

POSTAL SERVICES ACT 2000

SECTIONS 11 AND 13

LICENCES GRANTED TO VARIOUS COMPANIES

DETERMINATION OF THE POSTAL SERVICES COMMISSION IN RELATION TO INDUSTRIAL ACTION

Whereas

- (1) UK Mail Ltd, Hays Commercial Services Ltd, TPG Post UK Ltd and Express Ltd are respectively the holders of licences (“the long-term licences”) granted by the Postal Services Commission (“Postcomm”) under section 11 of the Postal Services Act 2000 (“the Act”).
- (2) TNT UK Limited is the holder of a licence (“the TNT licence”) granted by Postcomm under section 11 of the Act.
- (3) Paragraph 3(b) of Condition 2 in Schedule 2 of each of the long-term licences provides that Condition 2 in each of the long-term licences (service restrictions) does not apply in any period commencing on the date of a determination by Postcomm that there is a significant failure, as a result of industrial action, an emergency or natural disaster, on the part of a universal service provider, to convey letters.
- (4) Paragraph 5(b) of Condition 2 in Schedule 2 of the TNT licence provides that Condition 2 of the TNT licence (service restrictions) does not apply in any period commencing on a determination by Postcomm that there is a significant failure, as a result of industrial action, an emergency or natural disaster, on the part of the holder of a licence granted under the Act requiring that holder to provide a universal service in the United Kingdom or in any part of the United Kingdom, in the provision of that service.
- (5) Royal Mail Group plc (“Royal Mail”) is the holder of a licence granted by Postcomm under section 11 of the Act, Condition 2 of Schedule 2 of which provides that, subject to certain exceptions, Royal Mail shall provide a universal postal service within the United Kingdom.
- (6) It has come to Postcomm’s attention that unofficial industrial action by Royal Mail staff is affecting deliveries and collections in the postcode areas EC1-4, WC1&2, W, N1-3, N5-8, N10-13, N16, N19, N21, NW1-6, NW8-11, SW1-2, SW4-6, SW8-20, SE1-5, SE7-10, SE13-16, SE19-28, E1, E3, E4, E6, E10-14, E16-17, IG1-6, IG8, IG11, DA1-5, RM1, RM2, RM4, RM7, RM9, RM12, RM13, RM15, HA, UB, CM1-99, CO1-4, CV, ME, MK1-7, MK9, MK10, MK15, MK17, OX, PO, SL1-0, SS3-5, SS9, SS13-17, SN and is causing disruption to the provision of the universal service (“the current situation”).
- (7) Postcomm considers that the current situation constitutes a significant

failure, on the part of Royal Mail, to convey letters.

- (8) Postcomm has had regard to its statutory duties under sections 3 and 5 of the Act, and considers that it is acting in furtherance of these duties in making this Determination.

Now therefore Postcomm hereby determines for the purposes of Paragraph 9(b) of each of the long-term licences and Paragraph 5(b) of the TNT licence, and having reviewed the current situation –

1. There is a significant failure, as result of industrial action, on the part of a universal service provider, to convey letters.
2. Unless the context otherwise requires, words and expressions that are defined in the Act and used in this Determination shall have the same meanings in this Determination as they have in the Act.

The seal of the Postal Services
Commission hereunto affixed is
authenticated by -

Authorised for that purpose by
the Postal Services Commission

Date: 31 October 2003