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**Changes to legislation:** There are currently no known outstanding effects for the Postal Services Act 2011,  
Cross Heading: Penalties for contravention of regulatory requirements. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 7

#### ENFORCEMENT OF REGULATORY REQUIREMENTS

##### *Penalties for contravention of regulatory requirements*

- 6 (1) This paragraph applies (in addition to paragraph 5) if—
- (a) a person has been given a notification under paragraph 2,
  - (b) OFCOM have allowed the person an opportunity of making representations about the matters notified, and
  - (c) the period allowed for the making of the representations has ended.
- (2) OFCOM may impose a penalty on a person if the person has, in one or more of the respects notified, been in contravention of a requirement specified in the notification under paragraph 2.
- (3) If a notification under paragraph 2 relates to more than one contravention, a separate penalty may be imposed in respect of each contravention.
- (4) If a notification under that paragraph relates to a continuing contravention, no more than one penalty may be imposed in respect of the period of contravention specified in the notification.
- (5) OFCOM may also impose a penalty on a person if the person is contravening, or has contravened, a requirement of an enforcement notification given under paragraph 5.
- (6) If OFCOM impose a penalty on a person under this paragraph, they must—
- (a) within one week of making their decision to impose the penalty, notify that person of that decision and of their reasons for it, and
  - (b) in that notification, fix a reasonable period after it is given as the period within which the penalty is to be paid.
- (7) A penalty imposed under this paragraph—
- (a) must be paid to OFCOM, and
  - (b) if not paid within the period fixed by them, is to be recoverable by them accordingly.

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#### **Commencement Information**

**II** Sch. 7 para. 6 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 7 (1) The amount of a penalty imposed under paragraph 6 on a person is to be such amount as OFCOM determine to be—
- (a) appropriate, and
  - (b) proportionate to the contravention in respect of which it is imposed.

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- (2) The amount must not be more than 10% of the turnover of the person's postal services business for the relevant period, calculated in accordance with such rules as may be set out by order made by the Secretary of State.
- (3) For the purposes of this paragraph—
- “the person's postal services business” means so much of any business carried on by the person as consists in the provision of postal services, and
  - “the relevant period” means—
- (a) except in a case within paragraph (b) or (c), the period of one year ending with the 31 March next before the time when notification of the contravention was given under paragraph 2,
  - (b) in the case of a person who at that time has been carrying on postal services business for under a year, the period, ending with that time, during which the person has been carrying it on, and
  - (c) in the case of a person who at that time has ceased to carry on postal services business, the period of one year ending with the time when the person ceased to carry it on.
- (4) In making the determination of the amount of the penalty OFCOM must have regard to—
- (a) any representations made to them by the person,
  - (b) any steps taken by the person towards complying with the requirements contraventions of which have been notified to the person under paragraph 2, and
  - (c) any steps taken by the person for remedying the consequences of those contraventions.
- (5) An order under this paragraph is subject to affirmative resolution procedure.

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**Commencement Information**

**12** Sch. 7 para. 7 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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