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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 367**

**The Electronic Communications (Scotland) Order 2006**

*Animals*

**Amendment to the Zoo Licensing Act 1981**

2. After section 19A (directions) of the Zoo Licensing Act 1981<sup>(1)</sup>, insert—

**“Electronic communications**

**19B.**—(1) Subject to subsection (2), any reference in this Act to any document, notice, notification or statement in writing shall include a reference to that document, notice, notification or statement being an electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.

(2) Any notice which a local authority requires to send may be given to or served on a person by such an electronic communication only if—

- (a) the person consents in writing to the receipt of a notice of the kind in question from the sender by electronic communication sent to a specified number or address; and
- (b) the communication is sent to the number or address in question.

(3) In any legal proceedings, an electronic communication sent to any person under this Act shall, unless the contrary is proven, be regarded as having been received by that person on the second working day after the day on which it was sent.

(4) In subsection (3), “working day” means a day which is not—

- (a) a Saturday;
- (b) a Sunday;
- (c) Christmas Eve;
- (d) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 (c. 80);
- (e) a day appointed for public thanksgiving or mourning; or
- (f) a day which is a local or public holiday in the area in which the electronic communication is to be sent.”.

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<sup>(1)</sup> 1981 c. 37. Section 19A was inserted by S.S.I. 2003/174, regulation 25.