

Summary

Current law supports the rights of addressees (and addressers) to have secure delivery between them, and duties of Royal Mail to deliver from addresser to addressee only.

Any modification to this should be a matter for contractual amendment between each party, and a complete change of this current position should not be imposed upon any/all citizens of the UK. Sticker systems are also flawed, but in any event should apply to the alternative, i.e. those people who wish to allow their mail to be retained by a neighbour (and those willing to receive others mail), rather than those people who do not (who should not be forced to do anything).

Detail

As a citizen, I strongly object to this and any attempt to change the current process and duty of care in respect of Royal Mail delivery services.

I believe **any and all mail must continue be delivered only to the addressee** (or held at a RM depot, requiring production of a 'non-delivery' card).

I strongly object to any private mail being handed to random neighbours.

The idea of having to append a sticker to one's property to keep the status quo (the current process) is both flawed and risky:

- flawed in that laws, rights, obligations currently support the current process – and change weakens rights, and lessens obligations, and weakens/ complicates legal redress.
- risky in that tenants, guests, house-sitters, burglars or squatters at such 'stickered' houses may remove the stickers to intercept mail.

Any modification to the current process and duty to deliver to address only should only be permitted by **special arrangement** between the addressee and Royal Mail, as it should be an exception to the current standard process and recognised as a modification to rights, duties and legal redress. So, if the Royal Mail wish to introduce a sticker system, then:

- houses who wish to stay with the current system should not have to do anything (rather than, as is being suggested, having to 'Opt out' of a proposed new topsyturvy regime by sticker!)
- those who wish to modify the current process can adopt a sticker system as they wish (however, this is also flawed, as the stickers can be removed by others).

I believe Royal Mail must continue to deliver to the addressee (or hold at a RM depot, requiring production of a 'non-delivery' card) - they owe a duty to both addressee Recipient) and addresser (sender) - but if they wish to offer to specific addressees the service of handing their mail to a neighbour, there should be a specific database listing those addressees and the specific addresses they would be happy for the Royal Mail to hand that mail to (which might be termed 'alternate delivery addresses'). Anything less than this modifies rights, duties, laws and introduces unnecessary risk.

I also strongly object to this as a risk management consultant, as I have expended significant effort in attempting to eradicate theft and fraud – this attempt to turn current delivery rights and duties on their head would undermine much of this work.

FURTHER, having stated my objection on personal and professional grounds, I have additional comments, questions and observations:

1. Where will Ofcom's decision be published/ communicated ?
2. When will it be published ?
3. Royal Mail allege positive results from 92% of their sample – (a) was bias eliminated from their sample postcode choices? (b) how? (if there is bias, I would suggest another set of tests at postcodes provided by an independent actuary/statistician).
4. Royal Mail's leaflet RMDTNE1 suggests late September for the possible rollout of the new sticker process ... but this conflicts with their web site which suggests the trial is not due to end until 26 November 2012 ... it suggests this is being rushed through. Why?
5. What **legal opinion has been taken from the courts** (or government constitution) on these fundamental changes to Royal Mail's rights and duties (the new suggested 'default' introduces *de jure, de facto and implied law of agency*, which does not seem to have been thought through)?
6. What **testing** of the 'Opt Out' registration and sticker systems is being done? (**I have already stated it should be 'Opt In' to this modification**, not an 'Opt out')
7. I am hopeful this new proposal will not be permitted by Ofcom. Any sticker system should be for those who wish to modify the current position.
8. THIS LAST ITEM SHOULD BE MOOT AS THIS PROPOSAL IS DEEPLY FLAWED: But if, for some dubious reason, the new proposal did get approved by Ofcom – I believe there should also be a mandatory television advertisement and independent mail shot to ensure everyone understands the changes. Then, if it takes several weeks to become registered, time should be permitted to ensure the slowest and absent have time to respond (perhaps six months as a minimum), what steps will be taken to ensure the following is completed before the Royal Mail are permitted to commencing this imposed DEFAULT process?
 1. Ofcom decision (if it approves – and assuming no bias in the test*)
 2. Testing of Opt Out process
 3. Communication by Post Office of (a) the decision, (b) guidance for Opting Out, (c) deadline for opting out
 4. Several months to allow those to apply for and adopt stickers
 5. Independent validation that all Opt Outs (large group) have successfully Opted Out and have stickers in place
 6. Switching on the DEFAULT service

Thank you to Ofcom for adding this objection to the others. I hope this proposal is prevented. The Royal Mail should manage 'alternative addressees' as a matter for its own business processes, perhaps using web-sites, databases, hand-held PDAs to manage its contractual 'alternatives', but should not attempt to modify its duty to deliver to the addressee (or hold for collection at its depot).