



Postal Services Act 2000

2000 CHAPTER 26

PART IV

REORGANISATION OF THE POST OFFICE

Financial provisions

72 Reserves of [^{F1}relevant companies].

- (1) The Secretary of State may, on or after the appointed day, give directions to [^{F2}a relevant company that does not have a parent company (“the relevant company”)]—
 - (a) requiring it to allocate to a reserve generally, or to a reserve for a particular purpose, or to cause any of its subsidiaries so to allocate to a reserve, either a specified amount or such amount as [^{F3}the relevant company] considers appropriate,
 - (b) requiring it to re-allocate for a specified purpose, or to cause any of its subsidiaries so to re-allocate, the whole or any part of any amount previously allocated by [^{F3}the relevant company] or (as the case may be) subsidiary to a reserve for some other purpose, or
 - (c) with respect to the application by [^{F3}the relevant company] or any of its subsidiaries of amounts allocated to a reserve in accordance with a direction under this section.
- (2) Directions requiring the allocation of any amount to a reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.
- (3) Directions under subsection (1)(c) may, in particular, require amounts allocated to a reserve in accordance with a direction under this section to be applied as if they were profits available for distribution within the meaning of [^{F4}section 830 of the Companies Act 2006] (distributions to be made out of profits).
- (4) Despite subsection (3), no part of a reserve to which amounts have been allocated in accordance with this section shall count as an undistributable reserve of the company

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Section 72. (See end of Document for details)

concerned for the purposes of [^{F5}section 831(4)(d) of the Companies Act 2006] (restriction on distribution of assets).

- (5) For the purpose of determining under section [^{F6}section 831 of the Companies Act 2006] whether the company concerned may make a distribution at any time, any amount for the time being standing to the credit of the reserve concerned (excluding any amount which by virtue of subsection (3) above is authorised to be, but has not yet been, applied as if it were profits available for distribution) shall be treated for the purposes of [^{F7}section 831(4)(c) of the Companies Act 2006] as if it were unrealised profits of the company.

[^{F8}(5A) No direction under this section may be given to, or in respect of, a company that is not wholly owned by the Crown.

- (6) Before giving a direction under this section to a company, the Secretary of State must consult the company.]

(7) No direction shall be given under this section without the consent of the Treasury.

Textual Amendments

- F1** Words in s. 72 heading substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(2\)](#); S.I. 2011/2329, art. 3
- F2** Words in s. 72(1) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(3\)\(a\)](#); S.I. 2011/2329, art. 3
- F3** Words in s. 72(1)(a)(b)(c) substituted (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(3\)\(b\)](#); S.I. 2011/2329, art. 3
- F4** Words in s. 72(3) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(2\)](#) (with arts. 6, 11, 12)
- F5** Words in s. 72(4) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(3\)](#) (with arts. 6, 11, 12)
- F6** Words in s. 72(5) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(4\)\(i\)](#) (with arts. 6, 11, 12)
- F7** Words in s. 72(5) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\), art. 2\(2\), Sch. 1 para. 215\(4\)\(ii\)](#) (with arts. 6, 11, 12)
- F8** S. 72(5A)(6) substituted for s. 72(6) (1.10.2011) by [Postal Services Act 2011 \(c. 5\), s. 93\(2\)\(3\), Sch. 12 para. 13\(4\)](#); S.I. 2011/2329, art. 3

Changes to legislation:

There are currently no known outstanding effects for the Postal Services Act 2000, Section 72.