
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 7

TIME, RULES ABOUT DOCUMENTS AND INTERPRETATION

CHAPTER 6

Inspection of documents, copies and provision of information

Right to copy documents

7.33. Where the Act or these Rules give a person the right to inspect documents, that person has a right to be supplied on request with copies of those documents on payment of the standard fee for copies.

Charges for copies of documents provided by the education administrator

7.34. Except where prohibited by these Rules, an education administrator is entitled to require the payment of the standard fee for copies of documents requested by a creditor, member or contributory.

Offence in relation to inspection of documents

7.35.—(1) It is an offence for a person who does not have a right under these Rules to inspect a relevant document falsely to claim to be a creditor, a member of a company or other further education body or a contributory of a company with the intention of gaining sight of the document.

(2) A relevant document is one which is on the court file or held by the education administrator or any other person and which a member of a company or other further education body or a contributory of a company has the right to inspect under these Rules.

(3) A person guilty of an offence under this rule is liable to imprisonment or a fine, or both as set out in Schedule 1.

Right to list of creditors

7.36.—(1) A creditor has the right to require the education administrator to provide a list of the names and addresses of the creditors and the amounts of their respective debts.

(2) The education administrator on being required to provide such a list—

- (a) must deliver it to the person requiring the list as soon as reasonably practicable; and
- (b) may charge the standard fee for copies for a hard copy.

(3) The education administrator may omit the name and address of a creditor if the education administrator thinks its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person.

(4) In such a case the list must include—

- (a) the amount of that creditor's debt; and
- (b) a statement that the name and the address of the creditor has been omitted for that debt.

Confidentiality of documents – grounds for refusing inspection

7.37.—(1) Where an education administrator considers that a document forming part of the records of an education administration—

- (a) should be treated as confidential; or
- (b) is of such a nature that its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person,

the education administrator may decline to allow it to be inspected by a person who would otherwise be entitled to inspect it.

(2) Where the education administrator refuses inspection of a document the person wishing to inspect it may apply to the court which may reconsider the education administrator's decision.

Proposed education administrator's statement and consent to act

7.38.—(1) References in these Rules to a consent to act are to a statement by a proposed education administrator headed "Proposed education administrator's statement and consent to act" which contains the following—

- (a) identification details for the further education body immediately below the heading;
- (b) a certificate that the proposed education administrator is authorised under Part 13(1) of the Act to act as an insolvency practitioner;
- (c) the proposed education administrator's IP number;
- (d) the name of the relevant recognised professional body which is the source of the proposed education administrator's authorisation;
- (e) a statement that the proposed education administrator consents to act as education administrator of the further education body;
- (f) a statement whether or not the proposed education administrator has had any prior professional relationship with the further education body and if so a short summary of the relationship;
- (g) the name of the applicant in the case of an application to the court for an appointment; and
- (h) a statement that the proposed education administrator is of the opinion that the purpose of education administration is reasonably likely to be achieved in the particular case.

(2) The statement and consent to act must be authenticated and dated by the proposed education administrator.

(3) Where a number of persons are proposed to be appointed to act jointly or concurrently as the education administrator of a further education body, each must make a separate statement and consent to act.

(1) Part 13 is amended by section 17 and paragraphs 11, 18, 19 and 21 of the Deregulation Act 2015 (c. 20), paragraph 57 of Schedule 19 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and sections 137 to 143 of the Small Business, Enterprise and Employment Act 2015 (c. 26).