
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 7

TIME, RULES ABOUT DOCUMENTS AND INTERPRETATION

CHAPTER 1

Time

Calculation of time periods

7.1.—(1) The rules in CPR 2.8(1) with the exception of paragraph (4) apply for the calculation of periods expressed in days in the Act and these Rules.

(2) The calculation of the beginning and end of a period expressed in months is to be determined as follows—

(a) if the beginning of the period is specified—

(i) the month in which the period ends is the specified number of months after the month in which it begins, and

(ii) the date in the month on which the period ends is—

(aa) the day before the date corresponding to the date in the month on which it begins, or

(bb) if there is no such date in the month on which it ends, the last day of that month;

(b) if the end of the period is specified—

(i) the month in which the period begins is the specified number of months before the month in which it ends, and

(ii) the date in the month on which the period begins is—

(aa) the day after the date corresponding to the date in the month on which it ends, or

(bb) if there is no such date in the month in which it begins, the last day of that month.

(3) The provisions of CPR 3.1(2)(a)(2) apply so as to enable the court to extend or shorten the time for compliance with anything required or authorised to be done by these Rules.

(4) Paragraph (3) is subject to any time limits expressly stated in the Act and to any specific powers in the Act or these Rules to extend or shorten the time for compliance.

(1) Rule 2.8 is amended by [S.I. 2009/3390](#).

(2) Rules 3.1 to 3.11 are moved to a new heading by [S.I. 2013/262](#).

CHAPTER 2

Form and content of documents

Notices or statements in writing

- 7.2.—(1) A notice or statement must be in writing unless the Act or these Rules provide otherwise.
- (2) A document in electronic form must be capable of being—
- (a) read by the recipient in electronic form; and
 - (b) reproduced by the recipient in hard-copy form.

Authentication

- 7.3.—(1) A document in electronic form is sufficiently authenticated—
- (a) if the identity of the sender is confirmed in a manner specified by the recipient; or
 - (b) where the recipient has not so specified, if the communication contains or is accompanied by a statement of the identity of the sender and the recipient has no reason to doubt the truth of that statement.
- (2) A document in hard-copy form is sufficiently authenticated if it is signed.
- (3) If a document is authenticated by the signature of an individual on behalf of—
- (a) a body of persons, the document must also state the position of that individual in relation to the body;
 - (b) a body corporate of which the individual is the sole member, the document must also state that fact.

Information required to identify persons and proceedings etc.

- 7.4.—(1) Where the Act or these Rules require a document to identify, or to contain identification details in respect of, a person or proceedings the information as follows must be given—
- (a) for a further education body which is the subject of the proceedings, the name or names, number and address with which that further education body is registered;
 - (b) for a further education body other than one which is the subject of the proceedings—
 - (i) the name and number with which that further education body is registered, and
 - (ii) where that further education body is a company incorporated outside the United Kingdom, the country or territory in which it is incorporated;
 - (c) for a company other than a further education body which is the subject of the proceedings—
 - (i) the name and number with which that company is registered with the registrar of companies, and
 - (ii) where that company is a company incorporated outside the United Kingdom, the country or territory in which it is incorporated;
 - (d) for the education administrator—
 - (i) the name of the education administrator,
 - (ii) a postal address for the education administrator, and
 - (iii) either an email address, or a telephone number, through which the education administrator can be contacted;
 - (e) for the proceedings—

- (i) information identifying the further education body,
- (ii) the full name of the court in which the proceedings are, or are to be, conducted or where documents relating to the proceedings have been or will be filed; and, if applicable, and
- (iii) any number assigned by the court to those proceedings.

Prescribed format of documents

7.5.—(1) Where a rule sets out requirements as to the contents of any document any title required by the rule must appear at the beginning of the document.

(2) Any other contents required by the rule (or rules where more than one apply to a particular document) must be provided in the order listed in the rule (or rules) or in another order which the maker of the document considers would be convenient for the intended recipient.

Variations from prescribed contents

7.6. Where a rule sets out the required contents of a document, the document may depart from the required contents if—

- (a) the circumstances require such a departure (including where the requirement is not applicable in the particular case); or
- (b) the departure (whether or not intentional) is immaterial.

CHAPTER 3

Standard contents of documents to be delivered to the registrar of companies

Standard contents for documents delivered to the registrar of companies

7.7.—(1) Where the Act or these Rules require a document to be delivered to the registrar of companies the document must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or any other provision of these Rules).

(2) A document of more than one type must satisfy the requirements which apply to each.

(3) However requirements as to the contents of a document which is to be delivered to another person at the same time as the registrar of companies may be satisfied by delivering to that other person a copy of the document delivered to the registrar of companies.

Registrar of companies: cover sheets

7.8.—(1) This rule applies where the Act or these Rules require an education administrator to deliver the following documents to the registrar of companies—

- (a) a court order;
- (b) a statement of the education administrator’s proposals (including a statement of revised proposals);
- (c) notice of an education administrator’s resignation under paragraph 87(2) of Schedule B1;
- (d) any report, including—
 - (i) a final progress report, and
 - (ii) a progress report.

(2) The education administrator must deliver to the registrar of companies with a document mentioned in paragraph (1) a notice containing the standard contents required by this Part.

(3) Such a notice may relate to more than one document where those documents relate to the same proceedings and are delivered together to the registrar of companies.

Standard contents of all documents to be delivered to the registrar of companies

7.9.—(1) A document to be delivered to the registrar of companies must—

- (a) identify the further education body;
- (b) state—
 - (i) the nature of the document,
 - (ii) the section of the Act, the paragraph of Schedule B1 or the rule under which the document is delivered,
 - (iii) the date of the document,
 - (iv) the name and address of the person delivering the document,
 - (v) the capacity in which that person is acting in relation to the further education body; and
- (c) be authenticated by the person delivering the document.

(2) Where the person delivering the document is the education administrator the address may be omitted if it has previously been notified to the registrar of companies in the proceedings and is unchanged.

Standard contents of documents relating to the office of education administrator

7.10.—(1) A document relating to the office of the education administrator must also identify the education administrator and state—

- (a) the date of the event of which notice is delivered or of the notice (as applicable);
- (b) where the document relates to an appointment, the person, body or court making the appointment;
- (c) where the document relates to the termination of an appointment, the reason for that termination; and
- (d) the contact details for the education administrator.

(2) Where the person delivering the document is the education administrator, the address may be omitted if it has previously been notified to the registrar of companies in the proceedings and is unchanged.

Standard contents of documents relating to other documents

7.11. A document relating to another document must also state—

- (a) the nature of the other document;
- (b) the date of the other document; and
- (c) where the other document relates to a period of time, the period of time to which it relates.

Standard contents of documents relating to court orders

7.12. A document relating to a court order must also specify—

- (a) the nature of the order; and
- (b) the date of the order.

CHAPTER 4

Standard contents of notices for delivery to other persons etc.

Standard contents of notices to be delivered to persons other than the registrar of companies

7.13.—(1) Where the Act or these Rules require a notice to be delivered to a person other than the registrar of companies in respect of proceedings under the education administration, the notice must also contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or another provision of these Rules).

(2) A notice of more than one type must satisfy the requirements which apply to each.

(3) However the requirements in respect of a document which is to be delivered to another person at the same time as the registrar of companies may be satisfied by delivering to that other person a copy of the document delivered to the registrar of companies.

Standard contents of all notices

7.14. A notice must—

- (a) state the nature of the notice;
- (b) identify the further education body;
- (c) state the section of the Act, the paragraph of Schedule B1 or the rule under which the notice is given;
- (d) in the case of a notice delivered by the education administrator, state the contact details for the education administrator.

Standard contents of notice relating to the office of education administrator

7.15. A notice relating to the office of the education administrator must also identify the education administrator and state—

- (a) the date of the event of which notice is delivered;
- (b) where the notice relates to an appointment, the person, body or court making the appointment;
- (c) where the notice relates to the termination of an appointment, the reason for that termination.

Standard contents of notices relating to documents

7.16. A notice relating to a document must also state—

- (a) the nature of the document; and
- (b) the date of the document; or
- (c) where the document relates to a period of time, the period of time to which the document relates.

Standard contents of notices relating to court proceedings or orders

7.17. A notice relating to court proceedings must also identify those proceedings and if the notice relates to a court order state—

- (a) the nature of the order; and
- (b) the date of the order.

Standard contents of returns or reports of decisions

7.18. A return or report of a decision procedure, deemed consent procedure or meeting must also state—

- (a) the purpose of the procedure or meeting;
- (b) a description of the procedure or meeting used;
- (c) in the case of a decision procedure or meeting, the venue;
- (d) whether, in the case of a meeting, the required quorum was in place;
- (e) the outcome (including any decisions made or resolutions passed); and
- (f) the date of any decision made or resolution passed.

Standard contents of notices of the results of decisions

7.19. A notice of the result of a decision procedure, deemed consent procedure or meeting must also state—

- (a) the purpose of the procedure or meeting;
- (b) a description of the procedure or meeting used;
- (c) in the case of a decision procedure or meeting, the venue;
- (d) whether, in the case of a meeting, the required quorum was in place; and
- (e) the outcome (including any decisions made or resolutions passed).

Standard contents of documents relating to other events

7.20. A document relating to any other event must also state—

- (a) the nature of the event, including the section of the Act, the paragraph of Schedule B1 or the rule under which it took place; and
- (b) the date on which the event occurred.

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.

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(3) 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.

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.

(3) 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).

(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.

CHAPTER 8

Standard contents of Gazette notices

Contents of notices to be gazetted under the Act or Rules

7.42.—(1) Where the Act or these Rules require or permit a notice to be gazetted the notice must also contain the standard contents set out in this Chapter in addition to any content specifically required by the Act or any other provision of these Rules.

(2) Information which this Chapter requires to be included in a Gazette notice may be omitted if it is not reasonably practicable to obtain it.

Standard contents of all notices

7.43. A notice must, if it is relevant to the particular notice, identify the education administrator and state—

- (a) the education administrator’s contact details;
- (b) the education administrator’s IP number;
- (c) the name of any person other than the education administrator who may be contacted about the proceedings;
- (d) the date of the education administrator’s appointment;
- (e) the court name and any number assigned by the court to the proceedings;
- (f) the further education body;
- (g) the registered office of the further education body;
- (h) any name under which the further education body was registered in the 12 months before the date of the commencement of the education administration proceedings;
- (i) any other name or style under which the further education body —
 - (i) carried on business, and
 - (ii) in which any debt owed to a creditor was incurred.

Gazette – as evidence, variations and errors

7.44.—(1) A copy of the Gazette containing a notice required or permitted by the Act or these Rules to be gazetted is evidence of any facts stated in the notice.

(2) Where the Act or these Rules require an order of the court to be gazetted, a copy of the Gazette containing the notice may be produced in any proceedings as conclusive proof that the order was made on the date specified in the notice.

(3) Where an order of the court which is gazetted has been varied, or any matter has been erroneously or inaccurately gazetted, the person whose responsibility it was to gazette the order or other matter must as soon as is reasonably practicable cause the variation to be gazetted or a further entry to be made in the Gazette for the purpose of correcting the error or inaccuracy.

CHAPTER 9

Standard contents of notices advertised otherwise than in the Gazette

Standard contents of notices advertised otherwise than in the Gazette

7.45.—(1) Where the Act or these Rules provide that a notice may be advertised otherwise than in the Gazette the notice must contain the standard contents set out in this Chapter (in addition to any content specifically required by the Act or any other provision of these Rules).

(2) A notice must, if it is relevant to the particular notice, identify the education administrator and specify the education administrator’s contact details.

(3) Information which this Chapter requires to be included may be omitted if it is not reasonably practicable to obtain it.

Non-Gazette notices relating to a further education body

7.46. A notice relating to a further education body must also identify the further education body and state—

- (a) its registered office of the further education body;
- (b) any name under which it was registered in the 12 months before the date of the education administration proceedings; and
- (c) any name or style under which—

- (i) the further education body carried on business, and
- (ii) any debt owed to a creditor was incurred.

Non-Gazette notices – other provisions

7.47. Information which this Chapter requires to be stated in a notice must be included in an advertisement of that notice in a way that is clear and comprehensible.

CHAPTER 10

Delivery of documents and opting out

Delivery to the creditors and opting out

7.48.—(1) Where the Act or a rule requires an education administrator to deliver a document to the creditors, or the creditors in a class, the requirement is satisfied by the delivery of the document to all such creditors of whose address the education administrator is aware other than opted-out creditors (where the opt out applies).

- (2) Where a creditor has opted out from receiving documents, the opt out does not apply to—
 - (a) a notice which the Act requires to be delivered to all creditors without expressly excluding opted-out creditors;
 - (b) a notice of a change in the education administrator or the contact details for the education administrator;
 - (c) a notice as provided for by section 246C(2) of the Act; or
 - (d) a document which these Rules require to accompany a notice within sub-paragraphs (a) to (c).

(3) The education administrator must begin to treat a creditor as an opted-out creditor as soon as reasonably practicable after delivery of the creditor's election to opt out.

Creditor's election to opt out

7.49.—(1) A creditor may at any time elect to be an opted-out creditor.

(2) The creditor's election to opt out must be by a notice in writing authenticated and dated by the creditor.

(3) The creditor must deliver the notice to the education administrator.

(4) A creditor becomes an opted-out creditor when the notice is delivered to the education administrator.

(5) An opted-out creditor—

- (a) will remain an opted-out creditor for the duration of the proceedings unless the opt out is revoked; and
- (b) is deemed to be an opted-out creditor in respect of any subsequent insolvency proceedings of a different kind relating to that further education body.

(6) The creditor may at any time revoke the election to opt out by a further notice in writing, authenticated and dated by the creditor and delivered to the education administrator.

(7) The creditor ceases to be an opted-out creditor from the date the notice is received by the education administrator.

Education administrator to provide information to creditors on opting-out

7.50.—(1) The education administrator must, in the first communication with a creditor, inform the creditor in writing that the creditor may elect to opt out of receiving further documents relating to the proceedings.

(2) The communication must contain—

- (a) identification and contact details for the education administrator;
- (b) a statement that the creditor has the right to elect to opt out of receiving further documents about the proceedings unless—
 - (i) the Act requires a document to be delivered to all creditors without expressly excluding opted-out creditors,
 - (ii) it is a notice relating to a change in the education administrator or the education administrator's contact details, or
 - (iii) it is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs;
- (c) a statement that opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors;
- (d) a statement that unless these Rules provide to the contrary opting-out will not affect any right the creditor may have to vote in a decision procedure or a participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it;
- (e) a statement that a creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same further education body; and
- (f) information about how the creditor may elect to be or cease to be an opted-out creditor.