



## 2011 CHAPTER 25

### **Part 14**

#### Miscellaneous and general provisions

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#### **Service of notices and documents**

**239.**—(1) Without prejudice to section 24(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33), any notice or other document required or authorised to be served on or sent or given to any person under the provisions of this Act may be served, sent or given, in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (2), to that person at that address (subject to subsection (3)).

(2) The condition mentioned in subsection (1) is that the notice or other document is—

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

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(3) Subsection (1) does not apply to—

- (a) service of a copy of a notice under section 43(4);

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*Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 239. (See end of Document for details)*

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- (b) service of a building preservation notice under section 81;
- (c) giving of notice of the making of a tree preservation order or the service of a copy of such an order, in accordance with regulations under section 122;
- (d) service of a planning contravention notice under section 133;
- (e) service of a temporary stop notice under section 135;
- (f) service of a copy of an enforcement notice under section 138 or 139;
- (g) the variation or withdrawal of an enforcement notice under section 141 or 142;
- (h) service under section 149(4) of a notice of a council's intention to take steps required by an enforcement notice;
- (i) service of a stop notice, or notice of withdrawal of a stop notice, under section 150 or 151;
- (j) service of a breach of condition notice under section 152;
- (k) service of a notice under section 153 or 154;
- (l) service of a copy of a listed building enforcement notice, or notice of variation or withdrawal of a listed building enforcement notice under section 157 or 158;
- (m) service of a copy of a hazardous substances contravention notice, or notice of withdrawal of a hazardous substances contravention notice under section 162;
- (n) service of a copy of a notice varying a hazardous substances contravention notice under section 163;
- (o) service of a notice under section 240 requiring information as to estates in land.

(4) Where a person uses electronic communications to transmit any notice or other document for any purpose of this Act which is capable of being carried out electronically that person shall be taken to have agreed, except where a contrary intention appears, to the use of such communications and that his or her address for that purpose is the address incorporated into, or otherwise logically associated with the notice or document.

(5) Where a person is no longer willing to accept the use of electronic communications for any purpose of this Act which is capable of being carried out electronically, he or she must give notice in writing—

- (a) withdrawing any address notified to the council, the Department [<sup>F1</sup>for Communities, the Department for Infrastructure] or the planning appeals commission for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the council, the Department [<sup>F2</sup>for Communities, the Department for Infrastructure] or the planning appeals commission for that purpose,

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and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.

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**Textual Amendments**

- F1** Words in s. 239(5)(a) inserted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 83(a)** (with art. 9(2))
- F2** Words in s. 239(5)(b) inserted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 83(b)** (with art. 9(2))

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**Commencement Information**

- I1** S. 239 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 239 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 239.