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STATUTORY INSTRUMENTS

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**2018 No. 1135**

The Education Administration Rules 2018

PART 5

CLAIMS BY AND DISTRIBUTIONS TO CREDITORS

CHAPTER 2

Creditors' claims in education administration

**Appeal against decision on proof**

**5.8.**—(1) If a creditor is dissatisfied with the education administrator's decision under rule 5.7 in relation to the creditor's own proof (including a decision whether the debt is preferential), the creditor may apply to the court for the decision to be reversed or varied.

(2) The application must be made within 21 days of the creditor receiving the statement delivered under rule 5.7(2).

(3) A member, a contributory, or any other creditor may, if dissatisfied with the education administrator's decision admitting or rejecting the whole or any part of a proof or agreeing to revalue a creditor's security under rule 5.15, apply to the court for the decision to be reversed or varied within 21 days of becoming aware of the education administrator's decision.

(4) The court must fix a venue for the application to be heard.

(5) The applicant must deliver notice of the date and venue to the creditor who delivered the proof in question (unless it is the applicant's own proof) and the education administrator.

(6) The education administrator must, on receipt of the notice, file the relevant proof with the court, together (if appropriate) with a copy of the statement sent under rule 5.7(2).

(7) After the application has been heard and determined, a proof which was submitted by the creditor in hard copy form must be returned by the court to the education administrator.