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STATUTORY INSTRUMENTS

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**2016 No. 900**

**The Postal Administration (Scotland) Rules 2016**

**PART 1**

**Interpretation, Application and Review**

**Citation and commencement**

1. These Rules may be cited as the Postal Administration (Scotland) Rules 2016 and shall come into force on 1st October 2016.

**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;

“accounting period” shall be construed as follows—

(a) the first accounting period is the period of six months beginning with the date on which the company entered postal administration; and

(b) any subsequent accounting period shall be the period of six months beginning with the end of the last accounting period;

“administrative receiver” has the same meaning as in section 70(4) of the 2011 Act (applications for postal administration orders);

“the Companies Act” means the Companies Act 2006<sup>(1)</sup>;

“insolvency proceedings” means any proceedings under the first group of parts in the 1986 Act or under the Insolvency (Scotland) Rules 1986<sup>(2)</sup>;

“OFCOM” means the Office of Communications;

“pre-postal administration costs” has the meaning given in Rule 15(2)(a);

“prescribed part” has the same meaning as it does in section 176A(2)(a) of the 1986 Act (share of assets for unsecured creditors)<sup>(3)</sup>;

“responsible insolvency practitioner” means, in relation to any insolvency proceedings, the person acting as supervisor of a voluntary arrangement under Part I of the 1986 Act, or as receiver, liquidator or provisional liquidator;

“standard content” means—

(a) in relation to a notice to be published or advertised in the Edinburgh Gazette, the contents specified in Rule 97(2); and

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(1) 2006 c.46.

(2) S.I. 1986/1915, as amended by S.I. 1987/1921, 1999/1820, 2001/4040, 2002/2709, 2003/2108, 2003/2109, 2003/2111, 2006/734, 2006/735, 2008/393, 2008/662, 2009/662, 2009/2375, 2010/688 and 2014/114.

(3) Section 176A was inserted by the Enterprise Act 2002 (c.40), section 252.

(b) in relation to a notice to be advertised in any other way, the contents specified in Rule 98(2); and

“venue” means, in respect of any proceedings or meetings, the time, date and place for the proceedings or meeting.

(2) References to provisions of Schedule B1 to the 1986 Act<sup>(4)</sup> are references to those provisions as modified and applied by Schedule 10 to the 2011 Act unless otherwise stated.

(3) 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.

(4) Where the universal service provider is a foreign company within the meaning of section 85 of the 2011 Act (interpretation of Part 4), references in these 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.

(5) 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 (unregistered companies).

(6) A document or information given, delivered or sent in hard copy under any Rule is sufficiently authenticated if it is signed by the person sending or supplying it.

(7) A document or information given, delivered or sent in electronic form under any Rule is sufficiently authenticated—

- (a) if the identity of the sender is confirmed in a manner specified by the recipient; or
- (b) where no such manner has been specified by the recipient, if the communication contained or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.

## **Application**

3. These Rules apply in relation to a company which is a universal service provider which the courts in Scotland have jurisdiction to wind up.

## **Review**

4.—(1) Before the end of the review period, the Secretary of State must—

- (a) carry out a review of these Rules;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

(2) The report must in particular—

- (a) Set out the objective intended to be achieved by these Rules;
- (b) Assess the extent to which those objectives are achieved; and
- (c) Assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) “Review period” means the period of five years beginning with the day on which these Rules comes into force.

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(4) Schedule B1 was inserted by the Enterprise Act 2002 (c.40), Schedule 16.