
Proposal to grant an exception to Royal Mail's universal service obligations

No requirement for deliveries and collections in Scotland when 2 January falls on a Saturday

CONSULTATION:

Publication date: 2 October 2020

Closing date for responses: 2 November 2020

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1. Overview

As the Designated Universal Service Provider (“DUSP”), Royal Mail is required to provide a universal postal service, including delivery and collection of letters, six days per week, Monday to Saturday. This obligation does not however apply on public holidays, which includes bank holidays and any other date which Ofcom directs. These are known as ‘exceptions.’

Royal Mail has requested that Ofcom issue a direction which makes 2 January an ‘exception’ in Scotland, when this date falls on a Saturday. The 2 January is generally a public holiday in Scotland (known as the New Years’ Holiday) although, when this date falls on a Saturday, the following Monday is ordinarily designated as the official public holiday. This would mean that, in the absence of a direction from Ofcom, Saturday 2 January would be a normal working day on which Royal Mail would be required to deliver and collect letters.

Royal Mail has confirmed that, where Ofcom agrees to its request, it intends to provide universal services on the substituted bank holiday (ordinarily Monday 4 January) when it considers there will be much greater demand.

What we are proposing – in brief

- Ofcom proposes to issue a direction providing an exception to the universal service in Scotland when 2 January falls on a Saturday. This would mean that Royal Mail would not have to collect or deliver mail on that day until further notice.
- We invite comments on this proposal by 2 November 2020.
- Subject to consultation and stakeholder responses, we plan to publish our statement on the above proposal as soon as possible after the consultation deadline.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document

2. Background and legal framework

Background

- 2.1 As the DUSP, Royal Mail is required to collect and deliver letters every Monday to Saturday, excluding public holidays. Whilst public holidays include the traditional holidays of Christmas Day and Good Friday, as well as bank holidays, Ofcom may also direct that specific days (which may not technically be bank holidays) become exceptions to the universal service obligations.
- 2.2 The 2 January is usually a public holiday in Scotland.¹ However, if it falls on a Saturday, the public holiday ordinarily moves to the following Monday (4 January) and Saturday 2 January is treated as an ordinary Saturday. This would mean that the universal service obligations on Royal Mail to collect and deliver letters would not apply on 4 January, it being a public holiday, but that they would apply on Saturday 2 January. This specific issue will arise on 2 January 2021.²
- 2.3 On 29 July 2020, Royal Mail asked Ofcom to make a Direction exempting it from its universal service obligations in Scotland on 2 January, whenever this date falls on a Saturday. In the remainder of this Section, we set out the legal framework relevant to Royal Mail's request and summarise Royal Mail's request. A copy of Royal Mail's letter to Ofcom requesting this exception is provided at Annex 6.

Relevant Legal Framework

Royal Mail's duty to provide the universal service

- 2.4 Section 30(1) of the Postal Services Act 2011 ("the Act") provides that Ofcom must set out in an order a description of the services Ofcom considers should be provided in the United Kingdom as a universal postal service and the standards with which those services must comply. The universal service must include the minimum requirements set out in section 31 of the Act. These include:
- the delivery of letters every Monday to Saturday and of other postal packets every Monday to Friday to the home or premises of every individual or other person in the United Kingdom; and

¹ Bank holidays in England and Wales, Scotland and Northern Ireland are set under the Banking and Financial Dealings Act 1971. It provides that 2 January be observed as a bank holiday in Scotland. Additional bank holidays may be provided for in a given year by Royal Proclamation (for example the Jubilee bank holiday in 2012). When the usual date of a bank or public holiday falls on a Saturday (or Sunday), a substitute day is also given by Royal Proclamation, normally the following Monday.

² The GOV.UK website currently lists all the expected bank and public holidays for England, Wales, Scotland and Northern Ireland in 2020-21. In Scotland, 2 January would normally be designated a Bank Holiday if it falls on a weekday. However, in 2021, 2 January falls on a Saturday and therefore Monday 4 January 2021 is the substitute bank holiday.

- the collection of letters every Monday to Saturday and of other postal packets every Monday to Friday from post boxes and other access points.
- 2.5 Ofcom has met its requirements under section 30 of the Act by making the Postal Services (Universal Postal Service) Order 2012 (“the Order”)³. Articles 6 and 7 of the Order set out the universal service requirements for collection and delivery, as required under section 31 of the Act. These are mirrored in the obligations imposed on Royal Mail (as the DUSP) under the DUSP conditions.
- 2.6 Under DUSP condition 1.4.1 Royal Mail must ensure that:
- “Except as set out in DUSP 1.3, the universal service provider shall offer to provide at least one delivery of letters originating from anywhere in the world every Monday to Saturday-*
- (a) to the home or premises of every individual or other person in the UK; and*
- (b) to delivery points approved by OFCOM for the purposes of this Condition”*
- 2.7 Under DUSP condition 1.5.1 Royal Mail must ensure that:
- “Except as set out in DUSP 1.3, the universal service provider shall provide at least one collection-*
- (a) every Monday to Saturday, from public access points for letters for the services described in DUSP 1.4...”*

Exceptions to the universal service obligations

- 2.8 DUSP condition 1.3.2 permits certain exceptions to Royal Mail’s universal service obligations. Specifically, it provides that:
- "The requirements in this DUSP Condition in respect of the delivery or collection of postal packets do not need to be met:*
- on any day which is (in the territory concerned) a public holiday; or*
- in such geographical conditions or other circumstances as OFCOM has by direction specified to be exceptional for the relevant purposes."*
- 2.9 "Public holiday" is defined in the condition as "Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom, and, in relation to a particular territory or place, any day in relation to which OFCOM has by direction provided for an exception at that place under DUSP 1.3.2"⁴ (emphasis added).

³ Amended in December 2013

⁴ DUSP condition 1.1.2(aa).

Test for giving a direction

- 2.10 Paragraph 4 of Schedule 6 of the Act sets out the procedure which Ofcom must follow to give a direction affecting a regulatory condition imposed on a postal operator, including where Ofcom wishes to give a direction under DUSP condition 1.3.2(a).
- 2.11 Under paragraph 4(2) of Schedule 6, Ofcom may only give a direction, approval or consent if satisfied that to do so:
- is objectively justifiable;
 - does not discriminate unduly against particular persons or a particular description of persons;
 - is proportionate to what it is intended to achieve; and
 - is transparent in relation to what it is intended to achieve.
- 2.12 In accordance with paragraph 4(3) of Schedule 6, before the direction is given, Ofcom must publish a notification stating that there is a proposal to give the direction and which:
- sets out the direction to which the proposal relates and its effect;
 - gives reasons for the making of the proposal; and
 - specifies the period within which representations may be made about the proposal, which must be at least one month beginning with the day after the notification is published, unless there are exceptional circumstances justifying a shorter period.

General duties

- 2.13 Ofcom's duty to secure the provision of a universal postal service is set out in section 29 of the Act. In this respect, section 29(1) provides that Ofcom must carry out its functions in relation to postal services in a way that it considers will secure the provision of a universal postal service.
- 2.14 Section 3 of the Communications Act 2003 (the "2003 Act") provides that it shall be Ofcom's principal duty, in carrying out its functions, to further the interests of citizens in relation to communications matters and to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 2.15 This principal duty applies also to functions carried out by us in relation to postal services. Section 3(6A) of the 2003 Act provides that where we are carrying out any of our functions in relation to postal services, the duty under section 29 of the Act takes priority over our general duties in the 2003 Act in the case of conflict between the two.
- 2.16 In performing our general duties, we are also required under section 3(4) of the 2003 Act to have regard to a range of other considerations, which appear to us to be relevant in the circumstances. In this context, we consider that a number of such considerations appear potentially relevant, including:
- the opinions of consumers in relevant markets and of members of the public generally; and

- the different interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and in urban areas.
- 2.17 Section 3(5) of the 2003 Act provides that in performing our duty to further the interests of consumers, we must have regard, in particular, to the interests of those consumers in respect of choice, price, quality of service and value for money.
- 2.18 Pursuant to section 3(3) of the 2003 Act, in performing our general duties, we must have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and any other principles appearing to us to represent the best regulatory practice.
- 2.19 Finally, we have an ongoing duty under section 6 of the 2003 Act to keep the carrying out of our functions under review with a view to ensuring that regulation by Ofcom does not involve the imposition of burdens which are unnecessary or the maintenance of burdens which have become unnecessary.

Royal Mail's Request

- 2.20 As explained above, on 29 July 2020, Royal Mail asked Ofcom to issue a direction under DUSP 1.3.2(a) which permanently designates 2 January as an exception to the universal service in Scotland when it falls on a Saturday.
- 2.21 In doing so, Royal Mail explained that, in the absence of a direction from Ofcom, *“Delivery Offices would have to work on Thursday 31st December, not work on Friday 1st January, work on Saturday 2nd January, not work on Sunday 3rd January and Monday 4th January.”*⁵
- 2.22 Royal Mail argues that the impact of no deliveries and collections on Saturday 2 January on businesses and consumers would be minimal. It notes that many businesses are closed on a Saturday and that Saturday business collections represent a very small proportion of business collections. In contrast, Royal Mail expects demand for its services to rise on Monday 4 January and has suggested that some of its largest business customers will be working despite it being a bank holiday.
- 2.23 Royal Mail submits that, due to the fixed nature of the universal service obligation, it is not able to flex its network to meet lower demand and would (in the absence of Ofcom agreeing to its request) incur the cost of operating a full national network over the holiday weekend for relatively low volumes of mail.
- 2.24 Royal Mail also notes that its request is in line with the approach taken on other public holidays that can fall on a Saturday, such as December 26 and January 1 in the rest of the UK, and 12 July in Northern Ireland.⁶ The application notes that Postcomm, the previous

⁵ Royal Mail, Letter to Ofcom, 29 July 2020, see Annex 6.

⁶ See directions of [1 October 2015](#) and [13 February 2013](#).

postal regulator, granted Royal Mail an exception to the universal service the last time the 26 December fell on a Saturday (in 2009) for the same reasons.

- 2.25 Royal Mail has confirmed that, if Ofcom agrees to its request, it will instead treat the alternative bank holiday (ordinarily Monday 4 January) as a normal working day notwithstanding that it would be an official bank holiday.

General impact assessment

- 2.26 The analysis presented in Section 3 of this document constitutes an impact assessment, as defined in section 7 of the 2003 Act.
- 2.27 Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making. This is reflected in section 7 of the 2003 Act, which means that generally Ofcom has to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public, or when there is a major change in Ofcom's activities. However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of its policy decisions. For further information about Ofcom's approach to impact assessments, see our guidelines.⁷
- 2.28 Specifically, pursuant to section 7, an impact assessment must set out how, in our opinion, the performance of our general duties (within the meaning of section 3 of the Act) is secured or furthered by, in relation to what we propose.

Equality impact assessment

- 2.29 In carrying out our functions, we are also under a general duty under the Equality Act 2010 to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation;
 - advance equality of opportunity between different groups; and
 - foster good relations between different groups,
- in relation to the following protected characteristics: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.
- 2.30 Such equality impact assessments also assist us in making sure that we are meeting our principal duty under section 3 of the 2003 Act discussed above.
- 2.31 We have therefore given careful consideration as to whether granting exceptions to the universal service obligation for Saturday 2 January will have a particular impact on any particular group within society. We do not believe it will because the exception would apply to all addresses and all access points in Scotland.

⁷ [See Ofcom's approach to impact assessments.](#)

3. Ofcom's Provisional View

Summary

- 3.1 For the reasons set out below, Ofcom is minded to grant Royal Mail's request. In particular, Ofcom is minded to agree to Royal Mail's request and issue a direction under DUSP Condition 1.3.2(a) for 2 January to be permanently designated as an exception to the universal service when it falls on a Saturday. This would mean that Royal Mail would not have to collect or deliver letters on that day until further notice.⁸

Provisional View

- 3.2 In 2009, Postcomm granted Royal Mail an exception when 2 January fell on a Saturday. In making that decision, Postcomm took into account that:
- a) there were no objections to Royal Mail's request; and
 - b) only 1.4% of business collections took place on a Saturday and there was evidence that there would be more demand for postal services on the following Monday.
- 3.3 Ofcom considers that these factors are likely to apply to 2 January 2021 and similar occasions in future years. Indeed, Royal Mail has noted in its request that only 2.7% of business collection customers currently have a scheduled collection on Saturday whereas it expects demand for its services to pick up on Monday 4 January 2021.
- 3.4 Ofcom also notes that Royal Mail intends to resume services on Monday 4 January. This means there will be no increase in the total number of non-universal service days.
- 3.5 In light of the above, our provisional view is that it would be more reflective of customer demand, and therefore further the interests of citizens and consumers, if Ofcom agrees to Royal Mail's request. It also does not appear to us, taking account of Royal Mail's commitment to resume services on 4 January, that it would adversely impact the provision by Royal Mail of the universal postal service.
- 3.6 We note that Royal Mail has also committed to ensuring that it provides clear communications to ensure that customers are aware of when deliveries and collections will take place.
- 3.7 We have considered whether it would be appropriate to impose additional requirements on Royal Mail to provide universal services on 4 January 2021 (and later occasions) which will remain, technically, excepted from the universal service. However, our provisional view is that this is not necessary at this stage. We would however monitor Royal Mail's compliance with its commitment to resume services on this date.

⁸ It would also mean that, for the purpose of 'target routing times' under DUSP 1.6, that day would become a non-working day.

Legal Tests

3.8 We consider that the exception would be:

- **objectively justifiable** because the impact of no collections and deliveries on Saturday 2 January would be minimal. There is less demand for postal services on Saturdays generally with many businesses closed and this is particularly the case on a Saturday immediately following the New Years' Day bank holiday when most businesses and public sector organisations will be closed;
- **not unduly discriminatory** because the exception would apply to the whole of Scotland and therefore there would be no deliveries to each delivery point and no collections from each access point in Scotland on that day;
- **proportionate** because it does not go further than is necessary to except Royal Mail from carrying out its universal service obligation on 2 January when this date falls on a Saturday, beginning with 2 January 2021. It is also consistent with previous regulatory practice when Postcomm issued a direction for that day to be a "no service day"; and
- **transparent** because the reasons for the exception, the legal basis and Ofcom's provisional assessment of the exception are set out in this consultation document. The consultation also includes a proposed direction excepting Royal Mail from its requirements to make deliveries and collections on Saturday 2 January in Scotland.

3.9 Therefore, we consider that the proposal to give a direction excepting Royal Mail from its universal service obligations on Saturday 2 January 2021 (and when 2 January falls on a Saturday in future years) satisfies the statutory criteria at paragraph 4(2) of Schedule 6 of the Act for giving a direction affecting a regulatory condition imposed on a postal operator.

Consultation question

3.10 It would be helpful if respondents could answer the following question and provide supporting information/evidence where relevant:

Do you agree that there should be an exception to the universal service (i.e. no deliveries or collections) on 2 January when this date falls on a Saturday, beginning with 2 January 2021? Please explain your answer.

A1. Statutory Notification

Notification of proposal to issue a direction under Designated USP condition 1 in accordance with paragraph 4 of Schedule 6 to the Postal Services Act 2011

Proposal to give a direction under Designated USP condition 1.3.2(a) designating an exception to Royal Mail’s requirements imposed under DUSP condition 1 in respect of the delivery and collection of postal packets in Scotland for the 2 January when this date falls on a Saturday, beginning with 2 January 2021.

Background

- (A) On 27 March 2012, OFCOM published a statement entitled “Securing the Universal Postal Service: Decision on the new regulatory framework” (the “March Statement”) in which, amongst other things, OFCOM imposed Designated USP (“DUSP”) conditions on Royal Mail in accordance with sections 36 and 37 of, and paragraph 3 of Schedule 6 to, the Act. Among those conditions was Designated Universal Service Provider (“DUSP”) Condition 1 (“DUSP 1”) relating to requirements on the universal service provider to provide the universal service, including requirements as to the collection and delivery of postal packets.
- (B) Amendments to DUSP 1 relating to a number of issues were made on [13 June 2013](#), [10 December 2013](#), [18 December 2013](#) and [1 April 2014](#). On 1 March 2017 OFCOM further modified [DUSP 1 \(the “2017 Modification”\)](#). In the 2017 Modification, Ofcom explained that this revised version replaced the previous published version initially notified in the 2012 Statement and subsequently amended.
- (C) DUSP condition 1.3.2 sets out the circumstances in which the requirements in respect of the delivery and collection of postal packets do not need to be met. Pursuant to DUSP condition 1.3.2(a), one of the circumstances is “on any day which is (in the territory concerned) a public holiday”. Pursuant to DUSP 1.1.2(aa), the definition of “public holiday” for the purposes of DUSP condition 1 includes, “in relation to a particular territory or place, any day in relation to which OFCOM has by direction provided for an exception at that place under DUSP 1.3.2”.
- (D) In October 2009, the Postal Services Commission (Postcomm – having responsibility for the regulation of postal services before Ofcom) issued a decision document entitled “*Exceptions to Royal Mail’s universal service obligation – for 26 December 2009 in the UK, bank holidays on Saturdays in the UK, as local holidays in Northern Ireland and Scotland: a decision document*” which provided for certain exceptions to Royal Mail’s universal service obligation. This included an exception in Scotland only if 2 January fell

on a Saturday. This decision was given effect by the accompanying direction (the “Postcomm Direction”).

- (E) The Postcomm Direction expired on 31 October 2012. On 29 July 2020, Royal Mail wrote to Ofcom requesting a direction under DUSP condition 1.3.2 to except Royal Mail from certain of its universal service obligations on 2 January, when this date falls on a Saturday, beginning with 2 January 2021.

Proposal in this notification

1. OFCOM hereby proposes, in accordance with paragraph 4 of Schedule 6 to the Act, to issue a direction under DUSP condition 1.3.2(a) providing for an exception to Royal Mail’s requirements imposed under DUSP condition 1 in respect of the delivery and collection of postal packets on 2 January when this date falls on a Saturday.
2. The proposed direction is set out in the Schedule hereto.
3. The proposed direction will apply on the date on which it is published.
4. The effect of, and OFCOM’s reasons for, giving the proposed direction is set out in the accompanying consultation document.

Ofcom’s duties and legal tests

5. OFCOM are satisfied that giving this direction is objectively justifiable, does not discriminate unduly against particular persons or a particular description of persons, is proportionate to what it is intended to achieve and transparent in relation to what it is intended to achieve, as required under paragraph 4(2) of Schedule 6 to the Act.
6. In making this proposal, OFCOM have considered and acted in accordance with their principal duty in section 29 of the Act and their general duties in section 3 of the Communications Act 2003.

Making representations

7. Representations may be made to OFCOM about the proposal set out in this Notification by no later than 2 November 2020.
8. Copies of this Notification and the accompanying consultation document have been sent to the Secretary of State in accordance with paragraph 5(1)(a) of Schedule 6 to the Act. By virtue of paragraph 4(8) of Schedule 6 to the Act, OFCOM may give effect, with or without modifications, to a proposal with respect to which it has published a notification only if OFCOM has—
 - (a) considered every representation about the proposal that is made to OFCOM within the period specified in this Notification; and
 - (b) had regard to every international obligation of the United Kingdom (if any) which has been notified to OFCOM for this purpose by the Secretary of State.

Interpretation

9. In this Notification, unless the context otherwise requires, and subject to paragraph 10 below, words or expressions used in this Notification shall have the same meaning as they have been ascribed for the purposes of DUSP Condition 1.
10. In this Notification—
 - (a) “Act” means the Postal Services Act 2011 (c.5);
 - (b) “DUSP conditions” means the Designated USP conditions imposed on Royal Mail with effect from 1 March 2017 pursuant to sections 36 and 37 of, and paragraph 3 of Schedule 6 to, the Act; and
 - (c) “Royal Mail” means Royal Mail Group Limited, whose registered company number in England and Wales is 04138203.
11. For the purpose of interpreting this Notification—
 - (a) headings and titles shall be disregarded;
 - (b) expressions cognate with those referred to in this Notification shall be construed accordingly;
 - (c) the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.
12. The Schedule to this Notification shall form part of this Notification.

Signed by

A rectangular box containing a handwritten signature in black ink that reads "M. Gibbs".

Marina Gibbs

Director, Network and Communications

A person duly authorised by OFCOM under paragraph 18 of the Schedule to the Office of Communications Act 2002

2 October 2020

SCHEDULE 1

[PROPOSED] DIRECTION UNDER DESIGNATED USP CONDITION 1

[Proposed] Direction under Designated USP condition 1.3.2(a) designating an exception to Royal Mail's requirements imposed under DUSP condition 1 in respect of the delivery and collection of postal packets in Scotland for the 2 January when this date falls on a Saturday, beginning with 2 January 2021.

Background

- (A) On 29 July 2020, Royal Mail wrote to OFCOM requesting a direction under DUSP condition 1.3.2 excepting Royal Mail from its requirements imposed under DUSP condition 1 in respect of the delivery and collection of postal packets in Scotland, for 2 January when this date falls on a Saturday.
- (B) Prior to making a direction affecting a regulatory condition imposed on a postal operator, including under DUSP condition 1.3.2(a), in accordance with paragraph 4(3) of Schedule 6 to the Act, OFCOM must publish a notification of its proposal to give the direction and its reasons for making the proposal. In accordance with paragraph 4(8) of Schedule 6 to the Act, OFCOM may only give effect to a proposal to make a direction if it has:
 - (a) considered every representation about the proposal that is made to OFCOM within the period specified in the notification; and
 - (b) had regard to every international obligation of the United Kingdom (if any) which has been notified to OFCOM for this purpose by the Secretary of State.
- (C) On 2 October 2020 OFCOM published, in accordance with paragraph 4(3) of Schedule 6 to the Act, such a notification of its proposal to give a direction for the reasons set out in the consultation document accompanying that notification. In accordance with paragraph 4(4) of Schedule 6 to the Act, the notification invited representations to OFCOM by 2 November 2020.
- (D) OFCOM have considered every representation about the proposed direction received and duly made to it [and had regard to every international obligation of the United Kingdom (if any) which has been notified to OFCOM for this purpose by the Secretary of State].
- (E) For the reasons set out in the explanatory statement accompanying this Direction, OFCOM are satisfied that giving this Direction satisfies the general test set out in paragraph 4(2) of Schedule 6 to the Act, and OFCOM have considered and acted in accordance with their principal duty in section 29 of the Act and their general duties in section 3 of the Communications Act 2003.

Decision

Pursuant to and for the purposes of DUSP conditions 1.1.2(aa) and 1.3.2(a) OFCOM hereby direct as follows:

1. The day specified in paragraph 2 shall be treated as a public holiday in Scotland for the purposes of the definition of “public holiday” in DUSP condition 1, and pursuant to DUSP condition 1.3.2(a) that day shall therefore constitute an exception to the requirements imposed on Royal Mail under DUSP condition 1 in respect of the delivery and collection of postal packets.
2. The day referred to in paragraph 1 above is the 2 January when this date falls on a Saturday, beginning with 2 January 2021.

Commencement and interpretation

3. This Direction shall take effect on [DATE].
4. In this Direction, unless the context otherwise requires, and subject to paragraph 5 below, words or expressions used shall have the same meaning as they have been ascribed for the purposes of DUSP condition 1.
5. In this Direction—
 - (a) “Act” means the Postal Services Act 2011 (c.5);
 - (b) “DUSP Conditions” means the Designated USP conditions imposed on Royal Mail with effect from 1 March 2017 pursuant to sections 36 and 37 of, and paragraph 3 of Schedule 6 to, the Act; and
 - (c) “Royal Mail” means Royal Mail Group Limited, whose registered company number in England and Wales is 04138203.
6. For the purpose of interpreting this Direction—
 - (a) headings and titles shall be disregarded;
 - (b) expressions cognate with those referred to in this Notification shall be construed accordingly;
 - (c) the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.

Signed by

Marina Gibbs

Director, Network and Communications

A person duly authorised by OFCOM under paragraph 18 of the Schedule to the Office of Communications Act 2002

[DATE]

A2. Responding to this consultation

How to respond

- A2.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 2 November 2020.
- A2.2 You can download a [response form](#) from the Ofcom website. You can return this by email or post to the address provided in the response form.
- A2.3 If your response is a large file, or has supporting charts, tables or other data, please email it to ian.strawhorne@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A2.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A2.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A2.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A2.7 It would be helpful if your response could include direct answers to the question asked in the consultation document. The question is set out at Annex 5. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A2.8 If you want to discuss the issues and questions raised in this consultation, please contact Ian Strawhorne by email to ian.strawhorne@Ofcom.org.uk.

Confidentiality

- A2.9 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A2.10 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If

you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.

- A2.11 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A2.12 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A2.13 Following this consultation period, Ofcom plans to publish a statement in November 2020.
- A2.14 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A2.15 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 3.
- A2.16 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A2.17 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
Email: corporationsecretary@ofcom.org.uk

A3. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A3.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A3.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A3.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A3.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A3.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A3.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A3.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A4. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A5. Consultation question

A5.1 We seek responses regarding our proposed direction.

Do you agree that there should be an exception to the universal service (i.e. no deliveries or collections) on 2 January when this date falls on a Saturday, beginning with 2 January 2021? Please explain your answer.