



2011 CHAPTER 21

Supplementary

Service of documents in electronic form

14.—(1) A requirement of this Act—

- (a) to send a copy of a remedial notice to a person, or
- (b) to notify a person under section 3(4) of the reasons for the issue of a remedial notice,

is not capable of being satisfied by transmitting the copy or notification electronically or by making it available on a website.

(2) The delivery of any other document to a person (the “recipient”) may be effected for the purposes of this Act—

- (a) by transmitting it electronically, or
- (b) by making it available on a website,

but only if it is transmitted or made available in accordance with subsection (3) or (5).

(3) A document is transmitted electronically in accordance with this subsection if—

- (a) the recipient has agreed that documents may be delivered to the recipient by being transmitted to an electronic address and in an electronic form specified by the recipient for that purpose; and
- (b) the document is a document to which that agreement applies and is transmitted to that address in that form.

(4) A document which is transmitted in accordance with subsection (3) by means of an electronic communications network shall, unless the contrary

is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which it is transmitted.

(5) A document is made available on a website in accordance with this subsection if—

- (a) the recipient has agreed that documents may be delivered to the recipient by being made available on a website;
- (b) the document is a document to which that agreement applies and is made available on a website;
- (c) the recipient is notified, in a manner agreed by the recipient, of—
 - (i) the presence of the document on the website;
 - (ii) the address of the website; and
 - (iii) the place on the website where the document may be accessed.

(6) A document made available on a website in accordance with subsection (5) shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the working day immediately following the day on which the recipient is notified in accordance with subsection (5)(c).

(7) The Department may by regulations amend this section by modifying the circumstances in which, and the conditions subject to which, the delivery of a document for the purposes of this Act may be effected by—

- (a) transmitting the document electronically; or
- (b) making the document available on a website.

(8) The Department may by regulations also amend this section by modifying the day on which and the time at which documents which are transmitted electronically or made available on a website in accordance with that section are to be treated as having been delivered.

(9) Regulations under subsection (7) or (8) may make such consequential amendments of this Act as the Department considers appropriate.

(10) In this section—

“electronic address” includes any number or address used for the purposes of receiving electronic communications;

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act (Northern Ireland) 2001 (c. 9) the processing of which on receipt is intended to produce writing;

“electronic communications network” means an electronic communications network within the meaning of the Communications Act 2003 (c. 21);

“electronically” means in the form of an electronic communication;

Status: This is the original version (as it was originally enacted).

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 (c. 80).