EXPLANATORY MEMORANDUM TO

THE POSTAL ADMINISTRATION (SCOTLAND) (AMENDMENT) RULES 2017

2017 No. 441

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Business, Energy & Industrial Strategy and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The purpose of these Rules is to make certain corrections to the Postal Administration (Scotland) Rules 2016 (S.I. 2016/900). The purpose of S.I. 2016/900 is to set out the procedure for the conduct of postal administration proceedings in Scotland. These Rules do not purport to alter the effect or substance of S.I. 2016/900.

2.2 Rules 2(1) – (11) correct minor typographical errors identified by the Joint Committee on Statutory Instruments.

2.3 Rule 2(13) corrects various cross-referencing errors. These resulted from the addition into S.I. 2016/900 of a new Rule (namely Rule 4 (Review)), which was inserted at a late stage of the drafting process. This had the result of changing the Rule numbering for all following Rules. Unfortunately, cross-references to those Rules throughout S.I. 2016/900 were not updated.

3. Matters of special interest to the Joint Committee on Statutory Instruments

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This is correcting instrument addressing typographical errors identified by the Joint Committee on Statutory Instruments and cross referencing errors as a consequence of the addition of a new Rule into the original SI (SI 2016/900).

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 As detailed in the Explanatory Memorandum to The Postal Administration Rules (Scotland) Rules 2016 (S.I. 2016/900) and in paragraph 2 above.

5. Extent and Territorial Application

5.1 The extent of this instrument is Scotland.

5.2 The territorial application of this instrument is Scotland

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 As detailed in the Explanatory Memorandum to The Postal Administration Rules (Scotland) Rules 2016 (S.I. 2016/900) and in paragraph 2 above.

Consolidation

7.2 The Postal Administration (Scotland) (Amendment) Rules 2017 correct errors identified in The Postal Administration (Scotland) Rules 2016.

8. Consultation outcome

8.1 Not applicable.

9. Guidance

9.1 Not applicable.

10. Impact

10.1 There is no impact on businesses, charities or voluntary bodies.

10.2 The impact on the public sector is minimal and would only become an issue in the unlikely event of a company which is a universal service provider getting into financial difficulty.

10.3 A full impact assessment has not been produced for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses. It relates to the procedures of the court and the exercise of a postal administrator's powers.

12. Monitoring & review

12.1 In relation to The Postal Administration Rules (Scotland) Rules 2016 (S.I. 2016/900), Section 88 of the Postal Services Act 2011 requires that the regulatory aspects of the Act, including the special administration regime contained in S.I. 2016/900, must be reviewed. A Review will be conducted by October 2021.

13. Contact

13.1 Michael Maynard at the Department for Business, Energy & Industrial Strategy; Telephone: 020 7215 0167; email: michael.maynard@beis.gov.uk can answer any queries regarding the instrument.