SCHEDULE

ELECTRONIC COMMUNICATIONS

PART 2

Evidential Provisions

Effect of delivering information by electronic communications

4.—(1) Any claim or information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of these regulations on the day on which the conditions imposed—

(a) by this Schedule; and

(b) by or under an applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule),

are satisfied.

(2) The relevant authority may, by a direction, determine that any claim or information is to be treated as delivered on a different day (whether earlier or later) from the day specified in sub-paragraph (1).

(3) Any claim or information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of delivery

5.—(1) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, to have resulted in delivery—

(a) in the case of any claim or information falling to be delivered to the relevant authority, if the delivery of that claim or information is recorded on an official computer system; or

(b) in the case of any information that falls to be delivered by the relevant authority, if the dispatch of that information is recorded on an official computer system.

(2) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, not to have resulted in delivery—

(a) in the case of any claim or information falling to be delivered to the relevant authority, if the delivery of that claim or information is not recorded on an official computer system; or

(b) in the case of information that falls to be delivered by the relevant authority, if the despatch of that information is not recorded on an official computer system.

(3) The time and date of receipt of any claim or information sent by an approved method of electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

Proof of identity

6.—(1) The identity of—

(a) the sender of any claim or information delivered by means of an electronic communication to an official computer system; or

(b) the recipient of any claim or information delivered by means of an electronic communication from an official computer system,

is to be presumed, unless the contrary is proved, to be the person whose name is recorded as such on that official computer system.

(2) Any claim or information delivered by an approved method of electronic communication on behalf of another person ("P") is to be deemed to have been delivered by P unless P proves that it was delivered without P's knowledge or connivance.

Proof of content

7. The content of any claim or information sent by means of an electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.