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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 3

Distribution to creditors

**Supplementary provisions as to dividends**

**5.37.**—(1) A creditor is not entitled to disturb the payment of any dividend or the making of any distribution because—

- (a) the amount claimed in the creditor's proof is increased after payment of the dividend; or
- (b) the creditor did not prove for a debt before the declaration of the dividend.

(2) However the creditor is entitled to be paid a dividend or receive a distribution which the creditor has failed to receive out of any money for the time being available for the payment of a further dividend or making a further distribution.

(3) Such a dividend must be paid or distribution made before that money is applied to the payment of any further dividend or the making of any further distribution.

(4) If, after a creditor's proof has been admitted, the proof is withdrawn or excluded, or the amount of it is reduced, the creditor is liable to repay to the education administrator, for the credit of the further education body's estate, any amount overpaid by way of dividend.