

*Status: Point in time view as at 01/10/2011.*

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

## SCHEDULES

### SCHEDULE 11

#### POSTAL TRANSFER SCHEMES

##### *Supplementary provisions of postal transfer schemes*

- 12 (1) A postal transfer scheme may—
- (a) contain incidental, supplementary, consequential, transitional, transitory or saving provision, and
  - (b) make different provision for different cases or circumstances.
- (2) Nothing in paragraphs 13 to 17 limits sub-paragraph (1).
- (3) In those paragraphs any reference to a transfer in accordance with a postal transfer scheme includes the creation in accordance with a postal transfer scheme of an interest, right or liability.

#### **Commencement Information**

**11** [Sch. 11 para. 12](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- 13 (1) A postal transfer scheme may provide, in relation to transfers in accordance with the scheme—
- (a) for a new company to be treated as the same person in law as the old company,
  - (b) for agreements made, transactions effected or other things done by or in relation to the old company to be treated, so far as may be necessary for the purposes of or in connection with the transfers, as made, effected or done by or in relation to a new company,
  - (c) for references in any document to the old company, or to an employee or office holder of it, to have effect, so far as may be necessary for the purposes of or in connection with any of the transfers, with such modifications as are specified in the scheme, and
  - (d) for proceedings commenced by or against the old company to be continued by or against a new company.
- (2) In sub-paragraph (1)(c) “document” includes an agreement or instrument, but does not include an enactment.

#### **Commencement Information**

**12** [Sch. 11 para. 13](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

- 14 (1) A postal transfer scheme may contain provision about—
- (a) the transfer of foreign property, rights and liabilities, and

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(b) the creation of foreign rights, interests and liabilities.

(2) For this purpose property, or a right, interest or liability, is “foreign” if an issue relating to it arising in any proceedings would (in accordance with the rules of private international law) be determined under the law of a country or territory outside the United Kingdom.

**Commencement Information**

**I3** Sch. 11 para. 14 in force at 1.10.2011 by S.I. 2011/2329, art. 3

15 (1) A postal transfer scheme may contain provision for and in connection with the payment of compensation to persons other than the old company and a new company if their property, rights, interests or liabilities have been affected by (or as a result of) a postal transfer scheme.

(2) The provision may provide for the appointment of an arbitrator to determine disputes about compensation.

**Commencement Information**

**I4** Sch. 11 para. 15 in force at 1.10.2011 by S.I. 2011/2329, art. 3

16 A postal transfer scheme may make provision for disputes as to the effect of the scheme—

(a) between different new companies, or

(b) between the old company and a new company,

to be referred to such arbitration as may be specified in or determined under the scheme.

**Commencement Information**

**I5** Sch. 11 para. 16 in force at 1.10.2011 by S.I. 2011/2329, art. 3

17 (1) This paragraph applies if, in consequence of a postal transfer scheme, a person (“P”) is entitled to possession of a document relating in part to the title to, or to the management of, land or other property.

(2) If the land or other property is in England and Wales—

(a) the scheme may provide for P to be treated as having given another person an acknowledgement in writing of the other person's right to production of the document and to delivery of copies of it, and

(b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

(3) If the land or other property is in Scotland, section 16(1) of the Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) has effect in relation to the transfer as if—

(a) the transfer had been effected by deed, and

(b) the words “unless specially qualified” were omitted from that subsection.

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- (4) If the land or other property is in Northern Ireland—
- (a) the scheme may provide for P to be treated as having given another person an acknowledgement in writing of the other person's right to production of the document and to delivery of copies of it, and
  - (b) section 9 of the Conveyancing Act 1881 (which corresponds to section 64 of the 1925 Act) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

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**Commencement Information**

**16** Sch. 11 para. 17 in force at 1.10.2011 by S.I. 2011/2329, art. 3

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