
STATUTORY INSTRUMENTS

2013 No. 3208

The Postal Administration Rules 2013

PART 9

ENDING POSTAL ADMINISTRATION

Final progress reports

- 78.**—(1) In this Part reference to a progress report is to a report in the form specified in Rule 34.
- (2) The final progress report means a progress report which includes a summary of—
- (a) the postal administrator’s proposals;
 - (b) any major amendments to, or deviations from, those proposals;
 - (c) the steps taken during the postal administration; and
 - (d) the outcome.

Application to court

- 79.**—(1) An application to court under paragraph 79 for an order ending a postal administration shall have attached to it a progress report for the period since the last progress report (if any) or the date the company entered postal administration and a statement indicating what the postal administrator thinks should be the next steps for the company (if applicable).
- (2) Where such an application is made the applicant shall—
- (a) give notice in writing to the applicant for the postal administration order (unless the applicant in both cases is the same) and the creditors of their intention to apply to court at least 5 business days before the date that they intend to make their application; and
 - (b) attach to the application to court a statement that they have notified the creditors, and copies of any response from creditors to that notification.
- (3) Where the application is made otherwise than by the postal administrator—
- (a) the applicant shall also give notice in writing to the postal administrator of their intention to apply to court at least 5 business days before the date that the applicant intends to make their application; and
 - (b) upon receipt of such written notice the postal administrator shall, before the end of the 5 day 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 postal administrator applies to court under paragraph 79 in conjunction with a petition under section 124 of the 1986 Act⁽¹⁾ for an order to wind up the company, the postal

(1) 1986 c. 45; section 124 was amended by the Criminal Justice Act 1988 c.33, section 62(2); the Companies Act 1989 c. 40, section 60(2); the Access to Justice Act 1999 c. 22, Schedule 13, paragraph 133; the Insolvency Act 2000 c. 39, section 1, Schedule 1, paragraphs 1 and 7; S.I. 2002/1240, regulation 8; the Courts Act 2003 c. 39, Schedule 8, paragraph 294, S.I. 2004/2326, regulation 73(4)(a), and the Companies (Audit, Investigations and Community Enterprise) Act 2004, c. 27, section 50(3); S.I. 2006/2078 and S.I. 2009/1941.

administrator shall, in addition to the requirements of paragraph (3) of this Rule, notify the creditors whether the postal administrator intends to seek appointment as liquidator.

Notification by postal administrator of court order

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

(2) As soon as reasonably practicable, the postal administrator must send a copy of the order and the final progress report to all other persons who received notice of the postal administrator’s appointment.

Moving from postal administration to creditors’ voluntary liquidation

81.—(1) As soon as reasonably practicable after the day on which the registrar of companies registers the notice of moving from postal administration to creditors’ voluntary liquidation (sent by the postal administrator for the purposes of paragraph 83(3)), the person who at that point ceases to be the postal administrator must send a final progress report to—

- (a) the registrar of companies; and
- (b) all those who received notice of the postal administrator’s appointment.

(2) The postal administrator must comply with the requirement in paragraph (1) of this Rule whether they are the liquidator or not, and the final progress report must include details of the assets to be dealt with in the liquidation.

(3) For the purposes of paragraph 83(7)(a), a person shall be nominated as liquidator in accordance with the provisions of Rule 20(2)(1) or Rule 33(2)(g) and that person’s appointment takes effect, following registration under paragraph (1) of this Rule—

- (a) by virtue of the postal administrator’s proposals or revised proposals; or
- (b) where a creditors’ meeting is held in accordance with Rule 24, as a consequence of such a meeting.

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

Moving from postal administration to dissolution

82.—(1) Where, for the purposes of paragraph 84(1), the postal administrator sends a notice of moving from postal administration to dissolution to the registrar of companies, the postal administrator must attach to that notice a final progress report.

(2) As soon as reasonably practicable a copy of the notice and the attached document shall be sent to all other persons who received notice of the postal administrator’s appointment.

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

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

Provision of information to the Secretary of State

83. Where the postal administration ends pursuant to paragraph 79, 83 or 84 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) 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.