



2014 CHAPTER 4

General

Service of notices in electronic form

21.—(1) The delivery of a relevant notice to a person (the “recipient”) may be effected for the purposes of this Act by transmitting it electronically, but only if it is transmitted in accordance with subsection (2).

(2) A relevant notice is transmitted electronically in accordance with this subsection if—

- (a) the recipient has agreed that the relevant notice 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 relevant notice is a notice to which that agreement applies and is transmitted to that address in that form.

(3) A relevant notice which is transmitted in accordance with subsection (2) 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.

(4) Regulations may amend this section by modifying the circumstances in which, and the conditions subject to which, the delivery of a relevant notice for the purposes of this Act may be effected by transmitting the notice electronically.

(5) Regulations may also amend this section by modifying the day on which and the time at which a relevant notice which is transmitted electronically is to be treated as having been delivered.

(6) Regulations under subsection (4) or (5) may make such consequential amendments of this Act as the Department considers appropriate.

(7) 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 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;

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

“relevant notice” means a notice given or served under section 2(4), 3 or 4(5);

“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.