



# Postal Services Act 2000

## 2000 CHAPTER 26

### PART III

#### OTHER FUNCTIONS OF THE COMMISSION AND THE COUNCIL

##### *The Council*

#### **51 Relevant postal issues.**

In this section and sections 52 to 57—

“relevant postal issues” means the interests of users of relevant postal services in the United Kingdom and matters affecting those interests,

“relevant postal services” means any postal services provided in connection with the provision of a universal postal service and any other postal services which are provided, or authorised or required to be provided, by a licence holder under Part II in accordance with a licence under that Part,

and, for this purpose, services are provided in accordance with a licence if the licence authorises or requires them to be provided by the licence holder.

#### **52 Provision of advice and information to public authorities and licence holders.**

(1) The Council shall—

- (a) provide advice and information,
- (b) represent the views of users of relevant postal services, and
- (c) make proposals,

about relevant postal issues to any person mentioned in subsection (2).

(2) Those persons are—

- (a) the Secretary of State, the Commission, the Competition Commission and any other public authority,
- (b) any universal service provider,
- (c) any licence holder under Part II who is not a universal service provider, and

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- (d) any other person whose activities may affect the interests of users of relevant postal services.
- (3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section to a person mentioned in subsection (2) (b) to (d) if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.
- (4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

### **53 Publication of information to users.**

- (1) The Council shall make available to users of relevant postal services such information as it considers expedient to give to such users about—
  - (a) relevant postal services,
  - (b) relevant postal issues, and
  - (c) itself and its functions.
- (2) The Council may perform its function under subsection (1) by—
  - (a) publishing information in such form and manner as the Council considers appropriate, or
  - (b) furnishing any such information to any user of relevant postal services (whether in response to a request or otherwise).
- (3) So far as practicable the Council shall secure that no information relating to the affairs of a person is disclosed under this section if the Council considers that its disclosure would or might seriously and prejudicially affect the interests of the person to whom it relates.
- (4) Subsection (3) does not apply to any disclosure of information to which the person to whom the information relates consents.

### **54 Exercise of functions: general.**

- (1) The Council shall, in exercising its functions in relation to relevant postal services, have regard to the interests of different users of relevant postal services (including, in particular, the interests of users in different areas).
- (2) The Council shall, in exercising its functions, have regard to the interests of—
  - (a) individuals who are disabled or chronically sick,
  - (b) individuals of pensionable age,
  - (c) individuals with low incomes, and
  - (d) individuals residing in rural areas,
 but that is not to be taken as implying that regard may not be had to the interests of other descriptions of persons.
- (3) So far as the Council considers it practicable to do so with a view to facilitating the exercise of its functions, it shall collect and keep under review information about—
  - (a) the provision (in the United Kingdom and elsewhere) of postal services, and
  - (b) the interests and views of users of postal services in the United Kingdom and matters affecting those interests and views.

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- (4) As part of the arrangements it makes for exercising its functions, the Council—
- (a) shall establish—
    - (i) a committee for Scotland,
    - (ii) a committee for Wales, and
    - (iii) a committee for Northern Ireland,
  - (b) may establish other committees for any areas within Scotland, Wales or Northern Ireland, and
  - (c) shall establish at least one committee, and may establish other committees, in relation to England (whether a committee for England or a committee for an area within England).
- (5) The purposes of a committee established under subsection (4) (in this Act referred to as a “regional committee”) shall be—
- (a) the provision of advice and information to the Council about relevant postal issues affecting the area for which it is established, and
  - (b) such other purposes as the Council may determine.
- (6) The Council shall maintain in each of England, Scotland, Wales and Northern Ireland at least one office at which users of relevant postal services may apply for information.

## **55 Annual and other reports: the Council.**

- (1) The Council shall, as soon as practicable after the end of each financial year, make a report to the Secretary of State on its activities during that year (“the annual report”).
- (2) The Secretary of State shall—
- (a) lay a copy of each annual report before each House of Parliament, and
  - (b) publish the report in such manner as he considers appropriate.
- (3) The Council may prepare other reports in relation to any matter falling within the scope of its functions and may publish any such report in such manner as it considers appropriate.
- (4) A report under this section shall contain such information as may be specified in any direction given to the Council by the Secretary of State.
- (5) So far as practicable the Council shall secure the exclusion from any report under this section of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person’s interests.
- (6) Subsection (5) does not apply if the person concerned consents to inclusion of the matter in the report.

## **56 Complaints referred to the Council.**

- (1) Where a matter which relates to the provision of relevant postal services is referred to the Council by or on behalf of a user of such services and—
- (a) the matter has previously been the subject of a complaint to the person providing the service concerned,
  - (b) the complaint has not been satisfactorily resolved, and
  - (c) the matter does not appear to the Council to be of a frivolous or vexatious nature,

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the Council shall investigate the matter as it considers appropriate.

- (2) Where, as the result of any such investigation, the Council considers that—
- (a) a condition of a licence under Part II may have been contravened,
  - (b) the matter referred, or any other matter, is a referable matter, or
  - (c) it is appropriate to do so,
- it shall, as soon as practicable, refer the matter concerned to the Commission for its consideration.
- (3) The Council and the Commission shall from time to time agree the descriptions of matters which are to be referred to the Commission and, for the purposes of subsection (2)(b), a matter is a “referable matter” if it is of a description for the time being so agreed.

#### **57 Power of the Council to investigate other matters.**

- (1) The Council may investigate—
- (a) any matter (not being a matter which it is under a duty to investigate under section 56) which it considers to be a matter relating to the interests of users of relevant postal services, and
  - (b) any matter relating to the number and location of public post offices.
- (2) The Council may send a report on any matter investigated under this section to—
- (a) the Commission,
  - (b) the Secretary of State,
  - [<sup>F1</sup>(c) the Office of Fair Trading,]
  - (d) any other public authority whose functions appear to the Council to be exercisable in relation to that matter.
- (3) Subject to subsection (4), the Council may also—
- (a) send a report on any such matter to any person who appears to the Council to have an interest in the matter, and
  - (b) publish any such report in such manner as the Council considers appropriate.
- (4) So far as practicable the Council shall secure the exclusion from any report under subsection (3) of any matter relating to the affairs of a person if the Council considers that its inclusion would or might seriously and prejudicially affect the person’s interests.
- (5) Subsection (4) does not apply if the person concerned consents to inclusion of the matter in the report.

#### **Textual Amendments**

**F1** S. 57(2)(c) substituted (1.4.2003) by *Enterprise Act 2002 (c. 40)*, s. 279, **Sch. 25 para. 42(6)**; S.I. 2003/766, art. 2, **Sch.** (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), **Sch.**)

#### **58 Power of the Council to require information.**

- (1) The Council may serve notice on any person mentioned in subsection (2) requiring him—

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- (a) to supply to the Council such information specified or described in the notice as the Council may reasonably require in the exercise of its functions, and
  - (b) to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (2) The persons on whom a notice under subsection (1) may be served are—
  - (a) the Commission,
  - (b) a universal service provider,
  - (c) any licence holder under Part II who is not a universal service provider.
- (3) In deciding whether to serve a notice under this section and the contents of any such notice, the Council shall have regard to the desirability of minimising the costs of, and any other detriment to, the person on whom the notice may be, or is to be, served.
- (4) Subject to subsections (5) to (7), a person on whom a notice is served under this section shall comply with the notice.
- (5) The Commission may refuse to supply information required from it by a notice under this section if subsection (7) applies.
- (6) A person falling within subsection (2)(b) or (c) may refuse to supply information required from him by a notice under this section if the Commission determines that he need not comply with the notice; and the Commission may so determine if subsection (7) applies.
- (7) This subsection applies if the Commission considers that—
  - (a) the information concerned is not reasonably required by the Council in the exercise of its functions,
  - (b) the information concerned is of a description specified in an order made by the Secretary of State, or
  - (c) any other circumstances so specified apply.
- (8) The Commission shall, if required by the Council to do so, give a statement to the Council of its reasons for—
  - (a) a refusal to supply information under this section,
  - (b) a determination under subsection (6),and the Council may publish that statement in such manner as it considers appropriate.
- (9) No person shall be required under this section—
  - (a) to produce any documents which he could not be compelled to produce in civil proceedings before the court, or
  - (b) to supply any information which he could not be compelled to supply in evidence in such proceedings.
- (10) If a person makes default in complying with a notice under this section, the court may, on the application of the Council, make such order as the court considers appropriate for requiring the default to be made good.
- (11) Any such order may, in particular, provide that all the costs or expenses of and incidental to the application shall be borne—
  - (a) by the person in default, or
  - (b) if officers of a company or other association are responsible for its default, by those officers.

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(12) In this section, “the court”—

- (a) in relation to England and Wales or Northern Ireland, means the High Court, and
- (b) in relation to Scotland, means the Court of Session.

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