



City of Westminster

LONDON LOCAL AUTHORITIES ACT 2007

MAIL FORWARDING / HOLDING BUSINESSES

Guidance and Information for Businesses.

New provisions controlling mail forwarding businesses are contained in section 75 of the London Local Authorities Act 2007 and come into force in Westminster on 7 January 2008.

A mail forwarding business is carried on in Westminster, if the postal address that is made available and to which postal packets may be sent, is in the area of Westminster.

'Mail forwarding business' is defined in section 75 of the Act as, "the business, carried out for reward, of making available to a person a postal address to which postal packets may be sent, and doing either or both of the following -
a) holding postal packets so sent for collection by that person or his agent;
b) forwarding, by whatever means, postal packets so sent to that person."

Requirement to Register with the Council

A person is not permitted to carry on a mail forwarding business in Westminster without being registered with the Council.

This applies whether the mail forwarding business is carried on alone or in conjunction with any other business.

An application in writing to the Council for registration is required to be made giving details of the name and address of the applicant and the address of each place in the borough occupied by the applicant for the purposes of the business.

Should the name and address of the applicant or the address of each place of business change after registration then it is a requirement to notify the council within 14 days of the change to enable the council to amend the registered details.

Record Keeping

A person carrying on a mail forwarding business is required to keep a record of :

- a) the full name, address and telephone number of all persons for whom post is received or who has requested postal packets received to be held or forwarded to them
- b) the nature of the business (if any) carried out by that person
- c) any instructions as to the delivery or forwarding of postal packets
- d) the name and address of person(s) to whom postal packets are to be forwarded, if different from a) above
- e) copies of originals of two documents of a type approved by the council for the purposes of identifying the person and verifying the address(es) required in a) above.

A client's name and address in a) above must not be the name and address of another mail forwarding business.

The name and address to be kept in a) above must be

- a) in the case of an individual, his private address
- b) in the case of a body corporate or partnership
(*note, a body corporate includes a limited company*)
 - 1) the registered office address or the principal address of the partnership; and
 - 2) the names and private addresses of the directors or partners or another person directly or indirectly responsible for the management of the body corporate or partnership; and
 - 3) the address of the principal place of business of the body corporate or partnership if different from any of the addresses mentioned in 1) and 2) above.

This will mean that apart from where a client is a sole individual, a contract with a mail forwarding business will require more than one name and address to be held by a mail forwarding business.

Retention and Inspection of Records

A mail forwarding business is required to keep records of clients for at least a year after the end of an arrangement (or contract) to hold or forward on postal packets and to keep them available for inspection by the police or any authorised officer at all reasonable times.

Offences

It is a criminal offence for a person to:

- fail to comply with the provisions of section 75 or;
- furnish false information –
 - in making an application for registration or notifying the Council of any alteration to the registration particulars held or
 - to a mail forwarding business in relation to particulars the business is required to keep;
- make a false entry in records kept by a person carrying on a mail forwarding business.

It should be noted from the above, that a client will commit an offence if they provide required information that is false.

In relation to the investigation of an offence, Trading Standards Officers have the power to enter premises and inspect and seize goods and documents.

Penalties

The maximum penalty for committing an offence is a fine not exceeding £5000 on summary conviction.

Transition Period

The legislation allows a period of four weeks from the date of coming into force before the requirements to register and keep records apply to a business.

The legislation comes into force on 7 January 2008, therefore the requirements to register and keep records are effective from 4 February 2008.

If an application has been made for registration during the four week period then the business may lawfully continue to carry on the business and need not comply with the requirement to keep records until the Council issues a certificate of registration.

Documents for Identification and Verification Purposes.

The legislation requires copies to be kept of the originals of two documents of a type approved by the council for the purposes of identifying a person and verifying their address.

Types of documents approved by Westminster Council are listed in Annex 1 attached.

In order to identify a person one document should be taken from the photo identification in list 1 and to verify their address, a second document from list 2.

In the case of a body corporate (limited company) the certificate of incorporation will be considered as verifying the name of the body corporate. A second document should be taken from list 2 to verify the registered office address.

Please Note-

In order to ensure a copy of a document is that of the original, as required by law, it is strongly recommended that the copy is taken by yourself from the original document. Alternatively you may wish to ask for a certified copy of an original document. It is recommended that a certified copy of a document is certified by a professional person. It is up to you to take steps to satisfy yourself that the copy you hold is that of the original

This guidance document has been prepared by Westminster Community Protection Department for the assistance of businesses in Westminster.

It is not an authoritative interpretation of the law and is intended for guidance purposes only.

Annex 1: Documents Approved by the City of Westminster for Identification Purposes

Two documents are required, one from each list.

1. Photo identification – Proof of identity

- Passport
- Driving Licence (with photocard)
- National Identity Card
- HM Forces Identity Card
- A current student card
- Employment identification card
- Disabled drivers blue pass

2. Proof of address (provided both name and address is shown)

- Gas or Electricity bill
- Telephone bill
- Water bill
- Mortgage Statement
- Council Tax bill
- Bank / Building Society statement (includes credit card/ store card bill)
- TV licence
- Valid insurance certificate
- Pay slip
- P45/P60 statement
- Financial statement (e.g. pension, endowment)
- Current benefit book
- Letter from Benefits Agency
- HM Revenue and Customs Notice of Coding

- Student hall of residence agreement or other proof of accommodation