
STATUTORY INSTRUMENTS

2020 No. 629

**The Smart Meter Communication Licensee
Administration (England and Wales) Rules 2020**

PART 14

Provisions of general effect

CHAPTER 1

Delivery of documents

Application of Chapter

156.—(1) Subject to paragraph (2), this Chapter applies where a document is required under the 1986 Act or these Rules to be delivered, filed, forwarded, furnished, given, sent or submitted by any person unless the 1986 Act, a Rule or an order of the court makes different provision including one requiring service of the document.

(2) This Chapter does not apply to the delivery of documents to the registrar of companies.

Personal delivery of documents

157. A document is delivered if it is personally delivered in accordance with the rules for personal service in CPR Part 6(1).

Postal delivery of documents

158. A document is delivered if it is sent by post in accordance with the rules for postal service in CPR Part 6 and sending by such means has effect as specified in those rules.

Delivery of documents to authorised recipients

159. Where under the 1986 Act or these Rules a document is to be delivered to a 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 SMCL administrators

160. Delivery of a document to one of joint SMCL administrators is to be treated as delivery to them all.

(1) Part 6 was amended by S.I. 2008/2178, S.I. 2009/2092, S.I. 2009/3131, S.I. 2009/3390, S.I. 2011/88, S.I. 2011/1979, S.I. 2014/2948, S.I. 2015/1644.

Electronic delivery of documents

161.—(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 SMCL administrator where the intended recipient and the SMCL 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 documents to the court

162.—(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 of notices to enforcement officers

163. Where anything in the 1986 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 by SMCL administrators

164.—(1) Where an SMCL administrator delivers a document by electronic means, the document must contain, or be accompanied by, a statement that the recipient may request a hard copy of the document and a telephone number, email address and postal address that may be used to make that request.

(2) An SMCL 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.

Use of website by SMCL administrator to deliver a particular document

165.—(1) This Rule applies for the purposes of section 246B of the 1986 Act(2).

(2) Section 246B was inserted by [S.I. 2010/18](#).

(2) An SMCL 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 SMCL 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 until two months after the end of the SMCL administration proceedings or the discharge of the last person to hold office as SMCL administrator in those proceedings; 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

166.—(1) An SMCL administrator may deliver a notice to each person to whom a document will be required to be delivered in the SMCL 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 SMCL administrator 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, 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 73; 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.
- (4) An SMCL 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 SMCL 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 1986 Act and these Rules.
- (6) A document to which a statement under paragraph (1)(a) applies must—
- (a) remain available on the website until two months after the end of the SMCL administration proceedings or the discharge of the last person to hold office as SMCL administrator in those proceedings; 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.

Proof of delivery of documents

167.—(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 SMCL administrator, the certificate must be given by—

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

(4) In the case of a person other than the SMCL 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.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
