

Schedule 1 to Annex 7 – Marked up draft of Universal Postal Service Order 2012

STATUTORY INSTRUMENTS

2012 No. 936

POSTAL SERVICES

The Postal Services (Universal Postal Service) Order 2012

Made - - - - [date]
Coming into force - - [date]

The Office of Communications (“OFCOM”), in exercise of the powers conferred by section 30(1) of the Postal Services Act 2011⁽¹⁾, make the following Order.

Before making this Order, OFCOM have given notice of their proposal to do so in accordance with section 403(4)(a) of the Communications Act 2003⁽²⁾ (“the 2003 Act”)⁽³⁾, published notice of their proposal in accordance with section 403(4)(b) of the 2003 Act and have considered the representations made to them before the time specified in that notice in accordance with section 403(4)(c) of the 2003 Act.

Citation and commencement

1. This Order may be cited as the Postal Services (Universal Postal Service) Order 2012 and shall come into force on 1st April 2012.

Interpretation

2. In this Order—

“addressee services” has the meaning given in article 5(1)(e);

“blind” means registered as blind under the provisions of the National Assistance Act 1948⁽⁴⁾ or as severely sight-impaired under the provisions of Part 1 of the Care Act 2014 (care and support);

(1) 2011 c.5.

(2) 2003 c.21.

(3) Section 403 of the 2003 Act is applied to the power of OFCOM to make regulations under section 30(1) of the Postal Services Act 2011 by section 63 of the Postal Services Act 2011.

(4) 1948 c.29.

“Certificate of Posting” means a document issued or validated by a post office affirming that a postal packet has been deposited at the office for conveyance;

“deemed date of collection” has the meaning given in article 3(2);

“delivery office” means an office managed by a universal service provider for the purposes of processing postal packets immediately prior to the activity of delivery to the addressee;

“domestic”, in relation to a postal service, means the service is for the conveyance of postal packets from access points in the United Kingdom to addresses **and collection points** in the United Kingdom;

“end-to-end services at affordable prices” has the meaning given in article 5(1)(c);

“EU office of exchange” means a facility for—

- (a) the collection by a universal service provider of postal packets originating from a country within the European Union **other than the United Kingdom**, for onward conveyance and delivery within the United Kingdom; or
- (b) the deposit by a universal service provider of postal packets originating from the United Kingdom, for onward conveyance and delivery to a country within the European Union **other than the United Kingdom**;

“free end-to-end services” has the meaning given in article 5(1)(d);

“insured item” means a postal packet the value of which has been declared to a universal service provider and in respect of which, in the event of its theft or loss or damage in the course of its conveyance by post, the universal service provider has agreed to pay to the sender the declared value or such lesser sum as is consistent with the provision of the service at affordable prices;

“letter” means—

(a) any communication in written form on any kind of physical medium to be conveyed to the person or address indicated on the item itself or on its wrapping (excluding any book, catalogue, newspaper or periodical), and

(b) includes a postal packet containing any communication within paragraph (a) of this definition;

“letter box” includes any pillar box, wall box, or other box or receptacle provided by a postal operator for the purpose of receiving postal packets, or any class of postal packets, for onwards conveyance by post;

“meter” means a method of evidencing payment for postal services provided by a universal service provider which involve the conveyance of a postal packet, through which the sender having paid in advance for postage applies an impression to a visible surface of the postal packet using a franking machine licensed by the universal service provider;

“partially sighted” means certified by an ophthalmologist, doctor or ophthalmic optician as having vision which cannot be improved using optical aids (including magnifiers) or additional illumination to allow 12 point sized print to be read at a comfortable reading distance;

“postal packet” means a letter, parcel, packet or other article transmissible by post;

“post office” means any premises or vehicle in the United Kingdom from which postal services are provided directly to the public;

“priority and other letters” means letters conveyed by post under a service specified in Schedules 1 to 3 to this Order, except letters sent under a service specified in paragraph 3 of Schedule 1 to this Order;

“proof of delivery” means a copy of a signature, or other evidence from the recipient in confirmation of receipt, obtained on delivery of a postal packet;

“registered item” means a postal packet which has been registered with a universal service

provider in connection with its conveyance by post and for which an amount determined by the universal service provider is payable by the universal service provider to the sender in the event of theft or loss of or damage to it in the course of its conveyance by post;

“routing time” means the target maximum time for conveying postal packets from the access point to the delivery point in the provision of a postal service;

“ROW office of exchange” means a facility for—

- (a) the collection by a universal service provider of postal packets originating from a country outside the European Union, for onward conveyance and delivery within the United Kingdom; or
- (b) the deposit by a universal service provider of postal packets originating from the United Kingdom, for onward conveyance and delivery to a country outside the European Union;

“single piece service” has the meaning given in paragraph 1 of Schedule 1;

“standard letters” means letters conveyed by post under the service specified in paragraph 3 of Schedule 1 to this Order;

“tracking facility” means a facility enabling a sender to monitor the progress of a postal packet through the postal network.

Routing times

3.—(1) Routing times are expressed using the formula $D + n$, where—

- (a) “D” means the deemed date of collection; and
- (b) “n” means the number of working days between D and the delivery date, including the delivery date.

(2) “Deemed date of collection” means—

- (a) in the case of a postal packet deposited at an access point in the United Kingdom on a day on which no collection is required under article 7, the next day on which a collection is required under article 7;
- (b) (i) in the case of a postal packet deposited in the United Kingdom as described in sub-paragraph (ii), the next day on which a collection is required under article 7;
(ii) sub-paragraph (i) applies where the postal packet is deposited at a letter box on which, or at a post office at which, a time for last collection is advertised, after that time on a day on which a collection is required under article 7;
- (c) in any other case where the access point is in the United Kingdom, the date of deposit;
- (d) in the case of a postal packet deposited at an access point outside the United Kingdom after a last collection time notified in accordance with the rules of the country in question, the next day on which a collection is required under the rules of that country; and
- (e) in any other case where the access point is outside the United Kingdom, the date of deposit.

(2A) “Working day” means, for—

- (a) priority and other letters and other postal packets, any day which is not—
 - (i) a Sunday; or
 - (ii) a public holiday in the place of collection or the place of delivery of the postal packet concerned; and
- (b) standard letters, any day which is not—
 - (i) a Saturday,
 - (ii) a Sunday, or
 - (iii) a public holiday in the place of collection or the place of delivery of the letter concerned.

(3) Where the formula as applied to the delivery of a particular postal packet results in delivery being required—

- (a) in the United Kingdom, on a day on which a delivery is not required under article 6; or

- (b) outside the United Kingdom, on a day on which under the rules of the country of delivery no delivery is required;

compliance with the routing time shall be achieved if delivery is effected on the next day on which a delivery is required.

Delivery

4. Where a service described in this Order requires delivery of a postal packet, delivery shall be effected if—

- (a) the postal packet has been delivered to the postal address marked on the postal packet;
- (b) the postal packet has been delivered to a person named as an addressee on the postal packet;
- (c) the postal packet has been delivered to another delivery point requested by the addressee or approved by OFCOM for the purposes of this paragraph; or
- (d) an unsuccessful attempt has been made to deliver the postal packet in accordance with sub-paragraph (a), (b), or (c) and a universal service provider offers the addressee a choice of redelivery within a reasonable period and an opportunity to collect the postal packet from any of the following places—
 - (i) a post office;
 - (ii) a delivery office; or
 - (iii) another collection point approved by OFCOM for the purposes of this paragraph.

The universal postal service

5.—(1) The universal postal service shall comprise—

- (a) the delivery services described in article 6;
- (b) the collection services described in article 7;
- (c) the services described in Schedule 1 (“end-to-end services at affordable prices”);
- (d) the services described in Schedule 2 (“free end-to-end services”); and
- (e) the services described in Schedule 3 (“addressee services”).

(2) It is a characteristic of the universal postal service that its component services are available for all postal packets which meet the requirements (if any) set out in this Order for the provision of the service in question.

(3) Nothing in this Order requires the doing of anything in relation to a postal packet of a type falling within section 33(1)(a) or (b) Postal Services Act 2011.

Delivery services

6.—(1) At least one delivery every Monday to Saturday of **priority and other** letters originating from anywhere in the world—

- (a) to the home or premises of every individual or other person in the United Kingdom; and
- (b) to delivery points approved by OFCOM for the purposes of this paragraph.

(1A) Delivery on any day from Monday to Friday of standard letters—

- (a) to the home or premises of every individual or other person in the United Kingdom, and**
- (b) to delivery points approved by OFCOM for the purposes of this paragraph.**

(2) At least one delivery every Monday to Friday of other postal packets originating from anywhere in the world—

- (a) to the home or premises of every individual or other person in the United Kingdom; and
- (b) to delivery points approved by OFCOM for the purposes of this paragraph.

(3) The requirements in paragraphs (1), **(1A)** and (2) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

Collection services

7.—(1) At least one collection—

- (a) every Monday to Saturday, from access points for **priority and other** letters for the end-to-end services at affordable prices and the free end-to-end services; and
- (b) every Monday to Friday, from access points for **standard letters and** other postal packets for the end-to-end services at affordable prices and the free end-to-end services.

(2) The requirements in paragraph (1) do not need to be met on any day which is (in the part of the United Kingdom concerned) a public holiday.

End-to-end services at affordable prices

8. The end-to-end services at affordable prices shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

Free end-to-end services

9. The free end-to-end services shall be provided—

- (a) free of charge throughout the United Kingdom;
- (b) on fair and reasonable terms; and
- (c) every day on which a collection is required by article 7.

Addressee services

10. The addressee services shall be provided—

- (a) at affordable prices determined in accordance with a public tariff which is uniform throughout the United Kingdom, save as specified in paragraph 2 of Schedule 3;
- (b) on fair and reasonable terms;

and shall be available for acquisition every day excluding any day which is a Sunday or a public holiday in the place of acquisition.

11. Nothing in this Order is to be read—

- (a) as requiring a service to continue without interruption, suspension or restriction in an emergency; or
- (b) as preventing individual agreements as to prices from being concluded with customers.

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For and by authority of the Office of
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SCHEDULES

SCHEDULE 1

Article 5(1)(c)

End-to-end services at affordable prices

Single piece service

1. “Single piece service” means a postal service for the conveyance of an individual postal packet to the addressee, for which the price per postal packet is not subject to any discounts related to—
 - (a) the number of postal packets sent in connection with the person who paid for the service;
 - (b) the positioning or formatting of text on the postal packet;
 - (c) the use of markings which facilitate the use of machines to sort postal packets;
 - (d) presortation into geographical areas for delivery; or
 - (e) the purchase of any other conveyance of the same or any other postal packet.

Priority services

2. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—
 - (a) have a routing time of $D + 1$;
 - (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
 - (c) include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office; and
 - (d) include provision of proof of delivery on application by the sender.

Standard services

3. One or more domestic single piece services for the conveyance of postal packets other than insured items, which—
- (a) have a routing time of D + 3;
 - (b) are capable of purchase by postage stamp and by meter and may be capable of purchase by other reasonable methods;
 - (c) include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office; and
 - (d) include provision of proof of delivery on application by the sender.

Registered and insured services

- 4.—(1) One or more domestic single piece services for the conveyance of insured items weighing no more than 10 kilograms and registered items weighing no more than 10 kilograms, which—
- (a) have a routing time of D + 1;
 - (b) have a target delivery time of 1pm, except where this is not reasonably possible;
 - (c) include provision of a tracking facility;
 - (d) include provision of proof of delivery on application by the sender; and
 - (e) are paid for in advance.

(2) One or more domestic single piece services for the conveyance of registered items weighing more than 10 kilograms and insured items weighing more than 10 kilograms which convey the postal packet to the delivery point within a reasonable period.

Return to sender services

5.—(1) One or more domestic single piece services for the conveyance of postal packets meeting the description in sub-paragraph (3) back to the sender within a reasonable period, where—

- (a) the postal packet has been conveyed in the provision of a universal postal service and delivery to the addressee named on the postal packet has not been effected; and
- (b) the sender's address is legibly marked on the postal packet.

(2) For the purpose of this paragraph, the definition of “single piece service” shall apply as though the words at sub-paragraph (e) of that definition were replaced with “the purchase of a conveyance of any other postal packet”.

(3) The description set out in this paragraph is—

- (a) as to the postal packet's maximum dimensions—
 - (i) if the postal packet is a right circular cylinder—
 - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
 - (bb) the length does not exceed 900 millimetres; and
 - (cc) the diameter does not exceed 900 millimetres;
 - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet's minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.

Fast outgoing European Union services

6. One or more single piece services for the conveyance of postal packets to EU offices of exchange for onward delivery to each country within the European Union—~~other than the United~~

Kingdom, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
 - (i) reasonable; and
 - (ii) compatible with a routing time for the provision of an end-to-end service of D + 3;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.

Slow outgoing European Union services

6A.—(1) One or more single piece services for the conveyance of postal packets meeting the description in sub-paragraph (2) to EU offices of exchange for onward delivery to each country within the European Union ~~other than the United Kingdom~~, where—

- (a) the postal packet is conveyed to the EU office of exchange within a period that is—
 - (i) reasonable; and
 - (ii) compatible with a routing time for the provision of an end-to-end service of D + 30;
 - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
 - (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—
- (a) at minimum—
 - (i) the weight of the postal packet exceeds 100 grams; and
 - (ii) the dimensions of the postal packet, measured at their narrowest points, exceed 245 millimetres by 165 millimetres by 5 millimetres;
 - (b) at maximum as to weight—
 - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms;
 - (ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
 - (c) at maximum as to dimensions—
 - (i) if the postal packet is a right circular cylinder—
 - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
 - (bb) the length does not exceed 900 millimetres; and
 - (cc) the diameter does not exceed 900 millimetres;
 - (ii) if the postal packet is not a right circular cylinder—
 - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
 - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.

Fast outgoing rest of world services

7.—(1) One or more single piece services for the conveyance of postal packets to ROW offices of exchange for onward delivery to each country of the world outside the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
 - (i) reasonable; and
 - (ii) compatible with a routing time for the provision of the end-to-end service of D + 7;
- (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
- (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.

Slow outgoing rest of world services

7A.—(1) One or more single piece services for the conveyance of postal packets meeting the description in sub-paragraph (2) to ROW offices of exchange for onward delivery to each country of the world outside the European Union, where—

- (a) the postal packet is conveyed to the ROW office of exchange within a period that is—
 - (i) reasonable; and
 - (ii) compatible with a routing time for the provision of the end-to-end service of D + 72;
 - (b) the service or services are capable of purchase by postage stamp and may be capable of purchase by other reasonable methods; and
 - (c) the service or services include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.
- (2) The description in this sub-paragraph is—

- (a) at minimum, each dimension of the postal packet, measured at their narrowest points, exceeds 0.25 millimetres;
- (b) at maximum as to weight—
 - (i) if the postal packet contains items that are not printed papers, its weight does not exceed 2 kilograms;
 - (ii) if the postal packet only contains printed papers, its weight does not exceed 5 kilograms;
- (c) at maximum as to dimensions—
 - (i) if the postal packet is a right circular cylinder—
 - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
 - (bb) the length does not exceed 900 millimetres; and
 - (cc) the diameter does not exceed 900 millimetres;
 - (ii) if the postal packet is not a right circular cylinder—
 - (aa) the sum of the length, width and depth (measured at their widest points) does not exceed 900 millimetres; and
 - (bb) the greatest dimension (measured at its widest point) does not exceed 600 millimetres.

Incoming European Union services

8. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from EU offices of exchange, where the postal packet is conveyed from the EU office of exchange to the delivery point within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 3.

Incoming rest of world services

9. One or more single piece services for the onward conveyance and delivery within the United Kingdom of postal packets collected from ROW offices of exchange, where the postal packet is conveyed from the ROW office of exchange to the delivery point within a reasonable period.

SCHEDULE 2

Free end-to-end services

Legislative petitions and addresses

1. A domestic postal service for the conveyance of legislative petitions and addresses within a reasonable period.

Meaning of eligible item in relation to services for blind or partially sighted persons

2. In paragraphs 3 and 4 of this Schedule, “eligible items” are—
- (a) books, papers and letters which are prepared for use by blind or partially sighted people;
 - (b) papers sent to anyone to be prepared or impressed so blind or partially sighted people can use them;
 - (c) relief maps;
 - (d) machines, frames and attachments for making impressions for blind or partially sighted people to use;
 - (e) writing frames and attachments for blind or partially sighted people to use;
 - (f) Braille instruction manuals;
 - (g) games (including card games) for blind or partially sighted people;
 - (h) mathematical appliances and attachments for blind or partially sighted people;
 - (i) recordings of readings from printed sources, such as books, journals, newspapers, periodicals or similar publications;
 - (j) equipment used to play such recordings;
 - (k) metal plates impressed or sent for impressing for use by blind or partially sighted people;
 - (l) supplies of covers, envelopes and labels for sending articles for use by blind or partially sighted people;
 - (m) watches, clocks, timers, tools and measuring equipment designed for blind or partially sighted people to use;
 - (n) walking sticks adapted for blind or partially sighted people;
 - (o) harnesses for guide dogs;
 - (p) computer disks and CDs which are prepared for blind or partially sighted people.

Domestic services for blind or partially sighted persons

3.—(1) A domestic postal service having a routing time of D + 1, for the conveyance of eligible items weighing up to 7 kilograms in aggregate per postal packet—

- (a) to blind or partially sighted persons;
- (b) from blind or partially sighted persons; or
- (c) from organisations representing blind people or providing a service specifically designed for blind or partially sighted persons.

(1A) The service required under sub-paragraph (1) includes provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.

(2) The service required under sub-paragraph (1) does not include the conveyance of registered items or insured items.

International services for blind or partially sighted persons

4.—(1) The services described in sub-paragraph (1A) for the conveyance of eligible items to EU offices of exchange and ROW offices of exchange for onward conveyance to any country in the world other than the United Kingdom—

- (a) to blind or partially sighted persons;
- (b) from blind or partially sighted persons; or
- (c) from organisations representing blind people or providing a service specifically designed for blind or partially sighted persons.

(1A) One or more services for the conveyance of postal packets weighing no more than 7 kilograms, where the postal packet is conveyed to the EU office of exchange or the ROW office of exchange (as the case may be) within a period that is—

- (a) reasonable; and
- (b) compatible with a routing time for the provision of the end-to-end service of D + 7.

(1B) The services required under sub-paragraph (1) include provision of a Certificate of Posting free of charge on request if the postal packet is deposited at a post office.

(2) The services required under sub-paragraph (1) do not include the conveyance of registered items or insured items.

SCHEDULE 3

Addressee services

Redirection services

1.—(1) One or more services for addressees providing that during a specified reasonable period all postal packets that are to be delivered by a universal service provider to a particular addressee should be conveyed to a postal address other than that marked on the postal packet (“the redirection address”) within a reasonable period.

(2) This service is not required—

- (a) where the redirection address is outside the United Kingdom and—
 - (i) the postal packet contains registered items or insured items; or
 - (ii) the postal packet exceeds 100 grams in weight, 240 millimetres in length, 165 millimetres in width or 25 millimetres in thickness;
- (b) in relation to postal packets to a particular addressee or from a particular sender or class of sender, where the provision of the service in relation to those postal packets would create a substantial risk of crime;
- (c) where the address marked on the postal packet or the redirection address relates to premises in relation to which it is reasonable not to provide the service; or
- (d) where the redirection address is a delivery office or a post office.

Poste restante services

1.—(1) One or more free of charge services for addressees, which provide—

- (a) for the address of any specified post office in the United Kingdom to be used as an addressee’s postal address for a reasonable period, and
- (b) for postal packets meeting the description in sub-paragraph (2) for that addressee to be held at that post office for a reasonable period for collection by the addressee, provided, in relation to any post office, that it is reasonable for the post office concerned to be used to provide the service.

(2) The description set out in this paragraph is—

- (a) as to the postal packet’s maximum dimensions—
 - (i) if the postal packet is a right circular cylinder—
 - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
 - (bb) the length does not exceed 900 millimetres; and
 - (cc) the diameter does not exceed 900 millimetres;
 - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet’s minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.

Retention services

1.—(1) One or more services for addressees which provide for a delay for a specified reasonable period to the target delivery date otherwise applicable to any postal packets meeting the description in sub-paragraph (2).

(2) The description set out in this paragraph is—

- (a) as to the postal packet's maximum dimensions—
 - (i) if the postal packet is a right circular cylinder—
 - (aa) the length plus twice the diameter does not exceed 1040 millimetres;
 - (bb) the length does not exceed 900 millimetres; and
 - (cc) the diameter does not exceed 900 millimetres;
 - (ii) if the postal packet is not a right circular cylinder, the dimensions of the postal packet (measured at their widest points) do not exceed 610 millimetres by 460 millimetres by 460 millimetres; and
- (b) as to the postal packet's minimum dimensions (measured at their narrowest points), each dimension of the postal packet exceeds 0.25 millimetres.

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