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STATUTORY INSTRUMENTS

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**2000 No. 3373**

**The Companies Act 1985 (Electronic Communications) Order 2000**

**Electronic transmission of accounts and annual reports**

**12.**—(1) Section 238 of the 1985 Act (persons entitled to receive copies of accounts and reports) **(1)** is amended as follows.

(2) After subsection (4), insert the following subsections—

“(4A) References in this section to sending to any person copies of a company’s annual accounts, of the directors’ report and of the auditors’ report include references to using electronic communications for sending copies of those documents to such address as may for the time being be notified to the company by that person for that purpose.

(4B) For the purposes of this section copies of those documents are also to be treated as sent to a person where—

- (a) the company and that person have agreed to his having access to the documents on a web site (instead of their being sent to him);
- (b) the documents are documents to which that agreement applies; and
- (c) that person is notified, in a manner for the time being agreed for the purpose between him and the company, of—
  - (i) the publication of the documents on a web site;
  - (ii) the address of that web site; and
  - (iii) the place on that web site where the documents may be accessed, and how they may be accessed.

(4C) For the purposes of this section documents treated in accordance with subsection (4B) as sent to any person are to be treated as sent to him not less than 21 days before the date of a meeting if, and only if—

- (a) the documents are published on the web site throughout a period beginning at least 21 days before the date of the meeting and ending with the conclusion of the meeting; and
- (b) the notification given for the purposes of paragraph (c) of that subsection is given not less than 21 days before the date of the meeting.

(4D) Nothing in subsection (4C) shall invalidate the proceedings of a meeting where—

- (a) any documents that are required to be published as mentioned in paragraph (a) of that subsection are published for a part, but not all, of the period mentioned in that paragraph; and
- (b) the failure to publish those documents throughout that period is wholly attributable to circumstances which it would not be reasonable to have expected the company to prevent or avoid.

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

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(4E) A company may, notwithstanding any provision to the contrary in its articles, take advantage of any of subsections (4A) to (4D).”