

SCHEDULE 1

Article 12

Amendment of The Town and Country Planning (Development  
by Planning Authorities) (Scotland) Regulations 1981

1. In regulation 2 (interpretation), after “in these regulations” insert—  
““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(1)

2. After regulation 2, insert—

“2A.—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to forms, plans, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(3) The requirement shall (except in a case referred to in paragraph (4)) be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

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

(4) The case is a requirement of giving notice under regulation 4(2)(a).

(5) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient—

- (a) at any time before the end of the day which is a working day, it shall be deemed to have been received on that day;
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(2), a day appointed for public thanksgiving or mourning, or any other day which is a local or public holiday in an area in which the electronic communication is received.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

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(1) 2000 c. 7.  
(2) 1971 c. 80.

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(8) In a case to which this paragraph applies, and except where a contrary intention appears, a person making an application or giving or serving a notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to an application or notice, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application or notice; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with regulation 10A that the person wishes to revoke the agreement.”.

3. After regulation 10 insert—

**“Withdrawal of consent to use of electronic communications**

**10A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing—

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

SCHEDULE 2

Article 13

Amendment of The Town and Country Planning  
(Structure and Local Plans)(Scotland) Regulations 1983

- 1. In paragraph (1) of regulation 2 (interpretation), after the definition of “duly made” insert—  
““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(3);”.
- 2. After regulation 2, insert—

**“2A.—(1)** In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and

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(3) 2000 c. 7.

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- (b) references to statements, forms, plans, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form except in a case referred to in paragraph (4).

(2) Paragraphs (3) to (9) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(3) The requirement shall (except in a case referred to in paragraph (4)) be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

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

(4) The cases are—

- (a) submitting a certified copy of a structure plan under regulation 12;
- (b) serving a certified copy of a notice under regulation 20;
- (c) submitting certified copies of alterations of structure plans;
- (d) serving a certified copy of a local plan under regulation 29; and
- (e) serving a certificate or certified copy of a local plan under regulation 38(2).

(5) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by a recipient—

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(4)</sup>, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(8) Where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any notice, form, certificate, plan, representation or other document, or to copy such a document, any such requirement may be complied with by sending one copy only of the notice, form, certificate, plan, representation or other document, or copy thereof in question.

(9) In a case to which this paragraph applies, and except where a contrary intention appears, a person making a representation, objection or giving or serving a notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to a request, notice, objection (as the case may be) which are capable of being carried out electronically;

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(4) 1971 c. 80.

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- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the request, notice or objection; and
- (c) that the person's deemed agreement under this paragraph shall subsist until the person gives notice in accordance with regulation 41A that the person wishes to revoke the agreement."

3. After regulation 19 (notification of a decision) insert–

**“Use of electronic communications**

**19A.**—(1) Paragraph (2) applies where an electronic communication is used for the purpose of notification of a decision–

- (a) under regulation 19; and
- (b) under regulation 40 for notice of approval, modification or rejection of a local plan.

(2) Notification in writing of a decision and reasons for the purposes of regulation 19 or 40 shall be deemed to have been given to a person for the purposes of this regulation where–

- (a) the Scottish Ministers and the person have agreed that the decision and reasons required under this regulation to be given in writing may instead be accessed by that person via a website;
- (b) the decision and reasons are a decision and reasons to which that agreement applies;
- (c) the Scottish Ministers have published the decision and reasons; and
- (d) the person is notified, in a manner for the time being agreed between that person and the Scottish Ministers, of–
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website; and
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed."

4. After regulation 41 insert–

**“Withdrawal of consent to use of electronic communications**

**41A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing–

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given."

5. After regulation 45 insert–

“**45A.**—(1) Where a planning authority maintain a website for the purpose of allowing inspection of any statements forms, maps, plans or documents, any notice required under these Regulations shall (in addition to any other matters required to be contained in it) state the address of the website.”.

### SCHEDULE 3

Article 14

#### Amendment of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

1. In paragraph (1) of regulation 2 (interpretation), after the definition of “discontinuance notice”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(5)</sup>”.

2. After regulation 2, insert—

“**2A.**—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to forms, plans, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(3) The requirement shall (except in a case referred to in paragraph (4)) be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

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

(4) The cases are—

- (a) serving notice on any person under regulation 11(2);
- (b) sending any document referred to in regulation 11(4);
- (c) serving a notice under regulation 11(6);
- (d) serving a notice under regulation 14;
- (e) serving a notice of an order for confirmation of revocation and modification of consent under regulation 22(2); and
- (f) notifying a claim under regulation 23(1).

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(5) 2000 c. 7.

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(5) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient—

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(6)</sup>, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(8) In a case to which this paragraph applies, and except where a contrary intention appears, the person making an application, appeal or objection or giving or serving the notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to the application, appeal, objection or notice, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, appeal, objection or notice; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with regulation 32A that the person wishes to revoke the agreement.”.

3. In regulation 20 (notification of a decision)—

(a) after paragraph (2) insert—

“(2A) Notification in writing of a decision and reasons for the purposes of paragraphs (1) and (2) shall be deemed to have been given to a person for the purposes of this regulation where—

- (a) the Scottish Ministers and the person have agreed that decision and reasons required under this regulation to be given in writing may instead be accessed by that person via a website;
- (b) the decision and reasons are a decision and reasons to which that agreement applies;
- (c) the Scottish Ministers have published the decision and reasons; and
- (d) the person is notified, in a manner for the time being agreed between that person and the Scottish Ministers, of—
  - (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website; and
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”.

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(6) 1971 c. 80.

4. After regulation 32 insert–

**“Withdrawal of consent to use of electronic communications**

**32A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing–

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

SCHEDULE 4

Article 15

Amendment of The Town and Country Planning (Listed Building and Buildings in Conservation Areas) (Scotland) Regulations 1987

1. In paragraph (1) of regulation 2 (interpretation), after the definition of “Crown land and Crown interest”, insert–

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(7);”.

2. After regulation 2, insert–

**“2A.—(1)** In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically–

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address;
- (b) references to forms, plans, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (6) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(3) The requirement shall be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is–

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

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(7) 2000 C.7.

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(4) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient—

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, or at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(8)</sup>, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(6) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.”.

3. After regulation 8 (appeals), insert—

**“Use of electronic communications**

**8A.**—(1) Paragraphs (2) and (3) apply where an electronic communication is used for the purpose of making an application—

- (a) under regulation 3, for listed building consent or conservation area consent; or
- (b) under regulation 4, for the variation or discharge of conditions attached to a listed building consent or conservation area consent.

(2) Paragraph (1) of regulation 3 or, as the case may be, of regulation 4 shall apply as if for “two further copies of the form,” there were substituted “any related”.

(3) The reference to paragraph (3) of regulation 3 to the date when the form and certificate were lodged with the planning authority shall be construed in accordance with regulation 2A(5) above.

(4) In a case to which this paragraph applies, and except where a contrary intention appears, a person making an application, appeal or claim or giving or serving the notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to the application, appeal, claim or notice, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, appeal, claim or notice; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in writing that the person wishes to revoke the agreement, and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

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<sup>(8)</sup> 1971 c. 80.



SCHEDULE 5

Article 16

Amendment of The Town and Country Planning (Appeals)  
(Written Submissions Procedure) (Scotland) Regulations 1990

1. In regulation 2 (interpretation)–
  - (a) in the definition of “appeals questionnaire” after “Regulations” insert–

“, and for this purpose a form is deemed to be supplied where the Scottish Ministers have published it on a website and have notified the planning authority of–

    - (i) publication of the form on the website;
    - (ii) the address of the website; and
    - (iii) the place on the website where the form may be accessed, and how it may be accessed;”.
  - (b) after the definition of “application”, insert–

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(9);”.
2. After regulation 2, insert–

“**2A.**—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically–

  - (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
  - (b) references to notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (6) apply where an electronic communication is used by another person for the purpose of fulfilling any requirement in these Regulations to give or send any notice or other document to any other person (“the recipient”).

(3) The requirement shall be deemed to be fulfilled where the form, notice or other document transmitted by means of the electronic communication is–

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

(4) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient–

  - (a) at any time before the end of the day which is a working day, it shall be deemed to have been received on that day; or
  - (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act

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(9) 2000 c. 7.

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1971(10), a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(6) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.”

3. In regulation 3 (application), after paragraph (2) insert–

“(2A) Where an appellant or, as the case may be, the appellant and the planning authority, so informs the Scottish Ministers using electronic communications, the appellant shall be deemed to have agreed–

- (a) to the use of such communications for all purposes relating to that appeal which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications with the appellant is the address incorporated into, or otherwise logically associated with, the appellant’s notice of appeal;
- (c) that the appellant’s deemed agreement under this paragraph shall subsist until the appellant gives notice with regulation 8A that the appellant wishes to revoke the agreement;

and the references in paragraphs (3) and (4) of this regulation to an appeal being disposed of on the basis of written submissions shall not be deemed to preclude the use of electronic communications in accordance with this paragraph and regulation 2A.”

4. In regulation 4 (notice to interested parties) paragraph (1) is amended as follows–

- (a) in sub-paragraph (a), after “by post” insert “or by means of electronic communication”; and
- (b) in sub-paragraph (b), after “by post” insert “or by means of electronic communication”.

5. After regulation 8 insert–

**“Withdrawal of consent to use of electronic communications**

**8A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing–

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”

SCHEDULE 6

Article 17

Amendment of The Town and Country Planning (General Permitted Development) (Scotland) (Order) 1992

1. In paragraph (2) of article 2 (interpretation) after the definition of “dwellinghouse”, insert—  
““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(11)</sup>”.
  2. At the end of article 2, insert—
    - (5) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—
      - (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
      - (b) references to documents, forms, maps, plans, drawings, certificates or other documents or to copies of such things, include references to such documents or copies of them in electronic form.
    - (6) Paragraphs (7) to (12) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order to give or send any application, notice or other document to any other person (“the recipient”).
    - (7) The requirement shall (except in a case referred to in paragraph (8)) be deemed to be fulfilled where the application, notice, or other document transmitted by the electronic communication is—
      - (a) capable of being accessed by the recipient;
      - (b) legible in all material respects; and
      - (c) in a form sufficiently permanent to be used for subsequent reference.
    - (8) The cases are—
      - (a) making a direction under article 4; and
      - (b) giving notice of a direction under article 5.
    - (9) In paragraph (7) “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.
    - (10) Where the electronic communication is received by the recipient—
      - (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
      - (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,
- and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(12)</sup>, a day appointed for public thanksgiving or mourning, or any other day which is a local or public holiday in an area in which the electronic communication is received.

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<sup>(11)</sup> 2000 c. 7.

<sup>(12)</sup> 1971 c. 80.

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(11) A requirement in this Order that any application, plan, notice, form or other document should be in writing is fulfilled where the document meets the criteria in paragraph (7) and “written” and cognate expressions are to be construed accordingly.

(12) In a case to which this paragraph applies, and except where a contrary intention appears, a person making an application, or giving or serving a notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to the application or notice, as the case may be, which are capable of being carried out electronically;
- (b) that the address for that purpose is the address incorporated into, or otherwise logically associated with, the application; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in writing that the person wishes to revoke the agreement, and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

## SCHEDULE 7

Article 18

### Amendment of The Town and Country Planning (General Development Procedure) (Scotland) (Order) 1992

1. In paragraph (2) of article 2 (interpretation)—

- (a) after the definition of “district fishery board”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(13);”;
- (b) for the definition of “local advertisement”, substitute—

““local advertisement means—

  - (a) the publication of a notice in a local newspaper circulating in the locality in which the land to which the application relates is situated; and
  - (b) where the planning authority maintain a website for the purpose of advertisement of applications, by publication of the notice on the website;”.

2. At the end of article 2, insert—

“(4) In this Order and in relation to the use of electronic communications or electronic storage for any purpose of this Order which is capable of being carried out electronically—

- (a) the expression “address” includes any number or address used for the purpose of such communications or storage, except that where this Order imposes any obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to documents, forms, maps, plans, drawings, certificates or other documents, includes references to such documents or copies of them in electronic form.

(5) Paragraphs (6) to (10) apply where an electronic communication is used by a person for the following purposes—

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(13) 2000 c. 7.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) fulfilling any requirement in this Order to give or send any application, notice or other document to any other person; or
- (b) lodging an application, certificate or other document under article 14(3) with an authority mentioned in that article,

and in those paragraphs, “the recipient” means the person mentioned in sub-paragraph (a) of this paragraph, or the authority mentioned in sub-paragraph (b), as the case may be.

(6) The requirement shall be deemed to be fulfilled where the notice, form, plan or other document is transmitted by the electronic communication is–

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

(7) In paragraph (6) “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(8) Where the electronic communication is received by a recipient–

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(14), a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(9) A requirement in this Order that any application, notice, form or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6) and “written” and cognate expressions are to be construed accordingly.

(10) In a case to which this paragraph applies, and except where a contrary intention appears, a person making an application, or giving or serving a notice or document using electronic communications shall be deemed to have agreed–

- (a) to the use of such communications for all purposes relating to an application, notice, or document, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, notice or document; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with article 2A that the person wishes to revoke the agreement.”.

3. After article 2 insert–

**“Withdrawal of consent to use electronic communications**

**2A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of this Order which is capable of being carried out electronically, that person shall give notice in writing–

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(14) 1971 c. 80.

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- (a) withdrawing any address notified to the Scottish Ministers or to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

4. In article 23 (appeals), at the end insert—

“(7) The Scottish Ministers may provide, or arrange provision of, a website for use for such purposes as they think fit which—

- (a) relate to appeals under section 47 of the 1997 Act; and
- (b) are capable of being carried out electronically.

(8) Where a person gives notice of the appeal to the Scottish Ministers using electronic communications, the person shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the appellant’s notice of appeal; and
- (c) that the appellant’s deemed agreement under this paragraph shall subsist until the appellant gives notice in accordance with article 2A that the appellant wishes to revoke the agreement.”.

5. In Schedule 5 to the Order (register of applications) at the end insert—

“7. Where the register kept by a planning authority under this article is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.”.

## SCHEDULE 8

Article 19

### Amendment of The Town and Country Planning Enforcement of Control (No 2) (Scotland) Regulations 1992

1. In paragraph (1) of regulation 2 (interpretation) after the definition of “conservation area enforcement notice”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(15);”.

2. After regulation 2, insert—

“2A.—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation

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(15) 2000 c. 7.

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shall not be fulfilled unless the person on whom it is imposed provides a postal address; and

- (b) references to statements, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (6) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(3) The requirement shall be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

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

(4) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient—

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(16), a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(6) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

**2B.** Where an appellant or, as the case may be, the appellant and the planning authority, so informs the Scottish Ministers using electronic communications, the appellant shall be deemed to have agreed—

- (a) to the use of such communications for all purposes of these Regulations relating to the appeal which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the appellant’s notice of appeal; and
- (c) that the appellant’s deemed agreement under this paragraph shall subsist until the appellant gives notice in accordance with regulation 2C that the appellant wishes to revoke the agreement,

and the references in paragraphs (1) and (2) of this regulation to an appeal being disposed of on the basis of written submissions shall not be deemed to preclude the use of electronic communications in accordance with this paragraph and regulation 2A.

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### Withdrawal of consent to use of electronic communications

**2C.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing—

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose, or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

## SCHEDULE 9

Article 20(1)

### Amendment of The Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure)(Scotland) Rules 1997

1. In paragraph (1) of rule 3 (interpretation)—
  - (a) after the definition of “document”, insert—
 

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>(17)</sup>”; and
  - (b) in the definition of “appeals questionnaire” after “Rules” insert—
 

“, and for this purpose a form is deemed to be supplied where the Scottish Ministers have published it on a website and have notified the planning authority of—

    - (i) publication of the form on the website;
    - (ii) the address of the website; and
    - (iii) the place on the website where the form may be accessed, and how it may be accessed;”.
2. After rule 3, insert—
 

“**3A.**—(1) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being effected electronically—

  - (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
  - (b) references to statements, representations, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

<sup>(17)</sup> 2000 c. 7.



(3) The requirement shall be deemed to be fulfilled where the statement, notice or other document transmitted by means of the electronic communication is–

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

(4) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient–

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(18)</sup>, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(6) A requirement in these Rules that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(7) Where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement or document, any such requirement may be complied with by sending one copy only of the statement or other document in question.

(8) In a case to which this paragraph applies, and except where a contrary intention appears, a person making a representation, statement or giving or serving a notice or document using electronic communications shall be deemed to have agreed–

- (a) to the use of such communications for all purposes relating to an application, notice, or document, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, notice or document; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with rule 24A that the person wishes to revoke the agreement.”.

3. In rule 14 (date and notification of inquiry)–

(a) after paragraph 3 insert–

“(3A) A written notice shall be deemed to have been given by the Scottish Ministers for the purposes of paragraph (3) where they and any person mentioned in that paragraph have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and–

- (a) the notice is a notice to which that agreement applies;
- (b) the Scottish Ministers have published that notice on the website;

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- (c) not less than 4 weeks before the date fixed by the Scottish Ministers for the holding of the inquiry, the person is notified of—
    - (i) the publication of the notice on a website;
    - (ii) the address of the website; and
    - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”;
  - (b) in paragraph (4), for the word “paragraph (3)” substitute “paragraphs (3) and (3A)”.
- 4. In rule 12 (service of statements of case etc.)—
  - (a) at the end of paragraph (2) insert—

“(including, in any case in which the planning authority rely on paragraph (2A), the details mentioned in that paragraph)”;
  - (b) after paragraph (2) insert—

“(2A) For the purposes of the previous paragraph an opportunity shall be deemed to have been afforded to a person where the person is notified, in a manner for the time being agreed between that person and a planning authority for that purpose, of—

    - (a) publication on a website of the documents mentioned in that paragraph;
    - (b) the address of the website; and
    - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.
- 5. In rule 22 (notification of a decision)—
  - (a) after paragraph (1) insert—

“(1A) Notification in writing of a decision and reasons shall be deemed to have been given to a person for the purposes of this rule where—

    - (a) the Scottish Ministers and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person via a website;
    - (b) the decision and reasons are a decision and reasons to which that agreement applies;
    - (c) the Scottish Ministers have published the decision and reasons on a website;
    - (d) the person is notified, in a manner for the time being agreed between that person and the Scottish Ministers, of—
      - (i) the publication of the decision and reasons on a website;
      - (ii) the address of the website;
      - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
  - (b) after paragraph (2) insert—

“(2A) For the purposes of the previous paragraph an opportunity shall be deemed to have been afforded to a person where that person is notified of—

    - (i) the publication of the decision and reasons on a website;
    - (ii) the address of the website; and
    - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”.
- 6. For rule 24 (service of notices by post), substitute—

**“Service of notices etc.**

**24.** Notices or documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or documents, as the case may be, to a person at such address as may for the time being be specified by that person for that purpose.”.

7. After rule 24 insert—

**“Withdrawal of consent to use of electronic communications**

**24A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Rules, is capable of being carried out using such communications, that person shall give notice in writing—

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

SCHEDULE 10

Article 20(2)

Amendment of The Town and Country Planning Appeals (Inquiries Procedure) Scotland) Rules 1997

1. In paragraph (1) of rule 3 (interpretation)—

(a) after the definition of “document”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(19);”;

(b) in the definition of “appeals questionnaire” after “Rules” insert—

“, and for this purpose a form is deemed to be supplied where the Scottish Ministers have published it on a website and have notified the planning authority of—

- (i) publication of the form on the website;
- (ii) the address of the website; and
- (iii) the place on the website where the form may be accessed, and how it may be accessed;”.

2. After rule 3, insert—

**“3A.—(1)** In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being effected electronically—

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(19) 2000 c. 7.

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- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Rules impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to statements, notices, forms, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).

(3) The requirement shall be deemed to be fulfilled where the statement, notice, form or other document transmitted by means of the electronic communication is—

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

(4) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(5) Where the electronic communication is received by the recipient—

- (a) at any time before the end of the day which is a working day, it shall be deemed to have been received on that day; or
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971<sup>(20)</sup>, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(6) A requirement in these Rules that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(7) Where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement or document, any such requirement may be complied with by sending one copy only of the statement or other document in question.

(8) In a case to which this paragraph applies, and except where a contrary intention appears, a person making a statement, representation, or giving or serving a notice or document using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to a statement, notice, or document, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the statement, notice or document; and

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(20) 1971 c. 80.

- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with rule 24A that the person wishes to revoke the agreement.”.
- 3. In rule 12 (precognitions) after paragraph (7) insert–
  - “(7A) For the purposes of the previous paragraph an opportunity to inspect shall be deemed to have been afforded to a person where the person is notified, in a manner agreed between that person and the planning authority for that purpose, of –
    - (a) publication on a website of the documents mentioned in that paragraph;
    - (b) the address of the website;
    - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.
- 4. In rule 13 (service of statements of case etc.)–
  - (a) at the end of paragraph (2) insert–
    - “(including, in any case in which the planning authority rely on paragraph (2A), the details mentioned in that paragraph).”.
  - (b) after paragraph (2) insert–
    - “(2A) For the purposes of the previous paragraph an opportunity shall be deemed to have been afforded to a person where the person is notified, in a manner for the time being agreed between that person and the planning authority for that purpose, of–
      - (a) publication on a website of the documents mentioned in that paragraph;
      - (b) the address of the website; and
      - (c) the place on the website where the documents may be accessed, and how they may be accessed.”.
- 5. In rule 15 (date and notification of inquiry)–
  - (a) after paragraph 3 insert–
    - “(3A) A written notice shall be deemed to have been given by the Scottish Ministers for the purposes of paragraph (3) where they and any person mentioned in that paragraph have agreed that notice of the matters mentioned in that paragraph may instead be accessed by that person via a website, and–
      - (a) the notice is a notice to which that agreement applies;
      - (b) the Scottish Ministers have published that notice on the website;
      - (c) not less than 4 weeks before the date fixed by the Scottish Ministers for the holding of the inquiry, the person is notified of–
        - (i) the publication of the notice on a website;
        - (ii) the address of the website; and
        - (iii) the place on the website where the notice may be accessed, and how it may be accessed.”; and
    - (b) in paragraph (4), for “paragraph (3)” substitute “paragraphs (3) and (3A)”.
- 6. In rule 22 (notification of a decision)–
  - (a) after paragraph (1) insert–
    - “(1A) Notification in writing of a decision and reasons shall be deemed to have been given to a person for the purposes of this rule where–

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- (a) the Scottish Ministers and the person have agreed that decisions and reasons required under this rule to be given in writing may instead be accessed by that person via a website;
  - (b) the decision and reasons are a decision and reasons to which that agreement applies;
  - (c) the Scottish Ministers have published the decision and reasons on a website;
  - (d) the person is notified, in a manner for the time being agreed between that person and the Scottish Ministers, of—
    - (i) the publication of the decision and reasons on a website;
    - (ii) the address of the website;
    - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”;
- (b) after paragraph (3) insert—
- “(3A) For the purposes of the previous paragraph an opportunity shall be deemed to have been afforded to a person where that person is notified of—
- (i) the publication of the decision and reasons on a website;
  - (ii) the address of the website;
  - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”.

7. For rule 24 (notices by post), substitute—

**“Service of notices etc.**

**24.** Notices of documents required or authorised to be sent or supplied under these Rules may be sent or supplied—

- (a) by post; or
- (b) by using electronic communications to send or supply the notice or document, as the case may be, to a person at such address as may for the time being be specified by that person for that purpose.”.

8. After rule 24 insert—

**“Withdrawal of consent to use of electronic communications**

**24A.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Rules, is capable of being carried out using such communications, that person shall give notice in writing—

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.

SCHEDULE 11

Article 21

Amendment of The Environmental Impact Assessment (Scotland) Regulations 1999

1. In paragraph (1) of regulation 2 (interpretation), after the definition of “EIA development”, insert—

““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(21);”.

2. After regulation 2, insert—

“2A.—(1) In Part II of these Regulations, and in relation to the use of electronic communications for any purpose in Part II of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and
- (b) references to applications, statements, notices, directions or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(3) The requirement shall be deemed to be fulfilled (except in a case referred to in paragraph (4)) where the notice or other document transmitted by means of the electronic communication is—

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

(4) The cases are —

- (a) serving any notice under regulation 13;
- (b) any requirement under Chapter 9 of these Regulations;
- (c) any requirement under regulation 40 including submitting information to an EEA State; and
- (d) any requirement under regulation 41 including submitting representations.

(5) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) Where the electronic communication is received by the recipient—

- (a) at any time before the end of a day which is a working day, it shall be deemed to have been received on that day;
- (b) at any time during a day which is not working day, it shall be deemed to have been received on the next working day,

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(21) 2000 c. 7.

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and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(22), a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(8) Where electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any statement or document, any such requirement may be complied with by sending one copy only of the statement or other document in question.

**2B.** Where an applicant or appellant, as the case may be, so informs the Scottish Ministers or, as the case may be, the planning authority, using electronic communications, the applicant or appellant shall be deemed to have agreed–

- (a) to the use of such communications for all purposes of these Regulations relating to a request for a screening opinion, application, notice or appeal which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the request, application, notice or appeal; and
- (c) that the applicant or appellant’s deemed agreement under this paragraph shall subsist until the applicant or appellant gives notice in accordance with article (2C) that the applicant or appellant wishes to revoke the agreement.

#### **Withdrawal of consent to use of electronic communications**

**2C.** Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing–

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final, and shall take effect on a date specified by the person in the notice, being a date occurring after the period of seven days, beginning with the date on which the notice is given.”

**3.** In regulation 13 (publicity for environmental statements), in paragraph (3)(c)(ii), after “names and”, insert “postal”.

**4.** In regulation 21 (duties to inform the public and the Scottish Ministers of final decisions), after paragraph (3) insert–

“(4) Notification in writing of a decision shall be deemed to have been given to a person for the purposes of this regulation where–

- (a) the planning authority or the Scottish Ministers, as the case may be, and the person have agreed that a decision and reasons required under this regulation to be given in writing may instead be accessed by that person via a website;

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(22) 1971 c. 80.



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- (b) the decision is a decision and reasons to which that agreement applies;
  - (c) the planning authority have published the decision on a website; and
  - (d) the person is notified, in a manner for the time being agreed between that person and the planning authority, of—
    - (i) the publication of the decision and reasons on a website;
    - (ii) the address of the website; and
    - (iii) the place on the website where the decision and reasons may be accessed, and how they may be accessed.”.
5. In regulation 38 (public inspection of documents), after paragraph (1) insert—
- “(1A) Where the register kept by a planning authority under this regulation is kept using electronic storage, the authority may make the register available for inspection by the public on a website maintained by the authority for that purpose.”.
6. For regulation 42, substitute—
- “**42.** Subject to paragraph (2) above, any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 271 (service of notices).”.