
STATUTORY INSTRUMENTS

2013 No. 3208

The Postal Administration Rules 2013

PART 7

DISTRIBUTION TO CREDITORS

CHAPTER 2

Machinery of Proving a Debt

Proving a debt

43.—(1) A person claiming to be a creditor of the company and wishing to recover their debt in whole or in part must (subject to any order of the court to the contrary) submit their claim in writing to the postal administrator.

(2) A creditor who claims is referred to as “proving” for their debt and a document by which they seek to establish their claim is their “proof”.

(3) Subject to the next paragraph, a proof must—

(a) be made out by, or under the direction of, the creditor and authenticated by them or a person authorised in that behalf; and

(b) state the following matters—

(i) the creditor’s name and address;

(ii) if the creditor is a company, its registered number;

(iii) the total amount of the creditor’s claim (including value added tax) as at the date on which the company entered postal administration less any payments made after that date in respect of the claim, any deduction under Rule 54 and any adjustment by way of set-off in accordance with Rule 55;

(iv) whether or not the claim includes outstanding uncapitalised interest;

(v) particulars of how and when the debt was incurred by the company;

(vi) particulars of any security held, the date on which it was given and the value which the creditor puts on it;

(vii) details of any reservation of title in respect of goods to which the debt refers; and

(viii) the name, address and authority of the person authenticating the proof (if other than the creditor themselves).

(4) There shall be specified in the proof details of any documents by reference to which the debt can be substantiated; but (subject as follows) it is not essential that such document be attached to the proof or submitted with it.

(5) The postal administrator may call for any document or other evidence to be produced to the postal administrator, where the postal administrator thinks it necessary for the purpose of substantiating the whole or any part of the claim made in the proof.

Costs of proving

44. Unless the court otherwise orders—

- (a) every creditor bears the cost of proving their own debt, including costs incurred in providing documents or evidence under Rule 43(5); and
- (b) costs incurred by the postal administrator in estimating the quantum of a debt under Rule 51 are payable out of the assets as an expense of the postal administration.

Postal administrator to allow inspection of proofs

45. The postal administrator shall, so long as proofs lodged with the postal administrator are in the postal administrator’s hands, allow them to be inspected, at all reasonable times on any business day, by any of the following persons—

- (a) any creditor who has submitted a proof of debt (unless their proof has been wholly rejected for purposes of dividend or otherwise);
- (b) any contributory of the company; and
- (c) any person acting on behalf of either of the above.

New postal administrator appointed

46.—(1) If a new postal administrator is appointed in place of another, the former postal administrator must as soon as reasonably practicable transmit to the new postal administrator all proofs which the former postal administrator has received, together with an itemised list of them.

(2) The new postal administrator shall authenticate the list by way of receipt for the proofs, and return it to the new postal administrator’s predecessor.

(3) From then on, all proofs of debt must be sent to and retained by the new postal administrator.

Admission and rejection of proofs for dividend

47.—(1) A proof may be admitted for dividend either for the whole amount claimed by the creditor, or for part of that amount.

(2) If the postal administrator rejects a proof in whole or in part, the postal administrator shall prepare a written statement of their reasons for doing so, and send it as soon as reasonably practicable to the creditor.

Appeal against decision on proof

48.—(1) If a creditor is dissatisfied with the postal administrator’s decision with respect to their proof (including any decision on the question of preference), the creditor may apply to the court for the decision to be reversed or varied. The application must be made within 21 days of the creditor receiving the statement sent under Rule 47(2).

(2) A member or any other creditor may, if dissatisfied with the postal administrator’s decision admitting or rejecting the whole or any part of a proof, make such an application within 21 days of becoming aware of the postal administrator’s decision.

(3) Where application is made to the court under this Rule, the court shall fix a venue for the application to be heard, notice of which shall be sent by the applicant to the creditor who lodged the proof in question (if it is not themselves) and the postal administrator.

(4) The postal administrator shall, on receipt of the notice, file with the court the relevant proof, together (if appropriate) with a copy of the statement sent under Rule 47(2).

(5) Where the application is made by a member, the court must not disallow the proof (in whole or in part) unless the member shows that there is (or would be but for the amount claimed in the proof), or that it is likely that there will be (or would be but for the amount claimed in the proof), a surplus of assets to which the company would be entitled.

(6) After the application has been heard and determined, the proof shall, unless it has been wholly disallowed, be returned by the court to the postal administrator.

(7) The postal administrator is not personally liable for costs incurred by any person in respect of an application under this Rule unless the court otherwise orders.

Withdrawal or variation of proof

49. A creditor's proof may at any time, by agreement between themselves and the postal administrator, be withdrawn or varied as to the amount claimed.

Expunging of proof by the court

50.—(1) The court may expunge a proof or reduce the amount claimed—

- (a) on the postal administrator's application, where the postal administrator thinks that the proof has been improperly admitted, or ought to be reduced; or
- (b) on the application of a creditor, if the postal administrator declines to interfere in the matter.

(2) Where application is made to the court under this Rule, the court shall fix a venue for the application to be heard, notice of which shall be sent by the applicant—

- (a) in the case of an application by the postal administrator, to the creditor who made the proof; and
- (b) in the case of an application by a creditor, to the postal administrator and to the creditor who made the proof (if not themselves).