



Legal Writings (Counterparts and Delivery) (Scotland) Act 2015

2015 asp 4

Delivery of traditional documents by electronic means

4 Delivery of traditional documents by electronic means

- (1) This section applies where there is a requirement for delivery of a traditional document (whether or not a document executed in counterpart).
- (2) The requirement may be satisfied by delivery by electronic means of—
 - (a) a copy of the document, or
 - (b) a part of such a copy.
- (3) But the requirement may be satisfied by delivery of a part of such a copy only if the part—
 - (a) is sufficient in all the circumstances to show that it is part of the document, and
 - (b) is, or includes, the page on which the sender (or the person on whose behalf the sender has effected the delivery) has subscribed the document.
- (4) Delivery under subsection (2) must be by a means (and what is delivered must be in a form) which the intended recipient has agreed to accept (the “accepted method”), unless subsection (5) applies.
- (5) If—
 - (a) no accepted method has been agreed,
 - (b) there is uncertainty about the accepted method, or
 - (c) the accepted method is impracticable,delivery may be by such means (and in such form) as is reasonable in all the circumstances.
- (6) Although delivery by electronic means constitutes effective delivery in relation to a traditional document, what is received by that means is not to be treated as being the traditional document itself.
- (7) A traditional document, in relation to which delivery by electronic means has been effected, is to be held by the sender in accordance with whatever arrangements have

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been made by the sender and the recipient (or, if there is a number of recipients, have been made by the sender and the recipients as a group).

- (8) Any reference in subsection (7) to a recipient is to be construed, in a case where a person takes delivery by virtue of section 2(1), as a reference to the parties who nominated that person.
- (9) In this section, references to delivery by electronic means are to delivery—
- (a) by means of an electronic communications network (for example as an attachment to an e-mail),
 - (b) by fax,
 - (c) by means of a device on which the thing delivered is stored electronically (such as a disc, a memory stick or other removable or portable media), or
 - (d) by other means but in a form which requires the use of electronic apparatus by the recipient to render the thing delivered intelligible.
- (10) In this section—
- “electronic communications network” has the meaning given by section 32 of the Communications Act 2003,
 - “traditional document” has the meaning given by section 1A of the 1995 Act.

Commencement Information

II S. 4 in force at 1.7.2015 by S.S.I. 2015/242, art. 2

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