

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Power to deal with urgent cases. (See end of Document for details)

SCHEDULES

SCHEDULE 7

ENFORCEMENT OF REGULATORY REQUIREMENTS

Power to deal with urgent cases

- 8 (1) This paragraph applies if OFCOM determine—
- (a) that they are entitled to give a notification under paragraph 2 with respect to a contravention by a person (“the contravening person”) of a regulatory requirement,
 - (b) that there are reasonable grounds for suspecting that the case is urgent, and
 - (c) that the urgency of the case makes it appropriate for them to act under this paragraph.
- (2) A case is urgent for the purposes of this paragraph if the contravention has resulted in or creates an immediate risk of—
- (a) a serious threat to the safety of the public, to public health or to national security,
 - (b) serious economic or operational problems for persons providing postal services (other than the contravening person), or
 - (c) serious economic or operational problems for users of postal services.
- (3) OFCOM may, in a notification under paragraph 2 with respect to the contravention, specify a period of less than one month for doing the things mentioned in subparagraph (3) of that paragraph.
- (4) OFCOM may also give to the contravening person a direction that the entitlement of the contravening person to provide postal services—
- (a) is suspended (either generally or in relation to particular services), or
 - (b) is restricted in the respects set out in the direction.

Commencement Information

II Sch. 7 para. 8 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 9 (1) Unless it provides otherwise, a direction under paragraph 8 takes effect for an indefinite period beginning with the time at which it is notified to the person to whom it is given.
- (2) A direction under paragraph 8—
- (a) in providing for the effect of a suspension or restriction to be postponed, may provide for it to take effect only at a time determined by or in accordance with the terms of the direction, and
 - (b) in connection with the suspension or restriction contained in the direction or with the postponement of its effect, may impose such conditions on the

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contravening person as appear to OFCOM to be appropriate for the purpose of protecting the users of that person's services.

- (3) Those conditions may include a condition requiring the making of payments—
 - (a) by way of compensation for loss or damage suffered by those users as a result of the direction, or
 - (b) in respect of annoyance, inconvenience or anxiety to which those users have been put in consequence of the direction.
- (4) OFCOM may revoke a direction under this paragraph or modify its conditions—
 - (a) with effect from such time as they may direct,
 - (b) subject to compliance with such requirements as they may specify, and
 - (c) to such extent and in relation to such services, or parts of a service, as they may determine.

Commencement Information

I2 [Sch. 7 para. 9](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- 10 (1) As soon as reasonably practicable after giving a direction under paragraph 8 to a person, OFCOM must give the person—
 - (a) an opportunity of making representations to them about the grounds on which it was given, and
 - (b) an opportunity of proposing steps to remedy the situation.
- (2) As soon as reasonably practicable after the period allowed by OFCOM for making those representations has ended, OFCOM must determine—
 - (a) whether the contravention did occur, and
 - (b) whether the circumstances made it an urgent case justifying the giving of the direction.
- (3) If they decide that the contravention did occur and that the direction was justified, they may confirm the direction.
- (4) If not, they must revoke the direction or modify its conditions.
- (5) As soon as reasonably practicable after determining whether to confirm the direction, OFCOM must notify their decision to the person to whom the direction was given.
- (6) Conditions included in a direction as a result of paragraph 9(3) have effect only if the direction is confirmed.

Commencement Information

I3 [Sch. 7 para. 10](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

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