
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 7

TIME, RULES ABOUT DOCUMENTS AND INTERPRETATION

CHAPTER 5

Delivery of documents

Application of Chapter

7.21.—(1) This Chapter applies where a document is required under the Act or these Rules to be delivered, filed, forwarded, furnished, given, sent or submitted in respect of education administration proceedings unless the Act, a rule or an order of the court makes different provision, including one requiring service of the document.

(2) However, in respect of delivery of a document to the registrar of companies—

- (a) subject to sub-paragraph (b) only the following rules in this Chapter apply: rules 7.24, 7.25, 7.26 and 7.28; and
- (b) where a document is to be delivered to the registrar of companies, the registrar's rules under section 1117 of the Companies Act 2006 apply to determine the date when any document is received by the registrar of companies.

Delivery of documents to authorised recipients

7.22. Where under the Act or these Rules a document is to be delivered to a person (other than being served on that person), it may be delivered instead to any other person authorised in writing to accept delivery on behalf of the first-mentioned person.

Delivery of documents to joint education administrators

7.23. Where joint education administrators have been appointed, delivery of a document to one of them is to be treated as delivery to all of them.

Postal delivery of documents

7.24.—(1) A document is delivered if it is sent by post in accordance with the provisions of this rule.

(2) First class or second class post may be used to deliver a document.

(3) Unless the contrary is shown—

- (a) a document sent by first class post is treated as delivered on the second business day after the day on which it is posted;

- (b) a document sent by second class post is treated as delivered on the fourth business day after the day on which it is posted;
 - (c) where a post-mark appears on the envelope in which a document was posted, the date of that post-mark is to be treated as the date on which the document was posted.
- (4) In this rule “post-mark” means a mark applied by a postal operator which records the date on which a letter entered the postal system of the postal operator.

Delivery by document exchange

- 7.25.**—(1) A document is delivered to a member of a document exchange if it is delivered to that document exchange.
- (2) Unless the contrary is shown, a document is treated as delivered to a document exchange—
- (a) one business day after the day it is delivered to the document exchange where the sender and the intended recipient are members of the same document exchange; or
 - (b) two business days after the day it is delivered to the departure facility of the sender’s document exchange where the sender and the intended recipient are members of different document exchanges.

Personal delivery of documents

7.26. A document is delivered if it is personally delivered in accordance with the rules for personal service in CPR Part 6.

Electronic delivery of documents

- 7.27.**—(1) A document is delivered if it is sent by electronic means and the following conditions apply.
- (2) The conditions are that the intended recipient of the document has—
- (a) given actual or deemed consent for the electronic delivery of the document;
 - (b) not revoked that consent before the document is sent; and
 - (c) provided an electronic address for the delivery of the document.
- (3) Consent may relate to a specific case or generally.
- (4) For the purposes of paragraph (2)(a) an intended recipient is deemed to have consented to the electronic delivery of a document by the education administrator where the intended recipient and the person who is the subject of the education administration order had customarily communicated with each other by electronic means before the proceedings commenced.
- (5) Unless the contrary is shown, a document is to be treated as delivered by electronic means to an electronic address where the sender can produce a copy of the electronic communication which—
- (a) contains the document; and
 - (b) shows the time and date the communication was sent and the electronic address to which it was sent.
- (6) Unless the contrary is shown, a document sent electronically is treated as delivered to the electronic address to which it is sent at 9.00 am on the next business day after it was sent.

Electronic delivery of notices to enforcement officers

7.28. Where anything in the Act or these Rules provides for the delivery of a notice to an enforcement officer or enforcement agent, it may be delivered by electronic means to a person

who has been authorised to receive such a notice on behalf of a specified enforcement officer or enforcement agent or on behalf of enforcement officers or enforcement agents generally.

Electronic delivery of documents to the court

7.29.—(1) A document may not be delivered to a court by electronic means unless this is expressly permitted by the CPR, a Practice Direction, or these Rules.

(2) A document delivered by electronic means is to be treated as delivered to the court at the time it is recorded by the court as having been received or otherwise as the CPR, a practice direction, or these Rules provide.

Electronic delivery by education administrator

7.30.—(1) Where an education administrator delivers a document by electronic means, the document must contain—

- (a) or be accompanied by, a statement that the recipient may request a hard copy of the document; and
- (b) a telephone number, email address and postal address which may be used to make that request.

(2) An education administrator must deliver a hard copy of the document to the recipient within five business days of receipt of a request.

(3) An education administrator must not require the person requesting a hard copy to pay a fee for supplying it.

Proof of delivery of documents

7.31.—(1) A certificate complying with this rule is proof that a document has been duly delivered to the recipient in accordance with this Chapter unless the contrary is shown.

(2) A certificate must state the method of delivery and the date of the sending, posting or delivery (as the case may be).

(3) In the case of the education administrator, the certificate must be given by—

- (a) the education administrator;
- (b) the education administrator’s solicitor; or
- (c) a partner or employee of either of them.

(4) In the case of a person other than the education administrator, the certificate must be given by that person and must state—

- (a) that the document was delivered by that person; or
- (b) that another person (named in the certificate) was instructed to deliver it.

(5) A certificate under this rule may be endorsed on a copy of the document to which it relates.

Delivery of proofs and details of claims

7.32. Once a proof has, or details of a claim have, been delivered to an education administrator in accordance with these Rules that proof or those details need not be delivered again, and accordingly, where a provision of these Rules requires delivery of a proof or details of a claim by a certain time, that requirement is satisfied if the proof has or the details have already been delivered.