
STATUTORY INSTRUMENTS

2016 No. 900

The Postal Administration (Scotland) Rules 2016

PART 7

Ending Postal Administration

Final progress reports

55. In this Part—

- (a) “progress report” means a report including the matters specified in Rule 34(2); and
- (b) “final progress report” means a progress report which includes a summary of—
 - (i) the postal administrator’s original proposals;
 - (ii) any major amendments to, or deviations from, those proposals;
 - (iii) the steps taken during the postal administration; and
 - (iv) the outcome.

Application to court

56.—(1) An application under paragraph 79 of Schedule B1 to the 1986 Act for an order providing for the appointment of a postal administrator of the company to cease to have effect shall be accompanied by a progress report for the period since the last such report (if any) and a statement indicating what the applicant thinks should be the next steps for the company (if applicable).

(2) Subject to paragraph (3), where the postal administrator applies to the court the postal administrator shall give to—

- (a) the applicant for the postal administration order (unless the applicant in both cases is the same) under which the postal administrator was appointed; and
- (b) the creditors of the company,

at least 5 business days’ written notice of the applicant’s intention so to apply.

(3) Where an applicant other than the postal administrator applies to the court—

- (a) the applicant shall give to the postal administrator at least 5 business days’ written notice of the applicant’s intention so to apply; and
- (b) upon receipt of such written notice the postal administrator shall, before the end of the 5 business day notice period, provide the applicant with a progress report for the period since the last progress report (if any) or the date the company entered postal administration.

(4) Where the application is made other than by the Secretary of State, it shall also state that it is made with the consent of the Secretary of State.

(5) Where the postal administrator applies to court under paragraph 79 of Schedule B1 to the 1986 Act in conjunction with a petition under section 124 of the 1986 Act (application for winding-up) for an order to wind up the company, the postal administrator shall, in addition to the requirements

of paragraphs (2) and (4), notify the creditors of whether the postal administrator intends to seek appointment as liquidator.

Notification by postal administrator of court order

57.—(1) Where the court makes an order to end the postal administration, the postal administrator must send to the registrar of companies in Form PA16(S), attaching a copy of the court order and a copy of postal administrator’s final progress report.

(2) Where the court makes an order to end the postal administration and the applicant was not the postal administrator then that applicant shall give a copy of the order to the postal administrator.

Moving from postal administration to creditors’ voluntary liquidation

58.—(1) A notice pursuant to paragraph 83(3) of Schedule B1 to the 1986 Act shall be in Form PA17(S).

(2) As soon as reasonably practicable after the day on which the registrar of companies registers that notice, the person who has ceased to be the postal administrator (whether or not that person becomes the liquidator) must send a final progress report (which must include details of the assets to be dealt with in the liquidation) to the registrar of companies and to—

- (a) all other persons who received notice of the administrator’s appointment;
- (b) where the Secretary of State did not receive notice of the postal administrator’s appointment, the Secretary of State; and
- (c) where OFCOM did not receive notice of the postal administrator’s appointment, OFCOM.

(3) For the purposes of paragraph 83(7) of Schedule B1 to the 1986 Act, a person shall be nominated as liquidator in accordance with the provisions of Rule 15(1)(l) or Rule 33(1)(h)—

- (a) by virtue of the postal administrator’s proposals or revised proposals; or
- (b) where a creditors’ meeting is held in accordance with Rule 28, as a consequence of such a meeting.

(4) OFCOM must notify the Secretary of State before consenting to the postal administrator sending a notice of moving from postal administration to creditors’ voluntary liquidation to the registrar of companies.

(5) Where the creditors nominate a different person, the nomination must, where applicable, include the declaration required by section 231 of the 1986 Act (appointment to office of two or more persons).

Moving from postal administration to dissolution

59.—(1) The notice required by paragraph 84(1) of Schedule B1 to the 1986 Act shall be in Form PA18(S) and shall be accompanied by a final progress report.

(2) As soon as reasonably practicable a copy of the notice and accompanying documents shall be sent to—

- (a) all those who received notice of the postal administrator’s appointment;
- (b) where the Secretary of State did not receive notice of the postal administrator’s appointment, the Secretary of State; and
- (c) where OFCOM did not receive notice of the postal administrator’s appointment, to OFCOM.

(3) Where the court makes an order under paragraph 84(7) of Schedule B1 to the 1986 Act it shall, where the applicant is not the postal administrator, give a copy of the order to the postal administrator.

(4) The notice required by paragraph 84(8) of Schedule B1 to the 1986 Act shall be in Form PA19(S).

(5) OFCOM must notify the Secretary of State before directing the postal administrator to send a notice of moving from postal administration to dissolution to the registrar of companies.

Provision of information to the Secretary of State

60. Where the postal administration ends pursuant to paragraphs 79, 83 or 84 of Schedule B1 to the 1986 Act, the postal administrator shall, within 5 business days from the date of the end of the postal administration, provide the Secretary of State with the following information—

- (a) a breakdown of the relevant debts (within the meaning of section 83(6) of the 2011 Act (regulatory conditions to secure funding of postal administration order) of the company, which remain outstanding; and
- (b) details of any shortfall (within the meaning of section 83(5) of the 2011 Act) in the property of the company available for meeting those relevant debts.