



# Postal Services Act 2011

## 2011 CHAPTER 5

### PART 3

#### REGULATION OF POSTAL SERVICES

##### *Universal service providers*

#### **36 Designated USP conditions**

- (1) OFCOM may impose a designated USP condition on a universal service provider.
- (2) A designated USP condition is a condition requiring the provider to do one or more of the following—
  - (a) to provide a universal postal service, or part of a universal postal service, throughout the United Kingdom, or in a specified area of the United Kingdom, in accordance with the standards set out in the universal postal service order,
  - (b) to provide, or make arrangements for the provision of, access points for the purposes of a universal postal service,
  - (c) to provide specified information (at such times and in such manner as OFCOM may direct) to other postal operators and users of postal services about the services within paragraph (a) that it is required to provide, and
  - (d) to do anything else that OFCOM consider appropriate for the purposes of, or in consequence of, the obligations imposed under any of paragraphs (a) to (c).

In this subsection “specified” means specified in the condition.

- (3) OFCOM may impose a designated USP condition only if they consider it is necessary to do so in order to secure the provision of a service of a description set out in the universal postal service order in accordance with the standards set out there.
- (4) A designated USP condition may make provision as to the tariffs to be used for determining prices in accordance with which a universal postal service, or part of a universal postal service, is provided.

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*Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Section 36. (See end of Document for details)*

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- (5) In exercising the power conferred by subsection (4), OFCOM must seek to ensure that—
- (a) the prices are affordable,
  - (b) the prices take account of the costs of providing the service or part of a service, and
  - (c) the prices provide incentives to provide the service or part of a service efficiently.
- (6) A designated USP condition may impose performance targets.
- (7) If there are two or more universal service providers—
- (a) OFCOM must secure that there is no overlap in the universal service obligations imposed on the providers, and
  - (b) designated USP conditions may require the providers to make arrangements for securing that a universal postal service operates uniformly and effectively throughout the United Kingdom.
- (8) In this Part “universal service obligations”, in relation to a universal service provider, means the obligations imposed on the provider by any designated USP condition.

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**Commencement Information**

**II**    [S. 36](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Postal Services Act 2011, Section 36.