

**2016 No. 318**

**COURT OF SESSION**

**Act of Sederunt (Rules of the Court of Session 1994  
Amendment) (Postal Administration) 2016**

*Made* - - - - - *18th October 2016*  
*Laid before the Scottish Parliament* *20th October 2016*  
*Coming into force* - - - *16th November 2016*

In accordance with section 4 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013(a), the Court of Session has approved draft rules submitted to it by the Scottish Civil Justice Council with such modifications as it thinks appropriate.

The Court of Session therefore makes this Act of Sederunt under the powers conferred by section 103(1) of the Courts Reform (Scotland) Act 2014(b) and all other powers enabling it to do so.

**Citation and commencement, etc.**

**1.**—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Postal Administration) 2016.

(2) It comes into force on 16th November 2016.

(3) A certified copy is to be inserted in the Books of Sederunt.

**Amendment of the Rules of the Court of Session 1994**

**2.**—(1) The Rules of the Court of Session 1994(c) are amended in accordance with this paragraph.

(2) In rule 74.1 (application and interpretation of this Chapter)—

(a) after paragraph (1)(e)(d) insert—

“; and

(f) Part 4 of the Postal Services Act 2011(e).”.

(b) in paragraph (2)(f) after the definition of “non GB company” insert—

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(a) 2013 asp 3. Section 4 was amended by the Courts Reform (Scotland) Act 2014 (asp 18), schedule 5, paragraph 31(3) and the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (asp 2), schedule 1, paragraph 1(4).

(b) 2014 asp 18.

(c) The Rules of the Court of Session 1994 are in schedule 2 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443), last amended by S.S.I. 2016/316.

(d) Rule 74.1(1)(e) was inserted by S.S.I. 2013/162.

(e) 2011 c.5.

(f) Rule 74.1(2) was relevantly amended by S.S.I. 2006/83.

“the Postal Act” means the Postal Services Act 2011;

“the Postal Administration Rules” means the Postal Administration (Scotland) Rules 2016(a);”.

- (c) in paragraph (3)(b)—
  - (i) after “the Act of 2011” insert “, Part 4 of the Postal Act”;
  - (ii) for “or”, in the second place that word occurs, substitute “,”; and
  - (iii) after “the 2013 Rules” insert “or the Postal Administration Rules”.
- (3) In rule 74.2(c) (proceedings before insolvency judge)—
  - (a) for “or” in the second place that word occurs, substitute “,”; and
  - (b) after “the Act of 2009,” insert “or Part 4 of the Postal Act”.
- (4) In rule 74.3(d) (notices and reports, etc. sent to the court)—
  - (a) after “the Act of 2011” insert “the Postal Act”; and
  - (b) for “or the 2013 Rules” substitute “, the 2013 Rules or the Postal Administration Rules”.
- (5) In rule 74.10 (form of petition in administration procedure)—
  - (a) in paragraph (1)(e) after “(petition for energy administration order)” insert “, or section 70 of the Postal Act (applications for postal administration orders)”;
  - (b) in paragraph (2)(g)(f) after “or an energy administration” insert “or a postal administration”;
  - (c) in paragraph (2)(i)(g) after “energy administrator” insert “or postal administrator”;
  - (d) In paragraph (2)(1)(h) after “an energy administration order” insert “or a postal administration order, as the case may be”; and
  - (e) after paragraph (2)(m) insert—
    - “(n) whether a universal service provider (within the meaning of section 65(1) of the Postal Act) in a petition for a postal administration order is a foreign company.”.
- (6) In rule 74.10A(1)(i) (interim orders), after “Act of 2004” insert “or section 71(1)(d) of the Postal Act”.
- (7) In rule 74.11(j) (notice of petition) after paragraph (c) insert—
  - “; or
  - (d) the petition and a notice are to be served on a person mentioned in section 70(2)(a) to (c) of the Postal Act (applications for postal administration orders) or Rule 7 of the Postal Administration (Scotland) Rules.”.
- (8) In rule 74.14(k) (time and date of lodging in administration or energy administration)—
  - (a) in the cross-heading for “**or energy administration**” substitute “, **energy administration or postal administration**”;
  - (b) in paragraph (1) after “the Energy Administration Rules” insert “or a postal administration under the Postal Act or the Postal Administration Rules”; and
  - (c) in paragraph (2) after “the Energy Administration Rules” insert “or the Postal Administration Rules”.

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(a) S.I. 2016/900.

(b) Rule 74(1)(3) was substituted by S.S.I. 2006/83, and amended by S.S.I. 2009/63 and S.S.I. 2013/162.

(c) Rule 74.2 was substituted by S.S.I. 2006/83 and amended by S.S.I. 2009/63.

(d) Rule 74.3 was substituted by S.S.I. 2006/83 and amended by S.S.I. 2009/63 and S.S.I. 2013/162.

(e) Rule 74.10(1) was substituted by S.S.I. 2006/83.

(f) Rule 74.10(2)(g) was amended by S.S.I. 2003/385 and S.S.I. 2006/83.

(g) Rule 74.10(2)(i) was amended by S.S.I. 2006/83.

(h) Rule 74.10(2)(1) was inserted by S.S.I. 2006/83.

(i) Rule 74.10A was inserted by S.S.I. 2005/268 and amended by S.S.I. 2006/83.

(j) Rule 74.11 was amended by S.S.I. 2003/385; S.S.I. 2006/83 and S.S.I. 2013/162.

(k) Rule 74.14 was substituted by S.S.I. 2006/83.

- (9) In rule 74.15(a) (applications during an administration or energy administration)—
- (a) for the cross-heading substitute “**Applications during an administration, energy administration or postal administration**”;
  - (b) for “or the Energy Administration Rules” substitute “, the Postal Act or the Energy Administration Rules or the Postal Administration Rules”;
  - (c) for “administration or energy administration” substitute “administration, energy administration or postal administration”; and
  - (d) in paragraph (b) after “energy administration”, insert “or postal administration,”.

*CJM SUTHERLAND*  
Lord President  
I.P.D.

Edinburgh  
18th October 2016

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(a) Rule 74.15 was substituted by S.S.I. 2006/83.

## EXPLANATORY NOTE

*(This note is not part of the Act of Sederunt)*

This Act of Sederunt amends Chapter 74 of the Rules of the Court of Session 1994 (S.I. 1994/1443) (“the Rules”) in consequence of the Postal Administration (Scotland) Rules 2016 (S.I. 2016/900). Those Rules set out the procedure for the conduct of a postal supply company administration in Scotland. A postal supply company administration is a special insolvency regime specifically created for companies that are designated under section 35 of the Postal Services Act 2011 as universal service providers.

This Act of Sederunt provides that an application for a postal administration order is to be made by petition to the Court of Session and makes minor miscellaneous amendments to Chapter 74 in consequence of this.

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