
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 7

TIME, RULES ABOUT DOCUMENTS AND INTERPRETATION

CHAPTER 7

Use of websites

Use of website by education administrator to deliver a particular document

7.39.—(1) This rule applies for the purposes of section 246B of the Act.

(2) An education administrator who is required to deliver a document to any person may (except where personal delivery is required) satisfy that requirement by delivering a notice to that person which contains—

- (a) a statement that the document is available for viewing and downloading on a website;
- (b) the website's address and any password necessary to view and download the document; and
- (c) a statement that the person to whom the notice is delivered may request a hard copy of the document with a telephone number, email address and postal address which may be used to make that request.

(3) An education administrator who receives such a request must deliver a hard copy of the document to the recipient free of charge within five business days of receipt of the request.

(4) A document to which a notice under paragraph (2) relates must—

- (a) remain available on the website for the period required by rule 7.41; and
- (b) be in a format that enables it to be downloaded within a reasonable time of an electronic request being made for it to be downloaded.

(5) A document which is delivered to a person by means of a website in accordance with this rule is deemed to have been delivered—

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

General use of website to deliver documents

7.40.—(1) The education administrator may deliver a notice to each person to whom a document will be required to be delivered in the education administration proceedings which contains—

- (a) a statement that future documents in the proceedings other than those mentioned in paragraph (2) will be made available for viewing and downloading on a website without notice to the recipient and that the education administrator will not be obliged to deliver

- any such documents to the recipient of the notice unless the education administrator is requested to do so by that person;
- (b) a telephone number, email address and postal address which may be used to make a request for a hard copy of a document;
 - (c) a statement that the recipient of the notice may at any time request a hard copy of any or all of the following—
 - (i) all documents currently available for viewing on the website,
 - (ii) all future documents which may be made available there; and
 - (d) the address of the website and any password required to view and download a relevant document from that site.
- (2) A statement under paragraph (1)(a) does not apply to the following documents—
- (a) a document for which personal delivery is required;
 - (b) a notice under rule 5.26 of intention to declare a dividend; and
 - (c) a document which is not delivered generally.
- (3) A document is delivered generally if it is delivered to some or all of the following classes of person—
- (a) members;
 - (b) contributories;
 - (c) creditors;
 - (d) any class of members, contributories or creditors.
- (4) An education administrator who has delivered a notice under paragraph (1) is under no obligation—
- (a) to notify a person to whom the notice has been delivered when a document to which the notice applies has been made available on the website; or
 - (b) to deliver a hard copy of such a document unless a request is received under paragraph (1) (c).
- (5) An education administrator who receives such a request—
- (a) in respect of a document which is already available on the website must deliver a hard copy of the document to the recipient free of charge within five business days of receipt of the request; and
 - (b) in respect of all future documents must deliver each such document in accordance with the requirements for delivery of such a document in the Act and these Rules.
- (6) A document to which a statement under paragraph (1)(a) applies must—
- (a) remain available on the website for the period required by rule 7.41; and
 - (b) be in such a format as to enable it to be downloaded within a reasonable time of an electronic request being made for it to be downloaded.
- (7) A document which is delivered to a person by means of a website in accordance with this rule 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) was delivered to that person.
- (8) Paragraph (7) does not apply in respect of a person who has made a request under paragraph (1) (c)(ii) for hard copies of all future documents.

Retention period for documents made available on websites

7.41.—(1) This rule applies to a document which is made available on a website under rules 7.39 and 7.40.

(2) Such a document must continue to be made available on the website until two months after the end of the education administration proceedings or the release of the last person to act as education administrator in those proceedings.