

# POSTAL SERVICES ACT 2000

## SECTIONS 11 AND 13

### LICENCES GRANTED TO VARIOUS COMPANIES

#### REVOCATION OF 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) Recent unofficial industrial action by Royal Mail staff affected deliveries and collections in the postcode areas EC1-4, WC1&2, W, N1-3, N5-8, N10-13, N16, N 19, 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 and SN and caused disruption to the provision of the universal service (“the industrial action situation”).
- (7) Because of the industrial action situation, Postcomm considered that there was a significant failure, on the part of Royal Mail, to convey

letters and therefore issued a determination to this effect on 31 October 2003 ("the Determination").

- (8) Following the reaching of an accord between Royal Mail and the Communications Workers' Union to resolve the industrial action situation and the putting in place by Royal Mail of arrangements to clear the backlog of mail caused by the industrial action situation within a reasonable time Postcomm now considers that there is no longer a significant failure, on the part of Royal Mail, to convey letters.
- (9) Postcomm has had regard to its statutory duties under sections 3 and 5 of the Act, and considers that it would be acting in furtherance of these duties in revoking the Determination.

**Now therefore Postcomm hereby revokes the Determination with immediate effect.**

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

Authorised for that purpose by  
the Postal Services Commission

Date: 11 December 2003