



## 2015 CHAPTER 8

### PART 8

#### MISCELLANEOUS

##### **Electronic serving or giving of notices or other documents**

**119.**—(1) Where subsection (2) applies, except as provided in subsection (4), any notice or other document required or authorised to be served on or sent or given to any person under this Act may be served, sent or given by sending it using electronic communications, in accordance with the condition in subsection (3), to the person at the person's electronic address.

(2) This subsection applies where the person has given an address for service using electronic communications ("the person's electronic address") and has agreed to the sending of such notices or other documents to the person at that address.

(3) The condition referred to in subsection (1) is that the notice or other document is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects,
- (c) in a form sufficiently permanent to be used for subsequent reference;

and for this purpose "legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if served, sent or given by means of a notice or document in printed form.

(4) Subsection (1) does not apply to notice under section 95(2)(a) (notice of intention to enter land that is occupied).

(5) Any notice or other document duly served, sent or given by virtue of this section using electronic communications is, unless the contrary is proved, to be taken to have been delivered at 9am on the working day immediately following the day on which it was transmitted.

(6) Where a person is no longer willing to accept the use of electronic communications for any purpose of this Act which is capable of being carried out electronically and gives notice withdrawing the person's electronic address to the Department, a supervising engineer, inspecting engineer, other qualified engineer or construction engineer, the Institution of Civil Engineers or a referee commissioned under section 63, such withdrawal is final and takes effect on a date specified by the person in the notice (but not less than 7 days after the date on which the notice is given).

(7) This section is without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 (service of documents); and in the application of that section to serving, sending or giving any notice or other document by virtue of this section using electronic communications, in paragraph (e) the references to "premises" are to be construed as references to land or premises on the land.

(8) In this section—

- (a) "electronic communication" has the same meaning as in the Electronic Communications Act (Northern Ireland) 2001,
- (b) reference to the "supervising engineer" is to be construed as including the nominated representative of the supervising engineer under section 26(7)
  - (a) who is acting as such in the event of the supervising engineer being unavailable,
- (c) "working day" means a day which is not a Saturday, Sunday or a public holiday.