



Postal Services Act 2011

2011 CHAPTER 5

PART 4

SPECIAL ADMINISTRATION REGIME

Restrictions on other insolvency procedures

74 Winding-up orders

- (1) This section applies if a person other than the Secretary of State petitions for the winding-up of a company which is a universal service provider.
- (2) The court is not to exercise its powers on a winding-up petition unless—
 - (a) notice of the petition has been served on the Secretary of State and OFCOM, and
 - (b) a period of at least 14 days has elapsed since the service of the last of those notices to be served.
- (3) If an application for a postal administration order in relation to the company is made to the court in accordance with section 70(1) before a winding-up order is made on the petition, the court may exercise its powers under section 71 (instead of exercising its powers on the petition).
- (4) References in this section to the court's powers on a winding-up petition are to—
 - (a) its powers under section 125 of the 1986 Act (other than its power of adjournment), and
 - (b) its powers under section 135 of the 1986 Act.

Commencement Information

II S. 74 in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2011, Cross Heading: Restrictions on other insolvency procedures. (See end of Document for details)

75 Voluntary winding up

- (1) A company which is a universal service provider has no power to pass a resolution for voluntary winding up without the permission of the court.
- (2) Permission may be granted by the court only on an application made by the company.
- (3) The court is not to grant permission unless—
 - (a) notice of the application has been served on the Secretary of State and OFCOM, and
 - (b) a period of at least 14 days has elapsed since the service of the last of those notices to be served.
- (4) If an application for a postal administration order in relation to the company is made to the court in accordance with section 70(1) after an application for permission under this section has been made and before it is granted, the court may exercise its powers under section 71 (instead of granting permission).
- (5) In this section “a resolution for voluntary winding up” has the same meaning as in the 1986 Act.

Commencement Information

I2 S. 75 in force at 1.10.2011 by S.I. 2011/2329, art. 3

76 Making of ordinary administration orders

- (1) This section applies if a person other than the Secretary of State makes an ordinary administration application in relation to a company which is a universal service provider.
- (2) The court must dismiss the application if—
 - (a) a postal administration order is in force in relation to the company, or
 - (b) a postal administration order has been made in relation to the company but is not yet in force.
- (3) If subsection (2) does not apply, the court, on hearing the application, must not exercise its powers under paragraph 13 of Schedule B1 to the 1986 Act (other than its power of adjournment) unless—
 - (a) notice of the application has been served on the Secretary of State and OFCOM,
 - (b) a period of at least 14 days has elapsed since the service of the last of those notices to be served, and
 - (c) there is no application for a postal administration order which is outstanding.
- (4) Paragraph 44 of Schedule B1 to the 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.
- (5) On the making of a postal administration order in relation to a company, the court must dismiss any ordinary administration application made in relation to the company which is outstanding.

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- (6) In this section “ordinary administration application” means an application in accordance with paragraph 12 of Schedule B1 to the 1986 Act.

Commencement Information

I3 S. 76 in force at 1.10.2011 by S.I. 2011/2329, art. 3

77 Administrator appointments by creditors etc

- (1) Subsections (2) to (4) make provision about appointments under paragraph 14 or 22 of Schedule B1 to the 1986 Act (powers to appoint administrators) in relation to a company which is a universal service provider.
- (2) If in any case—
- (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,
- a person may not take any step to make an appointment.
- (3) In any other case, an appointment takes effect only if each of the following conditions are met.
- (4) The conditions are—
- (a) that a copy of every document in relation to the appointment that is filed or lodged with the court in accordance with paragraph 18 or 29 of Schedule B1 to the 1986 Act 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.
- (5) Paragraph 44 of Schedule B1 to the 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.

Commencement Information

I4 S. 77 in force at 1.10.2011 by S.I. 2011/2329, art. 3

78 Enforcement of security

- (1) A person may not take any step to enforce a security over property of a company which is a universal service provider unless—
- (a) notice of the intention to do so has been served on the Secretary of State and OFCOM, and

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- (b) a period of at least 14 days has elapsed since the service of the last of those notices to be served.
- (2) In the case of a foreign company which is a universal service provider, the reference to the property of the company is to its property in the United Kingdom.

Commencement Information

I5 [S. 78](#) in force at 1.10.2011 by [S.I. 2011/2329](#), [art. 3](#)

Changes to legislation:

There are currently no known outstanding effects for the Postal Services Act 2011, Cross
Heading: Restrictions on other insolvency procedures.