

SCHEDULE 4

Article 9

Amendment of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992

1.—(1) Regulation 2 (interpretation) shall be amended as follows.

(2) In paragraph (1), after the definition of “Department”, there shall be inserted the following definition—

““electronic communication” has the meaning assigned to it by section 4 of the Electronic Communications Act (Northern Ireland) 2001.”.

(3) After paragraph (3) there shall be inserted—

“(4) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being carried out—

- (a) the expression “address” includes any number or address used for the purpose of such communications;
- (b) references to forms, plans, notices or other documents or to copies of such things include references to such documents or copies of them in electronic form.

(5) Paragraphs (6) to (10) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(6) The requirement shall (except in a case referred to in paragraph (7)) be taken to be fulfilled where the notice or other document transmitted by means of electronic communication is—

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

(7) The cases are—

- (a) serving notice under regulation 6(3);
- (b) serving notice requiring application for express consent under regulation 11.

(8) In paragraph (6), “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 sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday or a public holiday.

(10) A requirement in these Regulations that any application, notice or other document should be in writing is fulfilled where the document meets the criteria in paragraph (6), and “written” and cognate expressions are to be construed accordingly.”.

2. In regulation 6 (2) (directions restricting deemed consent) after the word “locality”, where it first appears, there shall be inserted “and, where the Department maintains a website for the purpose of advertisement, by publication of the notice on the website”.

3. After regulation 14 (compensation for revocation or modification of consents), there shall be inserted—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Use of electronic communications

14A.—(1) Paragraphs (2) and (3) apply where a person uses electronic communications for any of the following purposes—

- (a) making an application for express consent under regulation 7;
- (b) serving notice of appeal to the planning appeals commission under regulations 11 or 12;
- (c) making a claim for compensation under regulation 14;
- (d) giving notice to the Department under a deemed consent under Part 1 of Schedule 3 which is subject to a condition to give such a notice.

(2) In a case to which this paragraph applies, and except where a contrary intention appears, the person making the application, claim or giving or serving notice shall be taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to the application, appeal, claim or notice (as the case may be) which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application, appeal, claim or notice;
- (c) that the person’s deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement and such withdrawal or revocation shall be final and shall take effect on a date specified by him in the notice but not less than seven days after the date on which the notice is given.

(3) The requirement in regulation 7(3)(b) that an application for express consent to display advertisements shall be accompanied by a plan sufficient to identify the site is satisfied where the applicant identifies the site on an electronic map provided by the Department and for this purpose a map is taken to be provided where the Department has published it on its website.”.