
STATUTORY INSTRUMENTS

2013 No. 3208

The Postal Administration Rules 2013

PART 15

PROVISIONS OF GENERAL EFFECT

CHAPTER 2

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

Application

160.—(1) Subject to paragraphs (2) to (3) of this Rule, this Chapter applies where a notice or other document is required to be given, delivered or sent under the 1986 Act or the Rules.

(2) This Chapter does not apply to the submission of documents to the registrar of companies.

(3) Rules 164 to 167 do not apply to the filing of any notice or other document with the court.

The form of notices and other documents

161. Subject to any order of the court, any notice or other document required to be given, delivered or sent must be in writing and where electronic delivery is permitted a notice or other document in electronic form is treated as being in writing if a copy of it is capable of being produced in a legible form.

Proof of sending etc

162.—(1) Where in any postal administration proceedings a notice or other document is required to be given, delivered or sent by the postal administrator, the giving, delivering or sending of it may be proved by means of a certificate by them, or their solicitor, or a partner or employee of either of them, that the notice or other document was duly given, delivered or sent.

(2) A certificate under this Rule may be endorsed on a copy or specimen of the notice or document to which it relates.

Authentication

163.—(1) A document or information given, delivered or sent in hard copy form is sufficiently authenticated if it is signed by the person sending or supplying it.

(2) A document or information given, delivered or sent in electronic form is sufficiently authenticated—

- (a) if the identity of the sender is confirmed in a manner specified by the recipient, or
- (b) where no such manner has been specified by the recipient, if the communication contains or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.

Electronic delivery in postal administration proceedings—general

164.—(1) Unless in any particular case some other form of delivery is required by the 1986 Act or the Rules or an order of the court and subject to paragraph (3) of this Rule, a notice or other document may be given, delivered or sent by electronic means provided that the intended recipient of the notice or other document has—

- (a) consented (whether in the specific case or generally) to electronic delivery (and has not revoked that consent); and
- (b) provided an electronic address for delivery.

(2) In the absence of evidence to the contrary, a notice or other document is presumed to have been delivered where—

- (a) the sender can produce a copy of the electronic message which—
 - (i) contained the notice or other document, or to which the notice or other document was attached, and
 - (ii) shows the time and date the message was sent; and
- (b) that electronic message contains the address supplied under paragraph (1)(b) of this Rule.

(3) A message sent electronically is deemed to have been delivered to the recipient no later than 9.00am on the next business day after it was sent.

Electronic delivery by postal administrator

165.—(1) Where a postal administrator gives, sends or delivers a notice or other document to any person by electronic means, the notice or document must contain or be accompanied by a statement that the recipient may request a hard copy of the notice or document and specifying a telephone number, e-mail address and postal address which may be used to request a hard copy.

(2) Where a hard copy of the notice or other document is requested, it must be sent within 5 business days of receipt of the request by the postal administrator.

(3) A postal administrator must not require a person making a request under paragraph (2) of this Rule to pay a fee for the supply of the document.

Use of websites by postal administrator

166.—(1) This Rule applies for the purposes of sections 246B (use of websites) of the 1986 Act.

(2) A postal administrator required to give, deliver or send a document to any person may (other than in a case where personal service is required) satisfy that requirement by sending that person a notice—

- (a) stating that the document is available for viewing and downloading on a website;
- (b) specifying the address of that website together with any password necessary to view and download the document from that site; and
- (c) containing a statement that the person to whom the notice is given, delivered or sent may request a hard copy of the document and specifying a telephone number, e-mail address and postal address which may be used to request a hard copy.

(3) Where a notice to which this Rule applies is sent, the document to which it relates must—

- (a) be available on the website for a period of not less than 3 months after the date on which the notice is sent; and
- (b) must be in such a format as to enable it to be downloaded from the website within a reasonable time of an electronic request being made for it to be downloaded.

(4) Where a hard copy of the document is requested it must be sent within 5 business days of the receipt of the request by the postal administrator.

(5) A postal administrator must not require a person making a request under paragraph (4) of this Rule to pay a fee for the supply of the document.

(6) Where a document is given, delivered or sent to a person by means of a website in accordance with this Rule, it is deemed to have been delivered—

- (a) when the document was first made available on the website, or
- (b) if later, when the notice under paragraph (2) of this Rule was delivered to that person.

Special provision on account of expense as to website use

167.—(1) Where the court is satisfied that the expense of sending notices in accordance with Rule 166 would, on account of the number of persons entitled to receive them, be disproportionate to the benefit of sending notices in accordance with that Rule, it may order that the requirement to give, deliver or send a relevant document to any person may (other than in a case where personal service is required) be satisfied by the postal administrator sending each of those persons a notice—

- (a) stating that all relevant documents will be made available for viewing and downloading on a website;
- (b) specifying the address of that website together with any password necessary to view and download a relevant document from that site; and
- (c) containing a statement that the person to whom the notice is given, delivered or sent may at any time request that hard copies of all, or specific, relevant documents are sent to that person, and specifying a telephone number, e-mail address and postal address which may be used to make that request.

(2) A document to which this Rule relates must—

- (a) be available on the website for a period of not less than 12 months from the date when it was first made available on the website or, if later, from the date upon which the notice was sent, and
- (b) must be in such a format as to enable it to be downloaded from the website within a reasonable time of an electronic request being made for it to be downloaded.

(3) Where hard copies of relevant documents have been requested, they must be sent by the postal administrator—

- (a) within 5 business days of the receipt by the postal administrator of the request to be sent hard copies, in the case of relevant documents first appearing on the website before the request was received, or
- (b) within 5 business days from the date a relevant document first appears on the website, in all other cases.

(4) A postal administrator must not require a person making a request under paragraph (3) of this Rule to pay a fee for the supply of the document.

(5) Where a relevant document is given, delivered or sent to a person by means of a website in accordance with this Rule, it is deemed to have been delivered—

- (a) when the relevant document was first made available on the website, or
- (b) if later, when the notice under paragraph (1) of this Rule was delivered to that person.

(6) In this Rule a relevant document means any document which the postal administrator is first required to give, deliver or send to any person after the court has made an order under paragraph (1) of this Rule.

Electronic delivery of postal administration proceedings to courts

168.—(1) Except where paragraph (2) of this Rule applies or the requirements of paragraph (3) of this Rule are met, no application, notice or other document may be delivered or made to a court by electronic means.

(2) This paragraph applies where electronic delivery of documents to a court is permitted by another Rule.

(3) The requirements of this paragraph are—

- (a) the court provides an electronic working scheme for the proceedings to which the document relates; and
- (b) the electronic communication is—
 - (i) delivered and authenticated in a form which complies with the requirements of the scheme;
 - (ii) sent to the electronic address provided by the court for electronic delivery of those proceedings; and
 - (iii) accompanied by any payment due to the court in respect of those proceedings made in a manner which complies with the requirements of the scheme.

(4) In this Rule “an electronic working scheme” means a scheme permitting insolvency proceedings to be delivered electronically to the court set out in a practice direction.

(5) Under paragraph (3) of this Rule an electronic communication is to be treated as delivered to the court at the time it is recorded by the court as having been received.

Notice etc to joint postal administrators

169. Where there are joint postal administrators, delivery of a document to one of them is to be treated as delivery to all of them.