

# POSTAL SERVICES ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Special Administration**

#### **Restrictions on other insolvency procedures**

#### *Section 77: Administrator appointments by creditors etc*

336. This section deals with circumstances where secured creditors or directors of a universal service provider or the company itself seek to appoint an administrator under paragraphs 14 or 22 of Schedule B1 to the Insolvency Act 1986 (powers to appoint administrators).
337. Subsection (2) states that a person may not take any step to make such an appointment when:
- a) a postal administration order is in force in relation to the company;
  - b) a postal administration order has been made in relation to the company but is not yet in force; or
  - c) an application for a postal administration order in relation to the company is outstanding.
338. Subsection (3) sets out that in any other case, an appointment of an administrator takes effect only if each of the conditions in subsection (4) are met. The conditions are:
- a) that a copy of every document in relation to the appointment that is filed or lodged with the court has been served on the Secretary of State and OFCOM;
  - b) that a period of 14 days has elapsed since the service of the last of those copies to be served;
  - c) that there is no outstanding application to the court for a postal administration order in relation to the company; and
  - d) that the making of an application for a postal administration order in relation to the company has not resulted in the making of a postal administration order which is in force or is still to come into force.
339. Subsection (5) makes it clear that paragraph 44 of Schedule B1 to the Insolvency Act 1986 Act (interim moratorium) does not prevent, or require the permission of the court for, the making of an application for a postal administration order at any time before the appointment takes effect.