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STATUTORY INSTRUMENTS

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**2013 No. 3208**

**The Postal Administration Rules 2013**

**PART 16**

**Interpretation and application**

**Introductory**

**202.** This Part of the Rules has effect for their interpretation and application; and any definition given in this Part applies except, and in so far as, the context otherwise requires.

**“The appropriate fee”**

**203.** “The appropriate fee” means 15 pence per A4 or A5 page, and 30 pence per A3 page.

**“Authorised deposit-taker and former authorised deposit-taker”**

**204.—(1)** “Authorised deposit-taker” means a person with permission under Part 4A(1) of the Financial Services and Markets Act 2000 to accept deposits.

(2) “Former authorised deposit-taker” means a person who—

- (a) is not an authorised deposit-taker,
- (b) was formerly an authorised institution under the Banking Act 1987(2), or a recognised bank or a licensed institution under the Banking Act 1979(3), and
- (c) continues to have liability in respect of any deposit for which it had a liability at a time when it was an authorised institution, recognised bank or licensed institution.

(3) Paragraphs (1) and (2) of this Rule must be read with—

- (a) section 22(4) of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

**“The court”; “the registrar”**

**205.—(1)** Anything to be done under or by virtue of the 1986 Act or the Rules by, to or before the court may be done by, to or before a judge, district judge or the registrar.

(2) The registrar or district judge may authorise any act of a formal or administrative character which is not by statute the registrar’s or district judge’s responsibility to be carried out by the chief

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(1) Part 4A of the Financial Services and Markets Act 2000 was substituted for Part 4 of that Act by section 11(2) of the Financial Services Act 2012 c. 21.

(2) 1987 c. 22; repealed by S.I. 201/3649, article 3(1)(d).

(3) 1979 c. 37; repealed by the Banking Act 1987, section 108, Schedule 7, Part 1.

(4) Section 22 was amended by section 7 of the Financial Services Act 2012 c.

clerk or any other officer of the court acting on the registrar’s behalf, in accordance with directions given by the Lord Chancellor.

- (3) “the registrar” means—
- (a) a Registrar in Bankruptcy of the High Court
  - (b) where the proceedings are in the District Registry of Birmingham, Bristol, Caernarfon, Cardiff, Leeds, Liverpool, Manchester, Mold, Newcastle-upon-Tyne or Preston, a district judge attached to the District Registry in question.

**“Debt”, “liability”**

**206.**—(1) “Debt”, in relation to the postal administration of a company, means (subject to the next paragraph) any of the following—

- (a) any debt or liability to which the company is subject at the date on which the company entered postal administration;
- (b) any debt or liability to which the company may become subject after that date by reason of any obligation incurred before that date; and
- (c) any interest provable as mentioned in Rule 58.

(2) For the purposes of any provision of the 1986 Act or the Rules about postal administration, any liability in tort is a debt provable in the postal administration, if either—

- (a) the cause of action has accrued at the date on which the company entered postal administration; or
- (b) all the elements necessary to establish the cause of action exist at that date except for actionable damage.

(3) For the purposes of references in any provision of the 1986 Act or the Rules about postal administration to a debt or liability, it is immaterial whether the debt or liability is present or future, whether it is certain or contingent, or whether its amount is fixed or liquidated, or is capable of being ascertained by fixed rules or as a matter of opinion; and references in any such provision to owing a debt are to be read accordingly.

(4) In any provision of the 1986 Act or the Rules about postal administration, except in so far as the context otherwise requires, “liability” means (subject to paragraph (3) of this Rule) a liability to pay money or money’s worth, including any liability under an enactment, any liability for breach of trust, any liability in contract, tort or bailment, and any liability arising out of an obligation to make restitution.

**“Petitioner”**

**207.** In winding-up, references to “the petitioner” include any person who has been substituted as such.

**“Venue”**

**208.** References to the “venue” for any proceeding or attendance before the court, or for a meeting, are to the time, date and place for the proceeding, attendance or meeting.

### **Expressions used generally**

**209.**—(1) “Business day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in any part of England and Wales under or by virtue of the Banking and Financial Dealings Act 1971<sup>(5)</sup>.

(2) “File in court” and “file with the court” means deliver to the court for filing.

(3) “The Gazette” means the London Gazette.

(4) “gazetted” means advertised once in the Gazette.

(5) “Practice direction” means a direction as to the practice and procedure of any court within the scope of the CPR.

(6) “Prescribed part” has the same meaning as it does in section 176A(2)(a) of the 1986 Act and the Insolvency Act 1986 (Prescribed Part) Order 2003<sup>(6)</sup>.

(7) “Standard contents” means—

(a) in relation to a notice to be gazetted, the contents specified in Rule 181; and

(b) in relation to a notice to be advertised in any other way, the contents specified in Rule 184.

(8) A “certificate of service” means a certificate of service verified by a statement of truth.

(9) A “statement of truth” means a statement of truth in accordance with CPR Part 22.

(10) A “witness statement” means a witness statement verified by a statement of truth in accordance with CPR Part 22.

### **Application**

**210.** The Rules apply to postal administration proceedings commenced on or after the date on which the Rules come into force. Nothing in the Insolvency Rules shall apply to such proceedings commenced on or after that date.

### **Application of the 1986 Act**

**211.** For the purposes of the Rules, any reference in the 1986 Act to “leave” of the court is to be construed as meaning “permission” of the court.

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<sup>(5)</sup> 1971 c. 80.

<sup>(6)</sup> S.I. 2003/2097.