
STATUTORY INSTRUMENTS

2013 No. 3208

**INSOLVENCY, ENGLAND AND WALES
COMPANIES**

The Postal Administration Rules 2013

Made - - - - - *18th December 2013*
Laid before Parliament *19th December 2013*
Coming into force *31st January 2014*

THE POSTAL ADMINISTRATION RULES 2013

PART 1

Introductory Provisions

1. Citation and Commencement
2. Construction and Interpretation
3. Extent

PART 2

Appointment of Postal Administrator by Court

4. Witness statement
5. Form of application
6. Contents of application and witness statement
7. Filing of application
8. Service of application
9. Notice to officers charged with execution of writs or other process
10. Manner in which service to be effected
11. Proof of service
12. The hearing
13. Notice of postal administration order

PART 3

Process of Postal Administration

14. Notification and advertisement of postal administrator's appointment
15. Notice requiring statement of affairs

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

16. Verification and filing
17. Limited disclosure
18. Release from duty to submit statement of affairs; extension of time
19. Expenses of statement of affairs
20. Postal administrator's proposals
21. Limited disclosure of paragraph 49 statement

PART 4

MEETINGS AND REPORTS

CHAPTER 1

Creditors Meetings

22. Creditors' meetings generally
23. The chair at meetings
24. Creditors' meeting for nomination of alternative liquidator
25. Notice of meetings by advertisement only
26. Entitlement to vote
27. Admission and rejection of claims
28. Secured creditors
29. Holders of negotiable instruments
30. Hire-purchase, conditional sale and chattel leasing agreements
31. Resolutions
32. Minutes
33. Revision of the postal administrator's proposals
34. Reports to creditors

CHAPTER 2

Company Meetings

35. Venue and conduct of company meeting

PART 5

DISPOSAL OF CHARGED PROPERTY

36. Authority to dispose of property

PART 6

EXPENSES OF THE POSTAL ADMINISTRATION

37. Priority of expenses of postal administration
38. Pre-postal administration costs

PART 7

DISTRIBUTION TO CREDITORS

CHAPTER 1

Application of Part and General

39. Distribution to creditors generally

40. Debts of insolvent company to rank equally
41. Supplementary provisions as to dividend
42. Division of unsold assets

CHAPTER 2

Machinery of Proving a Debt

43. Proving a debt
44. Costs of proving
45. Postal administrator to allow inspection of proofs
46. New postal administrator appointed
47. Admission and rejection of proofs for dividend
48. Appeal against decision on proof
49. Withdrawal or variation of proof
50. Expunging of proof by the court

CHAPTER 3

Quantification of Claims

51. Estimate of quantum
52. Negotiable instruments, etc
53. Secured creditors
54. Discounts
55. Mutual credits and set-off
56. Debt in foreign currency
57. Payments of a periodical nature
58. Interest
59. Debt payable at future time
60. Value of security
61. Surrender for non-disclosure
62. Redemption by postal administrator
63. Test of security's value
64. Realisation of security by creditor
65. Notice of proposed distribution
66. Admission or rejection of proofs
67. Postponement or cancellation of dividend
68. Declaration of dividend
69. Notice of declaration of a dividend
70. Payments of dividends and related matters
71. Notice of no dividend, or no further dividend
72. Proof altered after payment of dividend
73. Secured creditors
74. Disqualification from dividend
75. Assignment of right to dividend
76. Debt payable at future time

PART 8

THE POSTAL ADMINISTRATOR

77. Fixing of remuneration

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 9

ENDING POSTAL ADMINISTRATION

78. Final progress reports
79. Application to court
80. Notification by postal administrator of court order
81. Moving from postal administration to creditors' voluntary liquidation
82. Moving from postal administration to dissolution
83. Provision of information to the Secretary of State

PART 10

REPLACING POSTAL ADMINISTRATOR

84. Grounds for resignation
85. Notice of intention to resign
86. Notice of resignation
87. Application to court to remove postal administrator from office
88. Notice of vacation of office when postal administrator ceases to be qualified to act
89. Postal administrator deceased
90. Application to replace
91. Notification and advertisement of appointment of replacement postal administrator
92. Notification and advertisement of appointment of joint postal administrator
93. Notification to Registrar of Companies
94. Postal administrator's duties on vacating office

PART 11

COURT PROCEDURE AND PRACTICE

CHAPTER 1

Applications

95. Preliminary
96. Form and contents of application
97. Application under section 176A(5) of the 1986 Act to disapply section 176A of the 1986 Act
98. Filing and service of application
99. Notice of application under section 176A(5) of the 1986 Act
100. Hearings without notice
101. Hearing of application
102. Witness statements—general
103. Filing and service of witness statements
104. Use of reports
105. Adjournment of hearing; directions
106. General power of transfer
107. Proceedings commenced in wrong court
108. Applications for transfer
109. Procedure following order for transfer

CHAPTER 2

Shorthand Writers

- 110. Nomination and appointment of shorthand writers
- 111. Remuneration

CHAPTER 3

Enforcement Procedures

- 112. Enforcement of court orders
- 113. Orders enforcing compliance with the Rules
- 114. Warrants under section 236 of the 1986 Act

CHAPTER 4

Court Records and Returns

- 115. Court file

CHAPTER 5

Costs and Detailed Assessment

- 116. Application of Chapter 5
- 117. Requirement to assess costs by the detailed procedure
- 118. Procedure where detailed assessment required
- 119. Costs paid otherwise than out of the assets of the company
- 120. Award of costs against postal administrator
- 121. Applications for costs
- 122. Costs and expenses of witnesses
- 123. Final costs certificate

CHAPTER 6

Persons who Lack Capacity to Manage their Affairs

- 124. Introductory
- 125. Appointment of another person to act
- 126. Witness statement in support of application
- 127. Service of notices following appointment

CHAPTER 7

Appeals in Postal Administration Proceedings

- 128. Appeals and reviews of postal administration orders
- 129. Procedure on appeal

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CHAPTER 8

General

- 130. Principal court rules and practice to apply
- 131. Right of audience
- 132. Formal defects
- 133. Service of orders staying proceedings
- 134. Payment into court
- 135. Further Information and Disclosure
- 136. Office copies of documents

PART 12

PROXIES AND COMPANY REPRESENTATION

- 137. Definition of “proxy”
- 138. Issue and use of forms
- 139. Use of proxies at meetings
- 140. Retention of proxies
- 141. Right of inspection
- 142. Proxy-holder with financial interest
- 143. Company representation

PART 13

EXAMINATION OF PERSONS IN POSTAL ADMINISTRATION PROCEEDINGS

- 144. Preliminary
- 145. Form and contents of application
- 146. Order for examination, etc
- 147. Procedure for examination
- 148. Record of examination
- 149. Costs of proceedings under section 236

PART 14

MISCELLANEOUS AND GENERAL

- 150. Power of Secretary of State to regulate certain matters
- 151. Costs, expenses, etc
- 152. Provable debts
- 153. False claim of status as creditor, etc
- 154. Punishment of offences

PART 15

PROVISIONS OF GENERAL EFFECT

CHAPTER 1

The Giving of Notice and the Supply of Documents—general

- 155. Application
- 156. Personal delivery of documents
- 157. Postal delivery of documents
- 158. Non-receipt of notice of meeting

159. Notice etc to solicitors

CHAPTER 2

The Giving of Notice and the Supply of Documents by or to a Postal administrator etc

160. Application
161. The form of notices and other documents
162. Proof of sending etc
163. Authentication
164. Electronic delivery in postal administration proceedings—general
165. Electronic delivery by postal administrator
166. Use of websites by postal administrator
167. Special provision on account of expense as to website use
168. Electronic delivery of postal administration proceedings to courts
169. Notice etc to joint postal administrators

CHAPTER 3

Service of Court Documents

170. Application of CPR Part 6 to service of court documents within the jurisdiction
171. Service on joint postal administrators
172. Application of CPR Part 6 to service of court documents outside the jurisdiction

CHAPTER 4

Meetings

173. Quorum at meeting of creditors
174. Remote attendance at meetings of creditors
175. Action where person excluded
176. Indication to excluded person
177. Complaint

CHAPTER 5

Forms

178. Forms for use in postal administration proceedings
179. Electronic submission of information instead of submission of forms to the Secretary of State, postal administrators, and of copies to the registrar of companies
180. Electronic submission of information instead of submission of forms in all other cases

CHAPTER 6

Gazette Notices

181. Contents of notices to be gazetted under the 1986 Act or the Rules

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- 182. Omission of unobtainable information
- 183. The Gazette—general

CHAPTER 7

Notices Advertised Otherwise than in the Gazette

- 184. Notices otherwise advertised under the 1986 Act or the Rules
- 185. Non-Gazette notices—other provisions

CHAPTER 8

Notifications to the Registrar of Companies

- 186. Application of this Chapter
- 187. Information to be contained in all notifications to the registrar
- 188. Notifications relating to the office of postal administrator
- 189. Notifications relating to documents
- 190. Notifications relating to court orders
- 191. Returns or reports of meetings
- 192. Notifications relating to other events
- 193. Notifications of more than one nature
- 194. Notifications made to other persons at the same time

CHAPTER 9

Inspection of Documents and the Provision of Information

- 195. Confidentiality of documents—grounds for refusing inspection
- 196. Right to copy documents
- 197. Charges for copy documents
- 198. Right to have list of creditors

CHAPTER 10

Computation of Time and Time Limits

- 199. Time limits

CHAPTER 11

Security

- 200. Postal administrator's security

CHAPTER 12

Notice of Order Under Section 176A(5) of the 1986 Act

- 201. Notice of order under section 176A(5) of the 1986 Act

PART 16

Interpretation and application

- 202. Introductory
- 203. “The appropriate fee”
- 204. “Authorised deposit-taker and former authorised deposit-taker”
- 205. “The court”; “the registrar”
- 206. “Debt”, “liability”
- 207. “Petitioner”
- 208. “Venue”
- 209. Expressions used generally
- 210. Application
- 211. Application of the 1986 Act
Signature

SCHEDULE 1 — Forms

SCHEDULE 2 — Punishment of offences under these rules

Explanatory Note