



Electricity Act 1989

1989 CHAPTER 29

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

109 Service of documents.

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body; or
 - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

Status: Point in time view as at 01/08/2021.

Changes to legislation: Electricity Act 1989, Section 109 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.
- (4) If the name or address of any owner or occupier of land on whom by virtue of this Act any document is to be served cannot after reasonable inquiry be ascertained, the document may be served by—
- (a) addressing it to him by the description of “owner” or “occupier” of the land (describing it); and
 - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- [^{F1}(4A) In the case of any document required or authorised by virtue of this Act to be served on any person by the Authority or the Secretary of State, that document may also be served by electronic means if the conditions in subsection (4B) are met.
- (4B) The conditions in this subsection are that—
- (a) the person on whom the document is to be served has indicated to the Authority or the Secretary of State (as the case may be) the person’s willingness to receive by electronic means documents of that description (and has not withdrawn that indication); and
 - (b) the document is sent to the number or address most recently specified by the person for that purpose.
- (4C) An indication for the purposes of subsection (4B)—
- (a) must be given in such manner and include such information as the Authority or the Secretary of State (as the case may be) directs; and
 - (b) may be withdrawn by an indication given in such manner as the Authority or the Secretary of State (as the case may be) directs.
- (4D) Withdrawal of an indication given for the purposes of subsection (4B) takes effect at the beginning of the fifth working day after the day on which the Authority or the Secretary of State (as the case may be) receives the indication withdrawing it.
- (4E) A document which is served in accordance with subsection (4A) is to be treated as having been served on the next working day after the day on which it is sent.]
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.
- [^{F2}(6) In this section—
- “secretary”, in relation to a local authority within the meaning of the Local Government Act 1972 or the Local Government (Scotland) Act 1973, means the proper officer within the meaning of that Act;
- “working day” means any day other than—
- (a) Saturday or Sunday;
 - (b) Christmas Day or Good Friday;
 - (c) a day which is a bank holiday in England and Wales or Scotland under the Banking and Financial Dealings Act 1971.]

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Textual Amendments

- F1** S. 109(4A)-(4E) inserted (1.8.2021) by [The Gas Act 1986 and Electricity Act 1989 \(Electronic Communications\) Order 2021 \(S.I. 2021/789\)](#), arts. 1(2), **3(2)**
- F2** S. 109(6) substituted (1.8.2021) by [The Gas Act 1986 and Electricity Act 1989 \(Electronic Communications\) Order 2021 \(S.I. 2021/789\)](#), arts. 1(2), **3(3)**
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Marginal Citations

- M1** 1978 c. 30.

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