
Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011,
Cross Heading: Approval and modification of scheme by Secretary of State. (See end of Document for details)

SCHEDULES

SCHEDULE 11

POSTAL TRANSFER SCHEMES

Approval and modification of scheme by Secretary of State

- 4 (1) The Secretary of State may modify a postal transfer scheme before approving it.
- (2) After a postal transfer scheme has taken effect—
- (a) the Secretary of State may by notice to the old company and the new company (or companies) modify the scheme, and
 - (b) the scheme as modified is to be treated for all purposes as having come into force at the time specified under paragraph 3(4).
- (3) The only modifications that may be made by the Secretary of State under this paragraph are ones—
- (a) to which the old company and the new company (or companies) have consented, or
 - (b) in the case of a proposed transfer falling within section 69(4)(a), to which the old company has consented.
- (4) In connection with giving effect to modifications under sub-paragraph (2), the Secretary of State may make incidental, supplementary, consequential, transitional, transitory or saving provision (and different provision may be made for different cases or circumstances).
- (5) In deciding whether to approve or modify a postal transfer scheme, the Secretary of State must have regard to—
- (a) the public interest, and
 - (b) any effect the scheme or modification is likely to have on the interests of persons other than the old company and a new company.
- (6) Before approving or modifying a postal transfer scheme, the Secretary of State must consult OFCOM.
- (7) The old company and the new company (or companies) each have a duty to provide the Secretary of State with any information or other assistance that the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any power under this paragraph.
- (8) That duty overrides a contractual or other requirement to keep information in confidence.
- (9) That duty is enforceable in civil proceedings by the Secretary of State—
- (a) for an injunction,
 - (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or

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(c) for any other appropriate remedy or relief.

Commencement Information

11 [Sch. 11 para. 4](#) in force at 1.10.2011 by [S.I. 2011/2329](#), **art. 3**

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