
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 360

The Asset Transfer Request (Appeal Where No Contract Concluded) (Scotland) Regulations 2016

PART 6

General

Further copies of documents etc.

17.—(1) The Scottish Ministers may require any person who has submitted documents, materials or evidence under these Regulations in connection with an appeal or application to—

- (a) provide to the Scottish Ministers such number of additional copies of such of those documents, materials or evidence as the Scottish Ministers may specify;
- (b) provide to such other persons as the Scottish Ministers may specify such copies or additional copies of any document, materials or evidence as the Scottish Ministers may specify.

Contact address

18.—(1) In relation to an appeal or application to which these Regulations apply, the “contact address” is the address (including any address for the purposes of electronic communication within the meaning of regulation 19) to which the community transfer body making that request wishes any document relating to the appeal or application, as the case may be, to be sent.

(2) The contact address is as stated in the notice of appeal or application, as the case may be, unless the community transfer body has subsequently informed the Scottish Ministers of a change to the contact address, in which case the contact address is the address most recently provided to the Scottish Ministers by the community transfer body as the contact address.

Electronic communication

19.—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communication and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient agrees, or is deemed to have agreed under paragraph (3), to receive it electronically; and
- (b) the document transmitted by electronic communication is—
 - (i) capable of being accessed by the recipient;
 - (ii) legible in all material respects; and
 - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communication is to be taken to have agreed—

- (a) to the use of such communication for all purposes relating to the appeal or application which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communication is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communication or of revocation of agreement under paragraph (4) takes effect on the later of—

- (a) the date specified by the person in the notice; or
- (b) the date of expiry of the period of 5 working days beginning with the date on which the notice is given.

(6) In this regulation—

“address” includes any number or address used for the purpose of such communication or storage;

“document” includes any notice, consent, agreement, decision, representation, statement, report or other information or communication;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽¹⁾;

“legible in all material respects” means that the information contained in the 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; and

“sent” includes served, submitted or given and cognate expressions are to be construed accordingly.

(1) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), schedule 17, paragraph 158.