

Island of



Guernsey

Ordinance of the States

XIV
2012

Made30th May, 2012

Coming into Operation.....1st June, 2012

The Post Office (Bailiwick of Guernsey) (Amendment) Ordinance, 2012

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THE STATES, in pursuance of their Resolution of the 30th September, 2011^a, and in exercise of the powers conferred on them by section 48(1) of the Post Office (Bailiwick of Guernsey) Law, 2001, as amended^b and all other powers enabling them in that behalf, hereby order:-

Amendment of Law.

1. The Post Office (Bailiwick of Guernsey) Law, 2001, as amended, is further amended as follows.

2. In section 1(1) after "Subject to the provisions of subsections (2) and (3)" insert "and (3A)".

3. Section 1(2)(a) is repealed.

4. In section 1(3) for "subsection (1)" substitute "subsection (2)".

5. After section 1(3) insert the following subsections -

"(3A) The Authority may, having regard to the objectives set out in section 2 of the Regulation Law, and subject to the provisions of any States' Directions, by direction grant an exemption from subsection (1).

^a Article XIV of Billet d'État No. XV of 2011 (Volume I).

^b Order in Council No. XV of 2001; amended by Ordinance No. XXXIV of 2001; Order in Council No. XXX of 2003; Ordinance No. XXXIII of 2003; Ordinance No. XXXIII of 2010; and the Guernsey Competition and Consumer Authority Ordinance, 2012.

(3B) An exemption under subsection (3A) -

- (a) may be granted to a particular person or particular class of persons,
- (b) may be granted subject to such conditions as the Authority may think fit,
- (c) when granted to a particular class of persons, shall be published, and
- (d) unless previously revoked in accordance with any term contained in the exemption, shall continue in force for such period as may be specified in or determined by or under the exemption."

6. In section 2(3) the words "for the provision of reserved services" are repealed.

7. In section 4(4) for "Utility Appeals Tribunal" substitute "Royal Court".

8. After section 5(1) insert the following subsections -

"(1A) A licence condition may, without prejudice to the generality of subsection (1) and in particular paragraph (c) thereof, require a licensee to contribute to a fund to be used to finance or to assist in the financing of the provision, by the licensee required to provide such a

service, of a universal postal service.

(1B) A licence condition under subsection (1A) may, without limitation, specify or make provision in respect of -

- (a) the timing, frequency and amount, or manner of calculation of the amount, of the contributions,
- (b) the manner in which the amount of the contributions is to be raised by the licensee (whether by means of a levy on services or otherwise),
- (c) the manner in which the contributions are to be made to the fund (whether by means of the payment of money, the maintenance of reserves, the provision of guarantees or other security, or otherwise), and
- (d) the vesting, administration, allocation, distribution and use of the fund.

(1C) A licence condition under subsection (1A) may reserve power to the Authority to specify or make provision in respect of anything referred to in paragraphs (a) to (d) of subsection (1B)."

9. Section 9 is repealed.

10. In sections 32(5) and 33(4) for "Utility Appeals Tribunal" substitute

"Royal Court".

11. In section 45(1) -

- (a) the definition of "reserved services" is repealed,
- (b) in the definition of "States' Directions" after "section 3(1)" insert ", or by Ordinance of the States under section 3(1A)",
- (c) the definitions of "Utility Appeals Panel" and "Utility Appeals Tribunal" are repealed.

Savings for section 9 orders.

12. Notwithstanding the repeal of section 9 of the Post Office (Bailiwick of Guernsey) Law, 2001 by section 9 of this Ordinance, an Order made under that section and in force immediately before the date of commencement of this Ordinance shall remain in force until the earlier of -

- (a) the date of its revocation by a subsequent Order of the Guernsey Competition and Regulatory Authority made in all respects as if the said section 9 were still in force, or
- (b) such date as may be appointed by States' Directions given by Resolution of the States under section 3(1) of the Regulation of Utilities (Bailiwick of Guernsey) Law, 2001, as amended.

Extent.

13. This Ordinance has effect throughout the Bailiwick.

Citation.

14. This Ordinance may be cited as the Post Office (Bailiwick of Guernsey) (Amendment) Ordinance, 2012.

Commencement.

15. This Ordinance shall come into force on the 1st June, 2012.

D.J. ROBILLIARD,
Her Majesty's Deputy Greffier.

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