

SCHEDULE 1
PROTECTION OF THE INDIVIDUAL

PART 5

BANKRUPTCY

Electronic service of documents

- 8 (1) The Interpretation and Legislative Reform (Scotland) Act 2010, in so far as it applies where the service of a document is authorised or required by or under the Bankruptcy (Scotland) Act 2016, applies in accordance with the modifications in this paragraph.
- (2) Section 26 (service of documents) has effect as if—
- (a) in subsection (2), for paragraph (c) there were substituted—
“*(c) by being transmitted to the person electronically.*”,
 - (b) subsection (3) were repealed,
 - (c) for subsection (6) there were substituted—
“*(6) For the purposes of subsection (2)(c)—*
 - (a) electronic transmission of a document must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,
 - (b) the recipient’s indication of willingness to receive a document in a particular way may be—
 - (i) specific to the document in question or generally applicable to documents of that kind,
 - (ii) expressed specifically to the sender or generally (for example on a website),
 - (iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,
 - (c) the sender’s uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document.”.