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STATUTORY INSTRUMENTS

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**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.

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(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).

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(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.

## CHAPTER 2

### Form and content of documents

#### **Requirement for writing and form of documents**

**168.**—(1) A notice or statement must be in writing unless the 1986 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**

**169.**—(1) A document in hard copy form is sufficiently authenticated if it is signed by the person sending or supplying it.

- (2) 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 no such manner has been specified by the recipient, 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.

## CHAPTER 3

### Service of documents

#### **Application**

**170.**—(1) This Chapter sets out the requirements for service where a document is required to be served.

(2) Service is to be carried out in accordance with CPR Part 6 as that Part applies to either a “claim form” or a “document other than the claim form” except where this Chapter provides otherwise or the court otherwise directs.

(3) If for any reason it is impracticable to effect service as provided for in paragraph (2) then service may be effected in such other manner as the court may direct.

- (4) For the purposes of the application by this Chapter of CPR Part 6—
- (a) the following documents are to be treated as a “claim form”—
    - (i) an application commencing SMCL administration proceedings;
    - (ii) an application within SMCL administration proceedings against a respondent; and
  - (b) any other document is to be treated as a “document other than the claim form”.

(5) CPR Part 6 applies to the service of documents outside the jurisdiction with such modifications as the court may direct.

#### **Service of SMCL administration application**

**171.**—(1) An application to the court for an SMCL administration order must be served by delivering the documents as follows—

- (a) on the SMCL at its registered office;
- (b) on any other person at that person’s proper address.

(2) A person's proper address is any which that person has previously notified as the address for service, but if the person has not notified such an address then the documents may be served at that person's usual or last known address.

#### **Service on joint SMCL administrators**

**172.** Service of a document on one of joint SMCL administrators is to be treated as service on all of them.

#### **Service of orders staying proceedings**

**173.—**(1) This Rule applies where the court makes an order staying an action, execution or other legal process against the property of the SMCL.

(2) The applicant must serve the order.

(3) The order may be served within the jurisdiction by serving a sealed copy at the address for service of—

- (a) the claimant; or
- (b) another party having the carriage of the proceedings to be stayed.

#### **Certificate of service**

**174.—**(1) The service of an application must be verified by a certificate of service.

(2) The certificate of service must—

- (a) identify the application;
- (b) specify—
  - (i) the name and registered number of the SMCL;
  - (ii) the address of the registered office of the SMCL;
  - (iii) the name of the applicant;
  - (iv) the court in which the application was made and the court reference number;
  - (v) the date of the application;
  - (vi) whether the copy served was a sealed copy;
  - (vii) the person served; and
  - (viii) the manner of service and the date of service; and
- (c) be verified by a statement of truth.

(3) Where the court has directed that service be effected in a particular manner, the certificate must be accompanied by a sealed copy of the order directing such manner of service.

### **CHAPTER 4**

#### **Gazette notices**

#### **Contents of notices to be gazetted under the 1986 Act or these Rules**

**175.—**(1) Where under the 1986 Act or these Rules a notice is gazetted, in addition to any content specifically required by the 1986 Act or any other provision of these Rules, the content of such a notice must be as set out in this Chapter.

(2) All notices must specify insofar as it is applicable in relation to the particular notice—

- (a) the name and postal address of the SMCL administrator;

- (b) the capacity in which the SMCL administrator is acting and the date of appointment;
- (c) either an email address, or a telephone number, through which the SMCL administrator may be contacted;
- (d) the name of any person other than the SMCL administrator (if any) who may be contacted regarding the proceedings;
- (e) the SMCL administrator's IP number;
- (f) the court name and any number assigned to the proceedings by the court;
- (g) the registered name of the SMCL;
- (h) the SMCL's registered number;
- (i) the SMCL's registered office;
- (j) any principal trading address of the SMCL if this is different from its registered office;
- (k) any name under which the SMCL was registered in the 12 months before the date on which the SMCL entered SMCL administration; and
- (l) any name or style (other than the SMCL's registered name) under which—
  - (i) the SMCL carried on business; and
  - (ii) any debt owed to a creditor was incurred.

#### **Omission of unobtainable information**

**176.** Information required under this Chapter to be included in a notice to be gazetted may be omitted if it is not reasonably practicable to obtain it.

#### **The Gazette – general**

**177.**—(1) A copy of the Gazette containing any notice required by the 1986 Act or these Rules to be gazetted is evidence of any facts stated in the notice.

(2) Where the 1986 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 evidence 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 5

#### Notices advertised otherwise than in the Gazette

#### **Notices otherwise advertised under the 1986 Act or these Rules**

**178.**—(1) Where under the 1986 Act or these Rules a notice may be advertised otherwise than in the Gazette, in addition to any content specifically required by the 1986 Act or any other provision of these Rules, the content of such a notice must be as set out in this Chapter.

(2) All notices must specify insofar as it is applicable in relation to the particular notice—

- (a) the name and postal address of the SMCL administrator;
- (b) the capacity in which the SMCL administrator is acting;
- (c) either an email address, or a telephone number, through which the SMCL administrator may be contacted;

- (d) the registered name of the SMCL;
- (e) the SMCL's registered number;
- (f) any name under which the SMCL was registered in the 12 months before the date on which the SMCL entered SMCL administration; and
- (g) any name or style (other than the SMCL's registered name) under which—
  - (i) the SMCL carried on business; and
  - (ii) any debt owed to a creditor was incurred.

#### **Non-Gazette notices – other provisions**

**179.**—(1) Information which this Chapter requires to be specified in a notice must be included in an advertisement of that notice in a way that is clear and comprehensible.

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

### **CHAPTER 6**

#### **Documents delivered to the registrar of companies**

##### **Application of this Chapter**

**180.** Where under the 1986 Act or these Rules a document is to be delivered to the registrar of companies, in addition to any content specifically required by the 1986 Act or any other provision of these Rules, the document must contain the contents set out in this Chapter.

##### **Information to be contained in all documents delivered to the registrar**

**181.** A document to be delivered to the registrar of companies must—

- (a) specify—
  - (i) the registered name of the SMCL;
  - (ii) its registered number;
  - (iii) the nature of the document;
  - (iv) the provision of the 1986 Act or the Rule under which the document is delivered;
  - (v) the date of the document;
  - (vi) the name and postal address of the person delivering the document; and
  - (vii) the capacity in which that person is acting in respect of the SMCL; and
- (b) be authenticated by the person delivering the document.

##### **Documents relating to the office of SMCL administrators**

**182.** A document relating to the office of the SMCL administrator must also specify—

- (a) the name of the SMCL administrator;
- (b) the date of the event of which notice is delivered or of the notice (as applicable);
- (c) where the document relates to an appointment, the court making the appointment;
- (d) where the document relates to the termination of an appointment, the reason for that termination; and
- (e) the postal address of the SMCL administrator.



### **Documents relating to other documents**

- 183.** A document relating to another document must also specify—
- (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.

### **Documents relating to court orders**

- 184.** A document relating to a court order must also specify—
- (a) the nature of the court order; and
  - (b) the date of the order.

### **Reports of meetings**

- 185.** A document relating to a report of a meeting must also specify—
- (a) the purpose of the meeting, including the provision of the 1986 Act or the Rule under which it was convened;
  - (b) the venue fixed for the meeting;
  - (c) whether a required quorum was present for the meeting to take place; and
  - (d) if the meeting took place, the outcome of the meeting (including any resolutions passed at the meeting).

### **Documents relating to other events**

- 186.** A document relating to any other event must also specify—
- (a) the nature of the event, including the provision of the 1986 Act or the Rule under which it took place; and
  - (b) the date on which the event occurred.

### **Documents of more than one type**

- 187.** A document of more than one type must satisfy the requirements which apply to each.

### **Documents delivered to other persons at the same time**

**188.—**(1) Where under the 1986 Act or these Rules a document is to be delivered to another person at the same time that it is to be delivered to the registrar of companies, that requirement may be satisfied by delivering to that other person a copy of the document delivered to the registrar.

(2) Paragraph (1) does not apply where the document delivered to the registrar of companies is incomplete.

## **CHAPTER 7**

### **Inspection of documents and the provision of information**

#### **Confidentiality of documents – grounds for refusing inspection**

**189.—**(1) Where in SMCL administration proceedings the SMCL administrator considers that a document forming part of the records of those proceedings—

- (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 SMCL administrator may decline to allow it to be inspected by a person who would otherwise be entitled to inspect it.

(2) Where under this Rule the SMCL administrator determines to refuse inspection of a document, the person wishing to inspect it may apply to the court for that determination to be overruled and the court may either overrule it altogether or sustain it subject to such conditions (if any) as it thinks just.

### **Right to copies of documents**

**190.** Where the 1986 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—

- (a) in the case of documents on the court file, of the fee chargeable under any order made under section 92 of the Courts Act 2003; and
- (b) in any other case, of the appropriate fee.

### **Charges for copies of documents**

**191.** Except where prohibited by these Rules, the SMCL administrator is entitled to require the payment of the appropriate fee for copies of documents requested by a creditor, member or contributory.

### **Right to list of creditors**

**192.—(1)** A creditor has the right to require the SMCL administrator to provide a list of the names and addresses of the creditors and the amounts of their respective debts unless paragraph (4) applies.

- (2) The SMCL administrator on being required to provide the list under paragraph (1)—
  - (a) must deliver it to the person requiring the list as soon as reasonably practicable; and
  - (b) may charge the appropriate fee for a hard copy.

(3) The name and address of any creditor may be omitted from the list provided under paragraph (2) where the SMCL administrator is of the view that its disclosure would be prejudicial to the conduct of the proceedings or might reasonably be expected to lead to violence against any person provided that—

- (a) the amount of the debt in question is shown in the list; and
- (b) a statement is included in the list that the name and address of the creditor has been omitted in respect of that debt.

(4) Paragraph (1) does not apply where a statement of affairs has been delivered to the registrar of companies.

## **CHAPTER 8**

### **Time**

#### **Calculation of time periods**

**193.—(1)** The provisions of CPR rule 2.8(3) (time), with the exception of paragraph (4) of that rule, apply for the calculation of periods expressed in days in the relevant legislation and these Rules.

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(3) CPR rule 2.8 was amended by [S.I. 2009/3390](#).

(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 rule 3.1(2)(a) (the court’s general powers of management) 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 relevant legislation and to any specific powers in the relevant legislation or these Rules to extend or shorten the time for compliance.

(5) In this Rule, “relevant legislation” means—

- (a) the 1986 Act;
- (b) section 154 to 171 of, and Schedule 20 and 21 to, the 2004 Act.