

LONDON LOCAL AUTHORITIES ACT 2007

MAIL FORWARDING / HOLDING BUSINESSES

Guidance and Information for Businesses

Provisions controlling mail forwarding businesses are contained in section 75 of the London Local Authorities Act 2007 and came into force in the London Borough of Croydon on 12 January 2016.

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

'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 London Borough of Croydon Trading Standards

A person is not permitted to carry on a mail forwarding business in the London Borough of Croydon without being registered with Croydon Trading Standards.

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

An application in writing to Croydon Trading Standards 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.

Following registration, should there be any alteration to the details in the preceding paragraph then it is a requirement to notify Croydon Trading Standards of the change within 14 days to enable Croydon Trading Standards 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. (See Annex1 for approved list)

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 body corporate or partnership, as the case may be; **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.

Please note;

This will mean that a contract with a mail forwarding business will require more than one name and address to be held by the mail forwarding business unless the client is a sole individual having mail forwarded to his/her own address.

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 London Borough of Croydon for the purposes of identifying each person and verifying their address.

(Note: both a natural person i.e a human being, or a body corporate, e.g. a company, can be a 'person' in law).

Types of documents approved by the London Borough of Croydon are listed in Annex 1.

In the case of an individual client one document should be taken from the 'Proof of identity' list in 1(a) and, to verify their address, a second document from list 2.

In the case of a body corporate (e.g a limited company) the certificate of incorporation will be considered as verifying the name of the body corporate. A document should be taken from list 2 to verify the registered office address and another to verify the principal place of business if this is different from the registered office. The directors' names and addresses should be verified as for an individual client.

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.

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 trading standards officer.

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 Croydon Trading Standards of any alteration to the registration particulars held or

to a mail forwarding business in relation to particulars the business is required to keep;

or

- 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.

Penalties

The maximum penalty for committing an offence is an unlimited fine on summary conviction.

This guidance document has been prepared by Croydon Trading Standards for the assistance of businesses in the London Borough of Croydon.

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

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London Local Authorities Act 2007

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Annex 1: Documents Approved by Croydon Trading Standards for Identification Purposes

Two documents, one from each list, are required for each individual, individual partner, director and body corporate

1. Proof of identity

(a) Individuals, individual partners and directors of bodies corporate

- Passport
- Driving Licence (with photocard)

(b) Bodies corporate

- Certificate of Incorporation

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

- Gas or Electricity bill
- Telephone bill (landline only, not mobile)
- 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)