
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Offshore Environmental Civil Sanctions Regulations 2018

PART 4

Miscellaneous

Service, etc. of notices

22.—(1) Any notice that the Secretary of State must or may serve on or give to a person under these Regulations may be served or given in any of the following ways—

- (a) by delivering it to the person;
- (b) by leaving it at the person's proper address;
- (c) by sending it by post to the person at the person's proper address;
- (d) if the person is a body corporate, by serving it in accordance with sub-paragraph (a), (b) or (c) on the secretary of the body;
- (e) if the person is a partnership, by serving it in accordance with sub-paragraph (a), (b) or (c) on a partner or a person having the control or management of the partnership business;
- (f) in a case where an address for correspondence using electronic communications is given by the person, by sending it using electronic communications to the person at that address, provided that the condition referred to in paragraph (2) is satisfied.

(2) The condition is that the notice is—

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

(3) Paragraph (1)(f) does not apply if the person notifies the Secretary of State (before any notice is served or given) that the person does not wish the notice to be sent using electronic communications.

(4) For the purposes of this regulation and section 7 of the Interpretation Act 1978⁽¹⁾(which relates to the service of documents by post) in its application to this regulation, the proper address of any person on or to whom a notice is to be served or given is the person's last-known address, except that—

- (a) in the case of service on a body corporate or its secretary, it is the address of the registered or principal office of the body;
- (b) in the case of service on a partnership, a partner or a person having control or management of a partnership business, it is the address of the principal office of the partnership;

and for the purposes of this paragraph (except where the company or partnership has no office in the United Kingdom) the principal office of a company registered outside the United Kingdom or

(1) 1978 c.30.

of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(5) If a person to be served with a notice, or to whom a notice is to be given, under these Regulations notifies the Secretary of State that an address within the United Kingdom other than the person's proper address (as determined under paragraph (4)) is the one at which the person or someone on the person's behalf will accept service of notices under these Regulations, that address must also be treated as the person's proper address for the purposes of this regulation and for the purposes of section 7 of the Interpretation Act 1978 in its application to this regulation.

(6) In this regulation—

“address”, in relation to electronic communications, means any number or address used for the purposes of such communications;

“electronic communication” has the same meaning as in the Electronic Communications Act 2000(2);

(2) [2000 c.7](#). The definition of “electronic communication” is in section 15(1). The definition was amended by paragraph 158 of Schedule 17 to the Communications Act [2003 \(c.21\)](#).