



# Communications Act 2003

## 2003 CHAPTER 21

### PART 6

#### MISCELLANEOUS AND SUPPLEMENTAL

#### *Notifications etc. and electronic working*

#### **394 Service of notifications and other documents**

- (1) This section applies where provision made (in whatever terms) by or under an enactment specified in subsection (2) authorises or requires—
- (a) a notification to be given to any person; or
  - (b) a document of any other description (including a copy of a document) to be sent to any person.
- (2) Those enactments are—
- (a) this Act;
  - (b) the Office of Communications Act 2002 (c. 11);
  - <sup>F1</sup>(c) .....
  - <sup>F2</sup>(d) .....
  - (e) the 1990 Act; <sup>F3</sup>...
  - (f) the 1996 Act.
  - <sup>F4</sup>(g) Part 3 of the Postal Services Act 2011.]
- (3) The notification or document may be given or sent to the person in question—
- (a) by delivering it to him;
  - (b) by leaving it at his proper address; or
  - (c) by sending it by post to him at that address.
- (4) The notification or document may be given or sent to a body corporate by being given or sent to the secretary or clerk of that body.
- (5) The notification or document may be given or sent to a firm by being given or sent to—

*Status: Point in time view as at 06/04/2023.*

*Changes to legislation: Communications Act 2003, Section 394 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a partner in the firm; or
  - (b) a person having the control or management of the partnership business.
- (6) The notification or document may be given or sent to an unincorporated body or association by being given or sent to a member of the governing body of the body or association.
- (7) For the purposes of this section and section 7 of the Interpretation Act 1978 (c. 30) (service of documents by post) in its application to this section, the proper address of a person is—
- (a) in the case of body corporate, the address of the registered or principal office of the body;
  - (b) in the case of a firm, unincorporated body or association, the address of the principal office of the partnership, body or association;
  - (c) in the case of a person to whom the notification or other document is given or sent in reliance on any of subsections (4) to (6), the proper address of the body corporate, firm or (as the case may be) other body or association in question; and
  - (d) in any other case, the last known address of the person in question.
- (8) In the case of—
- (a) a company registered outside the United Kingdom,
  - (b) a firm carrying on business outside the United Kingdom, or
  - (c) an unincorporated body or association with offices outside the United Kingdom,
- the references in subsection (7) to its principal office include references to its principal office within the United Kingdom (if any).
- (9) In this section—
- “document” includes anything in writing; and
  - “notification” includes notice;
- and references in this section to giving or sending a notification or other document to a person include references to transmitting it to him and to serving it on him.
- (10) This section has effect subject to section 395.
- [<sup>F5</sup>(11) In its application to Schedule 3A this section is subject to paragraph 91 of that Schedule.]

#### Textual Amendments

- F1** S. 394(2)(c) repealed (8.2.2007) by [Wireless Telegraphy Act 2006 \(c. 36\)](#), s. 126(2), **Sch. 9 Pt. 1** (with [Sch. 8 Pt. 1](#))
- F2** S. 394(2)(d) omitted (28.12.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 46(2)**; [S.I. 2017/1286](#), reg. 2(d)
- F3** Word in s. 394(2)(e) omitted (1.10.2011) by virtue of [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 65(a)**; [S.I. 2011/2329](#), art. 3
- F4** S. 394(2)(g) inserted (1.10.2011) by [Postal Services Act 2011 \(c. 5\)](#), s. 93(2)(3), **Sch. 12 para. 65(b)**; [S.I. 2011/2329](#), art. 3
- F5** S. 394(11) inserted (28.12.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(6), **Sch. 3 para. 46(3)**; [S.I. 2017/1286](#), reg. 2(d)

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**Modifications etc. (not altering text)**

- C1** Ss. 394, 395 applied (31.7.2016) by [The Communications \(Access to Infrastructure\) Regulations 2016 \(S.I. 2016/700\)](#), regs. 1, **23**
- C2** S. 394(2)(c) modified (temp.) (8.12.2003) by [The Office of Communications Act 2002 \(Commencement No. 3\)](#) and [Communications Act 2003 \(Commencement No. 2\) Order 2003 \(S.I. 2003/3142\)](#), **art. 3(3)(c)** (with [art. 11](#))
- C3** S. 394(3)-(10) applied (6.4.2023) by [The Trade \(Mobile Roaming\) Regulations 2023 \(S.I. 2023/214\)](#), regs. 1(b), **11**

**Commencement Information**

- I1** S. 394(1)(2)(a)-(d)(3)-(10) in force at 25.7.2003 for specified purposes by [S.I. 2003/1900](#), arts. 1(2), 2(1), **Sch. 1** (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3))
- I2** S. 394(1) (2)(a)-(d) (3)-(10) in force at 29.12.2003 in so far as not already in force by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))
- I3** S. 394(2)(e)(f) in force at 29.12.2003 by [S.I. 2003/3142](#), [art. 3\(1\)](#), **Sch. 1** (with [art. 11](#))

**Status:**

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