
STATUTORY INSTRUMENTS

2016 No. 1024

The Insolvency (England and Wales) Rules 2016

PART 1

SCOPE, INTERPRETATION, TIME AND RULES ABOUT DOCUMENTS

CHAPTER 9

Delivery of documents and opting out (sections 246C, 248A(1), 379C and 383A(2))

General use of website to deliver documents

1.50.—(1) The office-holder may deliver a notice to each person to whom a document will be required to be delivered in the insolvency 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 office-holder will not be obliged to deliver any such documents to the recipient of the notice unless it is requested 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, 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 14.29 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 persons—

- (a) members,
- (b) contributories,
- (c) creditors;
- (d) any class of members, contributories or creditors.

(1) Section 246C was inserted by section 124(3) of the Small Business, Enterprise and Employment Act 2015 (c.26) and section 248A was inserted by section 124(4) of the same Act.
(2) Section 379C was inserted by section 125(3) of the Small Business, Enterprise and Employment Act 2015 and section 383(A) was inserted by section 125(4) of the same Act.

- (4) An office-holder 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 office-holder 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 1.51; and
 - (b) must 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.