under that paragraph.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.
- (3) The duty of a person to comply with a condition of a direction under paragraph 7 is to be a duty owed to every person who may be affected by a contravention of the condition.
- (4) Sub-paragraphs (5) and (6) apply where a duty is owed by virtue of sub-paragraph (3) to a person.
- (5) A breach of the duty that causes that person to sustain loss or damage is actionable at the suit or instance of that person.
- (6) An act which—
- (a) by inducing a breach of the duty or interfering with its performance, causes that person to sustain loss or damage, and
 - (b) is done wholly or partly for achieving that result,
- is actionable at the suit or instance of that person.
- (7) In proceedings brought against a person as a result of sub-paragraph (5) it is a defence for that person to show that the person took—
- (a) all reasonable steps, and
 - (b) exercised all due diligence,
- to avoid contravening the condition in question.

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