
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 318

**Act of Sederunt (Rules of the Court of Session
1994 Amendment) (Postal Administration) 2016**

Amendment of the Rules of the Court of Session 1994

- 2.—(1) The Rules of the Court of Session 1994(1) are amended in accordance with this paragraph.
- (2) In rule 74.1 (application and interpretation of this Chapter)—
- (a) after paragraph (1)(e)(2) insert—
 - “; and
 - (f) Part 4 of the Postal Services Act 2011(3).”.
 - (b) in paragraph (2)(4) after the definition of “non GB company” insert—
 - “the Postal Act” means the Postal Services Act 2011;
 - “the Postal Administration Rules” means the Postal Administration (Scotland) Rules 2016(5);”.
 - (c) in paragraph (3)(6)—
 - (i) after “the Act of 2011” insert “, Part 4 of the Postal Act”;
 - (ii) for “or”, in the second place that word occurs, substitute “;”;
 - (iii) after “the 2013 Rules” insert “or the Postal Administration Rules”.
- (3) In rule 74.2(7) (proceedings before insolvency judge)—
- (a) for “or” in the second place that word occurs, substitute “;”;
 - (b) after “the Act of 2009,” insert “or Part 4 of the Postal Act”.
- (4) In rule 74.3(8) (notices and reports, etc. sent to the court)—
- (a) after “the Act of 2011” insert “the Postal Act”; and
 - (b) for “or the 2013 Rules” substitute “, the 2013 Rules or the Postal Administration Rules”.
- (5) In rule 74.10 (form of petition in administration procedure)—
- (a) in paragraph (1)(9) after “(petition for energy administration order)” insert “, or section 70 of the Postal Act (applications for postal administration orders)”;
 - (b) in paragraph (2)(g)(10) after “or an energy administration” insert “or a postal administration”;

(1) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2016/316.

(2) Rule 74.1(1)(e) was inserted by S.S.I. 2013/162.

(3) 2011 c.5.

(4) Rule 74.1(2) was relevantly amended by S.S.I. 2006/83.

(5) S.I. 2016/900.

(6) Rule 74(1)(3) was substituted by S.S.I. 2006/83, and amended by S.S.I. 2009/63 and S.S.I. 2013/162.

(7) Rule 74.2 was substituted by S.S.I. 2006/83 and amended by S.S.I. 2009/63.

(8) Rule 74.3 was substituted by S.S.I. 2006/83 and amended by S.S.I. 2009/63 and S.S.I. 2013/162.

(9) Rule 74.10(1) was substituted by S.S.I. 2006/83.

(10) Rule 74.10(2)(g) was amended by S.S.I. 2003/385 and S.S.I. 2006/83.

- (c) in paragraph (2)(i)(11) after “energy administrator” insert “or postal administrator”;
- (d) In paragraph (2)(1)(12) after “an energy administration order” insert “or a postal administration order, as the case may be”; and
- (e) after paragraph (2)(m) insert—
 - “(n) whether a universal service provider (within the meaning of section 65(1) of the Postal Act) in a petition for a postal administration order is a foreign company.”.
- (6) In rule 74.10A(1)(13) (interim orders), after “Act of 2004” insert “or section 71(1)(d) of the Postal Act”.
- (7) In rule 74.11(14) (notice of petition) after paragraph (c) insert—
 - “; or
 - (d) the petition and a notice are to be served on a person mentioned in section 70(2)(a) to (c) of the Postal Act (applications for postal administration orders) or Rule 7 of the Postal Administration (Scotland) Rules.”.
- (8) In rule 74.14(15) (time and date of lodging in administration or energy administration)—
 - (a) in the cross-heading for “**or energy administration**” substitute “, **energy administration or postal administration**”;
 - (b) in paragraph (1) after “the Energy Administration Rules” insert “or a postal administration under the Postal Act or the Postal Administration Rules”; and
 - (c) in paragraph (2) after “the Energy Administration Rules” insert “or the Postal Administration Rules”.
- (9) In rule 74.15(16) (applications during an administration or energy administration)—
 - (a) for the cross-heading substitute “**Applications during an administration, energy administration or postal administration**”;
 - (b) for “or the Energy Administration Rules” substitute “, the Postal Act or the Energy Administration Rules or the Postal Administration Rules”;
 - (c) for “administration or energy administration” substitute “administration, energy administration or postal administration”; and
 - (d) in paragraph (b) after “energy administration”, insert “or postal administration,”.

(11) Rule 74.10(2)(i) was amended by [S.S.I. 2006/83](#).
(12) Rule 74.10(2)(1) was inserted by [S.S.I. 2006/83](#).
(13) Rule 74.10A was inserted by [S.S.I. 2005/268](#) and amended by [S.S.I. 2006/83](#).
(14) Rule 74.11 was amended by [S.S.I. 2003/385](#); [S.S.I. 2006/83](#) and [S.S.I. 2013/162](#).
(15) Rule 74.14 was substituted by [S.S.I. 2006/83](#).
(16) Rule 74.15 was substituted by [S.S.I. 2006/83](#).