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SCOTTISH STATUTORY INSTRUMENTS

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**2018 No. 347**

**The Insolvency (Scotland) (Receivership  
and Winding up) Rules 2018**

**PART 1**

**SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS**

**CHAPTER 9**

**Delivery of documents and opting out (sections 246C and 248A(1))**

**Use of website by office-holder to deliver a particular document (section 246B)**

**1.44.**—(1) This rule applies for the purposes of sections 246B(2) (use of websites).

(2) An office-holder who proposes to satisfy the requirement to deliver a document to any person by making it available on a website in accordance with section 246B(1) must deliver a notice to that person which contains—

- (a) a statement that the document is available for viewing and downloading on a website;
- (b) the website’s address and any password necessary to view and download the document; and
- (c) a statement that that person may request a hard copy of the document together with a telephone number, email address and postal address which may be used to make that request.

(3) An office-holder who receives such a request must deliver a hard copy of the document to the person who made the request free of charge within 5 business days of receipt of the request.

(4) A document to which a notice under paragraph (2) relates must—

- (a) remain available on the website for the period required by rule 1.46; and
- (b) be in a format that enables it to be downloaded within a reasonable time of an electronic request being made for it to be downloaded.

(5) A document which is delivered to a person by means of a website in accordance with this rule, is deemed to have been delivered—

- (a) when it is first made available on the website; or
- (b) when the notice under paragraph (2) is delivered to that person, if that is later.

(6) Section 246B(1) does not apply to a notice under paragraph (2).

(7) In this rule “document” includes any notice or information in any other form.

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(1) Section 246C was prospectively inserted for Scotland by section 124(3) of the Small Business, Enterprise and Employment Act 2015 (c.26) and section 248A by section 124(4) of that Act.  
(2) Section 246B was inserted by [S.I. 2010/18](#) and prospectively amended for Scotland by [S.S.I. 2016/141](#).

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

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