



Postal Services Act 2011

2011 CHAPTER 5

PART 4

SPECIAL ADMINISTRATION REGIME

Supplementary provisions

84 Modification of Part 4 under Enterprise Act 2002

The power to modify or apply enactments conferred on the Secretary of State by—

- (a) sections 248 and 277 of the Enterprise Act 2002 (amendments consequential on that Act), and
- (b) section 254 of that Act (power to apply insolvency law to foreign companies),

includes power to make such consequential modifications of this Part as the Secretary of State considers appropriate in connection with any other provision made under any of those sections.

Commencement Information

II S. 84 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

85 Interpretation of Part 4

(1) In this Part—

“the 1986 Act” means the Insolvency Act 1986,
“business”, “member”, “property” and “security” have the same meaning as in the 1986 Act,

“company” means—

- (a) a company registered under the Companies Act 2006, or
- (b) an unregistered company,

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Supplementary provisions. (See end of Document for details)

“the court”, in relation to a company, means the court having jurisdiction to wind up the company,

“foreign company” means a company incorporated outside the United Kingdom,

“objective of the postal administration” is to be read in accordance with section 69,

“postal administration order” has the meaning given by section 68(1),

“postal administration rules” means rules made under section 411 of the 1986 Act as a result of section 73 above,

“postal administrator” has the meaning given by section 68(2) and is to be read in accordance with subsection (3) below,

“Scottish firm” means a firm constituted under the law of Scotland,

“UK affairs, business and property”, in relation to a company, means—

- (a) its affairs and business so far as carried on in the United Kingdom, and
- (b) its property in the United Kingdom, and

“unregistered company” means a company that is not registered under the Companies Act 2006.

- (2) Any expression which is used in this Part and in Part 3 has the same meaning in this Part as in that Part.
- (3) In this Part references to the postal administrator of a company—
 - (a) include a person appointed under paragraph 91 or 103 of Schedule B1 to the 1986 Act, as applied by Part 1 of Schedule 10 to this Act, to be the postal administrator of the company, and
 - (b) if two or more persons are appointed as the postal administrator of the company, are to be read in accordance with the provision made under section 72(5).
- (4) References in this Part to a person qualified to act as an insolvency practitioner in relation to a company are to be read in accordance with Part 13 of the 1986 Act, but as if references in that Part to a company included a company registered under the Companies Act 2006 in Northern Ireland.
- (5) For the purposes of this Part an application made to the court is outstanding if it—
 - (a) has not yet been granted or dismissed, and
 - (b) has not been withdrawn.
- (6) An application is not to be taken as having been dismissed if an appeal against the dismissal of the application, or a subsequent appeal, is pending.
- (7) An appeal is to be treated as pending for this purpose if—
 - (a) an appeal has been brought and has not been determined or withdrawn,
 - (b) an application for permission to appeal has been made but has not been determined or withdrawn, or
 - (c) no appeal has been brought and the period for bringing one is still running.
- (8) References in this Part to Schedule B1 to the 1986 Act, or to a provision of that Schedule (except the references in subsection (2) above), are to that Schedule or that provision without the modifications made by Part 1 of Schedule 10 to this Act.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Supplementary provisions. (See end of Document for details)

Commencement Information

I2 S. 85 in force at 1.10.2011 by S.I. 2011/2329, art. 3

86 Partnerships

- (1) The Lord Chancellor may, by order made with the concurrence of the Secretary of State and the Lord Chief Justice, apply (with or without modifications) any provision of this Part in relation to partnerships.
- (2) An order under subsection (1) is subject to negative resolution procedure.
- (3) Subsection (1) does not apply in relation to Scottish firms.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise the function of the Lord Chief Justice under subsection (1).
- (5) The Secretary of State may by order apply (with or without modifications) any provision of this Part in relation to Scottish firms.
- (6) An order under subsection (5) is subject to negative resolution procedure.

Commencement Information

I3 S. 86 in force at 1.10.2011 by S.I. 2011/2329, art. 3

87 Northern Ireland

- (1) This section makes provision about the application of this Part to Northern Ireland.
- (2) Any reference to any provision of the 1986 Act is to have effect as a reference to the corresponding provision of the Insolvency (Northern Ireland) Order 1989.
- (3) Section 85(4) is to have effect as if the reference to Northern Ireland were to England and Wales or Scotland.
- (4) Section 86 is to have effect as if—
 - (a) in subsection (1)—
 - (i) the reference to the Secretary of State were to the Department of Enterprise, Trade and Investment, and
 - (ii) the reference to the Lord Chief Justice were to the Lord Chief Justice of Northern Ireland, and
 - (b) for subsection (4) there were substituted—

“(4) The Lord Chief Justice of Northern Ireland may nominate—

 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002, or
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act), to exercise the function of the Lord Chief Justice of Northern Ireland under subsection (1).”

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Commencement Information

I4 S. 87 in force at 1.10.2011 by S.I. 2011/2329, art. 3

88 Review of Part 4

- (1) As soon as reasonably practicable after the end of the review period, the Secretary of State must—
 - (a) carry out a review of the provisions of this Part, and
 - (b) set out the conclusions of the review in a report.
- (2) The report must, in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by those provisions,
 - (b) assess the extent to which those objectives have been achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposed less regulation.
- (3) The review period is the period of 5 years beginning with the day on which the provisions of this Part come generally into force.
- (4) The Secretary of State must lay the report before Parliament.

Commencement Information

I5 S. 88 in force at 1.10.2011 by S.I. 2011/2329, art. 3

Changes to legislation:

There are currently no known outstanding effects for the Postal Services Act 2011, Cross
Heading: Supplementary provisions.