



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 1

#### THE CARE QUALITY COMMISSION

### CHAPTER 6

#### MISCELLANEOUS AND GENERAL

##### *Service of documents*

#### **93 Service of documents**

- (1) Any notice required under this Part to be given to a person (“R”) may be given to R—
- (a) by being delivered personally to R,
  - (b) by being sent to R—
    - (i) by a registered post service, as defined by section 125(1) of the Postal Services Act 2000 (c. 26), or
    - (ii) by a postal service which provides for the delivery of the document to be recorded, or
  - (c) subject to section 94, by being sent to R by an electronic communication.
- (2) Where a notice is given as mentioned in subsection (1)(b), it is, unless the contrary is proved, to be taken to have been received on the third day after the day on which it is sent.

- [<sup>F1</sup>(2A) Where a notice is given as mentioned in subsection (1)(c) in accordance with section 94, it is, unless the contrary is proved, to be taken to have been received on the next working day after the day on which it is transmitted; and in this subsection “working day” means any day other than—
- (a) a Saturday or Sunday;
  - (b) Christmas Day or Good Friday; or

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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Service of documents. (See end of Document for details)*

- (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England.]
- (3) Any notice required under this Part to be given to a body corporate or firm is duly given if it is given to the secretary or clerk of that body or a partner of that firm.
- (4) For the purposes of section 7 of the Interpretation Act 1978 (c. 30) in its application to this section, the proper address of a person is—
- (a) in the case of a person registered under Chapter 2 who has notified the Commission under regulations under section 16 (regulations about registration) of an address for service, that address, and
- (b) in any other case, the address determined in accordance with subsection (5).
- (5) That address is—
- (a) in the case of a secretary or clerk of a body corporate, the address of the registered or principal office of the body,
- (b) in the case of a partner of a firm, the address of the principal office of the firm, and
- (c) in any other case, the last known address of the person.
- (6) In this section and in section 94—
- (a) “electronic communication” has the same meaning as in the Electronic Communications Act 2000 (c. 7),
- (b) “notice” includes any other document, and
- (c) a reference to a notice being given by or to a person includes a reference to a notice being served by or on a person.

#### Textual Amendments

- F1** S. 93(2A) inserted (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **19** (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)

#### Modifications etc. (not altering text)

- C1** S. 93 applied (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **18** (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)

#### Commencement Information

- I1** S. 93 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), art. 2

## 94 Electronic communications

- (1) If a notice required or authorised under this Part to be given by or to a person is sent by an electronic communication, it is to be treated as given only if the requirements of subsection (2) or (3) are met.
- (2) If the person required or authorised to give the notice is the Commission—
- (a) the person to whom the notice is required or authorised to be given must have indicated to the Commission the person's willingness to receive notices by an electronic communication and provided an address suitable for that purpose, and

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- (b) the notice must be sent to the address provided by that person.
- (3) If the person required or authorised to give the notice is not the Commission, the notice must be sent in such manner as the Commission may require.
- (4) An indication given for the purposes of subsection (2) may be given generally for the purposes of notices required or authorised to be given by the Commission under this Part or may be limited to notices of a particular description.
- (5) A requirement imposed by the Commission under subsection (3) must be published in such manner as the Commission thinks appropriate for the purpose of bringing it to the attention of persons who are likely to be affected by it.

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**Modifications etc. (not altering text)**

- C2** S. 94 applied (11.12.2009) by [The Health and Social Care Act 2008 \(Commencement No. 13, Transitory and Transitional Provisions and Electronic Communications\) Order 2009 \(S.I. 2009/3023\)](#), arts. 1(1), **18** (as amended (8.2.2010) by [S.I. 2010/47](#), art. 2)

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**Commencement Information**

- I2** S. 94 in force at 12.1.2009 for specified purposes by [S.I. 2008/3168](#), **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Service of documents.