

Additional comments:

Question 1:Do you agree that Ofcom should grant approval to Royal Mail for the Delivery to Neighbour service? If not please explain your answer. :

No. Granting the approval would have too many negative implications for those receiving parcels. My neighbours are busy people who are often away from their home. Therefore if they accepted a parcel addressed to me, there could be a lengthy delay before they were at home again for me to go and pick up my parcel from them. For most parcels this would be merely inconvenient, but if this happened for packages containing legal documents the consequences could be severe. By contrast, the delivery office is open at definite times. Making neighbours responsible for taking delivery of my parcels could also have implications for the security of my home. My neighbours would have more reason to notice when I am usually away from home, and this could make it easier to target my home for a break-in, especially if my neighbours deliberately or accidentally passed this information on.

Question 2:Are there other consequences following the roll out of the service across the UK that we have not included in our assessment? If so, please explain.:

The consultation does not appear to properly address the potential implications for the use of royal mail as a method of formally serving legal documents. The civil procedure rules contain a provision that items put in the post are deemed to have been served two working days after. If a legal document is 'delivered' to the neighbour of an addressee, then the addressee will be deemed to have received it in law even though he or she will not have physically received it. While the addressee will know that a parcel has been left with a neighbour, he or she will have no way of knowing if it contains documents that require an urgent response as legal documents often do. Delays in physically receiving the document could easily occur, such as if the neighbour goes away on holiday before passing on the parcel to the addressee. The consequences for the addressee in these circumstances could be disastrous. For example, if a defendant does not respond to service of a claim form and particulars of claim within 14 days the claimant can enter default judgment. Royal mail's competitors already leave items with neighbours, but this is the reason why the royal mail is so important for legal service of documents. The proposals for the new scheme do not include any way for the sender of a document to opt out of the 'leave with neighbour' scheme, so the sender of legal documents would not be able to ensure that the package was actually left with the addressee. If the ministry of justice or her majesty's courts and tribunal service has not already responded to this consultation, Ofcom should proactively seek their response in light of this issue before concluding the consultation.

Question 3:Do you have any comments on the scope and wording of the proposed Notification and approval: