
Changes to legislation: There are currently no known outstanding effects
for the Postal Services Act 2011, Part 3. (See end of Document for details)

SCHEDULES

SCHEDULE 10

CONDUCT OF POSTAL ADMINISTRATION

PART 3

OTHER MODIFICATIONS

General modifications

- 40 (1) References within sub-paragraph (2) which are contained—
- (a) in the 1986 Act (other than Schedule B1 to that Act), or
 - (b) in other enactments passed or made before this Act,
- include references to whatever corresponds to them for the purposes of this paragraph.
- (2) The references are those (however expressed) which are or include references to—
- (a) an administrator appointed by an administration order,
 - (b) an administration order,
 - (c) an application for an administration order,
 - (d) a company in administration,
 - (e) entering into administration, and
 - (f) Schedule B1 to the 1986 Act or a provision of that Schedule.
- (3) For the purposes of this paragraph—
- (a) a postal administrator corresponds to an administrator appointed by an administration order,
 - (b) a postal administration order corresponds to an administration order,
 - (c) an application for a postal administration order corresponds to an application for an administration order,
 - (d) a company in postal administration corresponds to a company in administration,
 - (e) entering into postal administration corresponds to entering into administration, and
 - (f) what corresponds to Schedule B1 to the 1986 Act or a provision of that Schedule is that Schedule or that provision as applied by Part 1 of this Schedule.

Commencement Information

II Sch. 10 para. 40 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

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- 41 (1) Paragraph 40, in its application to section 1(3) of the 1986 Act, does not entitle the postal administrator of an unregistered company to make a proposal under Part 1 of the 1986 Act (company voluntary arrangements).
- (2) Paragraph 40 does not confer any right under section 7(4) of the 1986 Act (implementation of voluntary arrangements) for a supervisor of voluntary arrangements to apply for a postal administration order in relation to a company which is a universal service provider.
- (3) Paragraph 40 does not apply to section 359 of the Financial Services and Markets Act 2000 (["administration order"]).

Textual Amendments

- F1** Words in [Sch. 10 para. 41\(3\)](#) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 133](#) (with [Sch. 20](#)); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)

Commencement Information

- I2** [Sch. 10 para. 41](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

Modifications of 1986 Act

- 42 The following provisions of the 1986 Act are to have effect in the case of any postal administration with the following modifications.

Commencement Information

- I3** [Sch. 10 para. 42](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- 43 Section 5 (effect of approval of voluntary arrangements) is to have effect as if after subsection (4) there were inserted—

“(4A) Where the company is in postal administration, the court must not make an order or give a direction under subsection (3) unless—

- (a) the court has given the Secretary of State or the Office of Communications a reasonable opportunity of making representations to it about the proposed order or direction, and
- (b) the order or direction is consistent with the objective of the postal administration.

(4B) In subsection (4A) “in postal administration” and “objective of the postal administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 10 to the Postal Services Act 2011.”

Commencement Information

- I4** [Sch. 10 para. 43](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- 44 Section 6 (challenge of decisions in relation to voluntary arrangements) is to have effect as if—

- (a) in subsection (2), for “this section” there were substituted “subsection (1)”,
- (b) after that subsection there were inserted—

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- “(2AA) Subject to this section, where a voluntary arrangement in relation to a company in postal administration is approved at the meetings summoned under section 3, an application to the court may be made—
- (a) by the Secretary of State, or
 - (b) with the consent of the Secretary of State, by the Office of Communications,
- on the ground that the voluntary arrangement is not consistent with the achievement of the objective of the postal administration.”,
- (c) in subsection (4), after “subsection (1)” there were inserted “or, in the case of an application under subsection (2AA), as to the ground mentioned in that subsection”, and
 - (d) after subsection (7) there were inserted—
- “(7A) In this section “in postal administration” and “objective of the postal administration” are to be read in accordance with Schedule B1 to this Act, as applied by Part 1 of Schedule 10 to the Postal Services Act 2011.”

Commencement Information

I5 Sch. 10 para. 44 in force at 1.10.2011 by S.I. 2011/2329, art. 3

- 45 In section 129(1A) (commencement of winding up), the reference to paragraph 13(1)(e) of Schedule B1 is to include section 71(1)(e) of this Act.

Commencement Information

I6 Sch. 10 para. 45 in force at 1.10.2011 by S.I. 2011/2329, art. 3

Power to make further modifications

- 46 (1) The Secretary of State may by order amend this Part of this Schedule so as to add further modifications.
- (2) The further modifications that may be made are confined to such modifications of—
- (a) the 1986 Act, or
 - (b) other enactments passed or made before this Act that relate to insolvency or make provision by reference to anything that is or may be done under the 1986 Act,
- as the Secretary of State considers appropriate in relation to any provision made by or under this Part of this Act.
- (3) An order under this paragraph is subject to affirmative resolution procedure.

Commencement Information

I7 Sch. 10 para. 46 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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Interpretation of Part 3 of Schedule

- 47 In this Part of this Schedule—
- “administration order”, “administrator”, “enters administration” and “in administration” are to be read in accordance with Schedule B1 to the 1986 Act (disregarding Part 1 of this Schedule), and
- “enters postal administration” and “in postal administration” are to be read in accordance with Schedule B1 to the 1986 Act (as applied by Part 1 of this Schedule).

Commencement Information

I8 Sch. 10 para. 47 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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