
STATUTORY INSTRUMENTS

2016 No. 900

The Postal Administration (Scotland) Rules 2016

PART 9

Prescribed Part

Application under section 176A(5) of the 1986 Act to disapply section 176A of the 1986 Act

70. An application under section 176A(5) of the 1986 Act (share of assets for unsecured creditors)⁽¹⁾ shall include averments as to—

- (a) the fact that the application arises in the course of a company administration;
- (b) the financial position of the company;
- (c) the basis of the postal administrator's view that the cost of making a distribution to unsecured creditors would be disproportionate to the benefits; and
- (d) whether any other insolvency practitioner is acting in relation to the company and, if so, the address of that insolvency practitioner.

Notice of order under section 176A(5) of the 1986 Act

71.—(1) Where the court makes an order under section 176A(5) of the 1986 Act the postal administrator shall, as soon as reasonably practicable after the making of the order—

- (a) send to the company a copy of the order certified by the clerk of court;
- (b) send to the registrar of companies a copy of the order together with Form PA24(S) and
- (c) give notice of the order to each creditor of whose claim and address the postal administrator is aware.

(2) The court may direct that the requirement of paragraph (1)(c) of this Rule be met by the publication of a notice containing the standard content and stating that the court has made an order disapplying the requirement to set aside the prescribed part.

(3) The notice referred to in paragraph (2) must be published as soon as reasonably practicable in the Edinburgh Gazette and may be advertised in such other manner as the administrator thinks fit.

(1) Section 176A was inserted by the Enterprise Act 2002 (c.40), section 252.