



Wireless Telegraphy Act 2006

2006 CHAPTER 36

PART 6

GENERAL

Notifications etc and electronic working

112 Service of documents

- (1) This section applies where provision made (in whatever terms) by or under this Act 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) 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.
- (3) 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.
- (4) The notification or document may be given or sent to a firm by being given or sent to—
 - (a) a partner in the firm; or
 - (b) a person having the control or management of the partnership business.
- (5) 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.
- (6) 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—

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- (a) in the case of a 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 (3) to (5), 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.
- (7) 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 (6) to its principal office include references to its principal office within the United Kingdom (if any).
- (8) In this section—
- “document” includes anything in writing; and
 - “notification” includes notice;
- and references 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.
- (9) This section has effect subject to section 113.

113 Documents in electronic form

- (1) This section applies where—
- (a) section 112 authorises the giving or sending of a notification or other document by its delivery to a particular person (“the recipient”); and
 - (b) the notification or other document is transmitted to the recipient—
 - (i) by means of an electronic communications network; or
 - (ii) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.
- (2) For the purposes of subsection (1), something is not to be regarded as in an intelligible form if it cannot be readily understood without being decrypted or having some comparable process applied to it.
- (3) The transmission has effect for the purposes of this Act as a delivery of the notification or other document to the recipient, but only if the requirements imposed by or under this section are complied with.
- (4) Where the recipient is OFCOM—
- (a) they must have indicated their willingness to receive the notification or other document in a manner mentioned in subsection (1)(b);
 - (b) the transmission must be made in such manner and satisfy such other conditions as they may require; and
 - (c) the notification or other document must take such form as they may require.

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- (5) Where the person making the transmission is OFCOM, they may (subject to subsection (6)) determine—
 - (a) the manner in which the transmission is made; and
 - (b) the form in which the notification or other document is transmitted.
- (6) Where the recipient is a person other than OFCOM—
 - (a) the recipient, or
 - (b) the person on whose behalf the recipient receives the notification or other document,must have indicated to the person making the transmission the recipient's willingness to receive notifications or documents transmitted in the form and manner used.
- (7) An indication to any person for the purposes of subsection (6)—
 - (a) must be given to that person in such manner as he may require;
 - (b) may be a general indication or one that is limited to notifications or documents of a particular description;
 - (c) must state the address to be used and must be accompanied by such other information as that person requires for the making of the transmission; and
 - (d) may be modified or withdrawn at any time by a notice given to that person in such manner as he may require.
- (8) An indication, requirement or determination given, imposed or made by OFCOM for the purposes of this section is to be given, imposed or made by being published in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.
- (9) Section 112(8) applies for the purposes of this section as it applies for the purposes of section 112.

114 Timing and location of things done electronically

- (1) The Secretary of State may by order make provision specifying, for the purposes of this Act, the manner of determining—
 - (a) the times at which things done under this Act by means of electronic communications networks are done; and
 - (b) the places at which such things are so done, and at which things transmitted by means of such networks are received.
- (2) The provision made by subsection (1) may include provision as to the country or territory in which an electronic address is to be treated as located.
- (3) An order made by the Secretary of State may also make provision about the manner of proving in any legal proceedings—
 - (a) that something done by means of an electronic communications network satisfies the requirements of this Act for the doing of that thing; and
 - (b) the matters mentioned in subsection (1)(a) and (b).
- (4) An order under this section may provide for such presumptions to apply (whether conclusive or not) as the Secretary of State considers appropriate.

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