
STATUTORY INSTRUMENTS

2013 No. 3208

The Postal Administration Rules 2013

PART 1

Introductory Provisions

Citation and Commencement

1. These Rules may be cited as the Postal Administration Rules 2013 and shall come into force on 31st January 2014.

Construction and Interpretation

2.—(1) In these Rules—

“the 1986 Act” means the Insolvency Act 1986;

“the 2011 Act” means the Postal Services Act 2011;

“administrative receiver” has the same meaning as in section 70(4) of the 2011 Act;

“the appropriate fee” has the meaning given in Rule 203 of these Rules;

“authorised deposit-taker and former authorised deposit-taker” has the meaning given in Rule 204 of these Rules;

“the Companies Act” means the Companies Act 2006(1);

“CPR” means the Civil Procedure Rules 1998(2) and “CPR” followed by a Part or rule number means the Part or rule with that number in those Rules;

“debt” has the meaning given in Rule 206 of these Rules;

“enforcement officer” means an individual who is authorised to act as an enforcement officer under the Courts Act 2003(3);

“insolvency proceedings” has the same meaning as in Rule 13.7 of the Insolvency Rules;

“the Insolvency Rules” means the Insolvency Rules 1986(4);

“OFCOM” means the Office of Communications;

“petitioner” has the meaning given in Rule 207 of these Rules;

“pre-postal administration costs” are—

(a) fees charged, and

(b) expenses incurred,

by the postal administrator, or another person qualified to act as an insolvency practitioner, before the company entered postal administration but with a view to its doing so;

(1) 2006 c. 46.

(2) S.I. 1998/3132.

(3) 2003 c. 39.

(4) S.I. 1986/1925; the Insolvency Rules have been amended by a number of instruments.

“the registrar” has the meaning given in Rule 205 of these Rules;

“registrar of companies” means the registrar of companies for England and Wales;

“the Rules” means the Postal Administration Rules 2013;

“unpaid pre-postal administration costs” are pre-postal administration costs which had not been paid when the company entered postal administration; and

“venue” has the meaning given in Rule 208 of these Rules.

(2) References in the Rules to ex parte hearings shall be construed as references to hearings without notice being served on any other party; references to applications made ex parte as references to applications made without notice being served on any other party and other references which include the expression “ex parte” shall be similarly construed.

(3) References to a numbered paragraph shall, unless otherwise stated, be to the paragraph so numbered in Schedule B1(5) to the 1986 Act as modified and applied by Schedule 10 to the 2011 Act.

(4) References to other provisions of the 1986 Act are, where those provisions have been modified by Schedule 10 to the 2011 Act, references to those provisions as so modified.

(5) Where the universal service provider is a foreign company within the meaning of section 85 of the 2011 Act, references in the Rules to the affairs, business and property of the company are references only to its affairs and business so far as carried on in the United Kingdom and to its property in the United Kingdom unless otherwise stated.

(6) Where the universal service provider is an unregistered company, any requirement to send information to the registrar of companies applies only if the company is subject to a requirement imposed by virtue of section 1043 or 1046 of the Companies Act.

(7) Subject to paragraphs (1) to (6) of this Rule, Part 16 of the Rules has effect for their interpretation and application.

Extent

3. The Rules apply in relation to a company which is a universal service provider which the courts in England and Wales have jurisdiction to wind up.

(5) Schedule B1 to the 1986 Act was inserted by Schedule 16 to the Enterprise Act 2002 c. 40.