

PostComm
(The Postal Services Commission)
POSTAL SERVICES ACT 2000
SECTION 14
MODIFICATION OF CONDITIONS OF LICENCE
Granted to
HAYS COMMERCIAL SERVICES LIMITED

Whereas –

- (1) On 17th September 2001 the Postal Services Commission (“Postcomm”) under section 11 of the Postal Services Act 2000 (“the Act”) granted a licence (“the Licence”) to Hays Commercial Services Limited (“Hays”).
- (2) The Licence authorised Hays to:
 - (i) collect and sort mail sent by customers of Hays’ existing document exchange (DX) service and transmitting non-DX mail and mail not covered under (ii) below to the universal service provider for delivery;
 - (ii) a pre-8am delivery of letters sent by customers of Hays’ DX service to other business premises in the London EC and WC, Edinburgh EH1 and EH2, and Manchester M1 – M5 and M60 postcodes; and
 - (iii) the delivery of letters to named customers of Hays’ Mailine service in the insurance, travel, opticians, licensed betting and retail financial service industries.
- (3) On 24th May 2002 Postcomm, at the request of Hays, gave notice of a proposal to modify the Licence to permit Hays to convey letters more widely in the event of disruption to the provision of the universal postal service in the United Kingdom.
- (4) Postcomm has considered the responses to the said notice and has decided to modify the Licence in the manner set out below.
- (5) Hays has consented to the modifications.
- (6) Postcomm has not been directed not to make the modifications.

Postcomm therefore modifies the Licence as follows –

The following paragraphs are inserted after paragraph 1 in condition 2 in Schedule 2 to the Licence –

- “2. This condition shall not apply in relation to the conveyance of letters for any existing customer of the Licensee in any period –
- (a) commencing on any day on which any serious official industrial action starts and ending at the end of –
 - (i) the fourteenth day after the day on which that action starts, or, if later,
 - (ii) the earlier of –
 - (aa) the day occurring three times as long after the date on which the action starts as the date on which it ends, or
 - (bb) the ninety second day after the date on which the action ends,
- or
- (b) commencing on, and ending at the expiry of the ninety second day after the revocation 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 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, to convey letters.
3. For the purposes of this condition –
- (a) official industrial action is industrial action called by a trade union which has applied the ballot procedures in Part V of the Trade Union and Labour Relations (Consolidation) Act 1992 with a view to being protected from liability in tort,
 - (b) industrial action is serious if, at the time of its commencement, it is expected to cause interruption to operations –
 - (i) at any one universal service mail centre for not less than 24 hours, and

- (ii) at not less than two other universal service mail centres for any period of time,
- (c) a universal service mail centre is a facility containing automatic mail sorting equipment operated by the holder of a licence granted under the Act requiring that holder to provide a universal postal service in the United Kingdom or in any part of the United Kingdom, and
- (d) an existing customer of the Licensee means any person for whom the Licensee has conveyed postal packets in the period of twelve months prior to conveyance being permitted pursuant to paragraph 2."

The common seal of Postcomm
hereunto affixed is authenticated
by –

Authorised for that purpose by
Postcomm

Date: 25 July 2002