
STATUTORY INSTRUMENTS

2016 No. 900

The Postal Administration (Scotland) Rules 2016

PART 2

Appointment of Postal Administrator by Court

Form of Application

5.—(1) Where an application is made by way of petition for a postal administration order to be made in relation to a company, the petition shall state—

- (a) that the company is a universal service provider; and
- (b) one or both of the following—
 - (i) the applicant's belief that the company is, or is likely to be, unable to pay its debts;
 - (ii) the Secretary of State has certified that it would be appropriate to petition for the winding up of the universal service provider under section 124A of the 1986 Act (petition for winding up on grounds of public interest)(1).

(2) Where an application is made by OFCOM, the petition shall also state that it is made with the consent of the Secretary of State.

Statement of proposed postal administrator

6. There shall be lodged together with the petition a statement of the proposed postal administrator, in the form required by Form PA1(S), stating—

- (a) that the proposed postal administrator consents to accept appointment as postal administrator of the company; and
- (b) details of any prior professional relationship that the proposed postal administrator has had with the company.

Service of petition

7.—(1) In addition to those persons referred to in section 70(2) of the 2011 Act (applications for postal administration orders), notice of a petition shall be given by the petitioner in Form PA2(S) to—

- (a) an administrative receiver, if appointed;
- (b) any person who, to the knowledge of the petitioner, has applied to the court for an administration order under Schedule B1 to the 1986 Act, without the modifications made by Schedule 10 to the 2011 Act, in relation to the company;
- (c) if a petition for the winding up of the company has been presented but no order for winding up has yet been made, the petitioner under that petition;

(1) Section 124A was inserted by the Companies Act 1989 (c.40), section 60(3). It was amended by the Companies (Audit, Investigations and Community Enterprise) Act 2004 (c.27), Schedule 2, paragraph 27 and S.I. 2001/3649, Article 305.

- (d) any creditor who has served notice in accordance with section 78(1) of the 2011 Act (enforcement of security) of the creditor's intention to enforce the creditor's security over property of the company;
- (e) a provisional liquidator, if appointed;
- (f) the person proposed in the petition to be the postal administrator;
- (g) the registrar of companies;
- (h) the Keeper of the Register of Inhibitions and Adjudications for recording in that register;
- (i) if the applicant is the Secretary of State, OFCOM;
- (j) if the applicant is OFCOM, the Secretary of State;
- (k) the company; and
- (l) the supervisor of a voluntary arrangement under Part I of the 1986 Act, if such has been appointed.

(2) Notice of the petition shall also be given to the persons upon whom the court orders that the petition be served.

Expenses

8. If the court makes a postal administration order, the expenses of the petitioner, and of any other party whose expenses are allowed by the court, shall be regarded as expenses of the postal administration.

Notice of dismissal of application for a postal administration order

9. If the court dismisses the petition the petitioner shall as soon as reasonably practicable send notice of the court's order dismissing the petition to all those to whom the petition was notified under Rule 6 in Form PA3(S).