

# LEGISLATION (WALES) ACT 2019

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Interpretation and Operation of Welsh Legislation**

##### ***Section 13 – Service of documents by post or electronically***

82. **Section 13** contains basic provisions about the service of documents by post and electronically. It does not itself authorise or require any type of document to be served using postal services or electronic communications. It applies only where an Assembly Act or a Welsh subordinate instrument provides for service by either or both of those methods. It is for individual Acts and instruments to determine whether those methods of service, or any others, are permitted in particular contexts.
83. **Section 13(1)** will apply wherever an Assembly Act or Welsh subordinate instrument provides that a document may or must be served (or given or sent etc.) by post. It means that, if the person who is to serve the document takes certain steps, the person will be regarded as having served the document.
84. Subsection (1) requires the sender to “properly address” the letter containing the document. This is intended to mean that the postal address of the intended recipient appears correctly on the letter. If it is necessary to specify which of a recipient’s addresses can be used, for example in relation to a company with multiple offices, it will be for the relevant Act or instrument to make provision about that issue.
85. Subsection (2) takes a similar approach to subsection (1), but in relation to service of documents using methods of electronic communication. It will only apply where an Assembly Act or Welsh subordinate instrument provides that a document may or must be sent electronically. This will include sending documents by email, fax or any other method of electronic communication.
86. The concept of “properly addressing” an electronic communication in subsection (2)(a) is intended to require the sender to make sure that the email, fax or other communication is sent to an email address, fax number or other electronic address which is valid and which the recipient can be reasonably expected to access, and that the address has been entered accurately. If additional requirements are wanted in particular cases, such as prior consent for service by electronic communications, they will need to be set out in the relevant Act or instrument.
87. Subsection (2)(a) allows for the attachment of documents to an electronic communication, as well as for the electronic communication itself to be the document which is being served. It is not intended to allow service to be effected electronically by sending someone a link to a document hosted on the internet, which the recipient must then take further steps to access.
88. **Section 13** has effect except to the extent that express provision is made to the contrary or the context requires otherwise. It (together with section 14) corresponds to section 7 of the 1978 Act.