

*This Statutory Instrument has been made in consequence of a defect in [S.I. 2020/583](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2020 No. 1036**

# **EXITING THE EUROPEAN UNION POSTAL SERVICES**

## **The Cross-border Parcel Delivery Services (Amendment) (No.2) (EU Exit) Regulations 2020**

<i>Sift requirements satisfied</i>	<i>28th July 2020</i>
<i>Made - - - -</i>	<i>24th September 2020</i>
<i>Laid before Parliament</i>	<i>25th September 2020</i>
<i>Coming into force in accordance with regulation 1</i>	

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018<sup>(1)</sup> (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of that Act<sup>(2)</sup>.

### **Citation and commencement**

1.—(1) These Regulations may be cited as the Cross-border Parcel Delivery Services (Amendment) (No.2) (EU Exit) Regulations 2020.

(2) Regulations 2, 3 and 4 of these Regulations come into force on IP completion day and Regulation 5 comes into force twenty-one days after the day on which these Regulations are laid before Parliament.

### **Amendments to the Postal Services Act 2011**

2. The Postal Services Act 2011<sup>(3)</sup> is amended as follows.

3. In section 55(2)(b), omit “and certain other requirements deriving from EU law”.

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(1) [2018 c. 16](#).

(2) See section 20(1) for the definition of the term “Minister of the Crown”.

(3) [2011 c. 5](#).

4.—(1) Schedule 8 is amended as follows.

(2) In paragraph 1(3) (information required for purposes of OFCOM’s functions in relation to postal services)—

- (a) in paragraph (g), insert “and” at the end;
- (b) in paragraph (h), omit “and”;
- (c) omit paragraph (i).

(3) In paragraph 4 (manner in which information may be required), omit sub-paragraph (1A).

(4) In paragraph 5(1) (notification of contravention of information requirements), omit paragraph (b).

(5) In paragraph 8(4) (suspending service provision for contravention of information requirements), omit “or by or under Article 4, 5 or 6 of the EU parcel services regulation”.

(6) Omit paragraph 16 (interpretation) and the italic heading before it.

**Revocation of the Cross-border Parcel Delivery Services (Amendment) (EU Exit) Regulations 2020**

5. The Cross-border Parcel Delivery Services (Amendment) (EU Exit) Regulations 2020(4) are revoked.

*Paul Scully*  
Minister for Small Business, Consumers and  
Corporate Responsibility  
Department for Business, Energy and Industrial  
Strategy

24th September 2020

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) (“the 2018 Act”) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

This instrument revokes and replaces the Cross-border Parcel Delivery Services (Amendment) (EU Exit) Regulations 2020 due to a defect in that instrument. Regulation 1 made provision for the commencement and coming into force of the Regulations on exit day. “Exit day” is defined in section 20(1) of the European Union (Withdrawal) Act 2018 as 11pm on 31st January 2020. This is an error. Regulation 1 should have made provision for the commencement and coming into force of the Regulations on IP completion day, as defined in section 39(1) European Union (Withdrawal Agreement) Act 2020 as 11pm on 31st December 2020, so that the Regulations come into effect at the same time as the revocation of EU Regulation 2018/644 on cross-border parcel delivery services (“the EU Regulation”), which was achieved by the Postal and Parcel Services (Amendment etc.) (EU Exit) Regulations 2018 S.I. 2018/1417 (“the 2018 Regulations”).

The Cross-border Parcel Delivery Services (EU Information Requirements) Regulations 2019 (“the 2019 Regulations”) amended the Postal Services Act 2011 (c. 5) (“the 2011 Act”) to extend the information gathering powers and enforcement powers of OFCOM under that Act to infringements of the EU Regulation. The amendments came into force on 23rd November 2019.

By virtue of the 2018 Regulations, the EU Regulation will be revoked in its entirety on IP completion day (pursuant to paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020, the reference to exit day in the commencement provision is to be read as a reference to IP completion day). As a consequence, these Regulations will reverse the changes made to the 2011 Act by the 2019 Regulations from that day: regulation 3 amends section 55 of the 2011 Act and regulation 4 amends Schedule 8 to the 2011 Act, which makes provision for requiring information to be provided to OFCOM to carry out their functions for the purposes of the EU Regulation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.