
STATUTORY INSTRUMENTS

2003 No. 404

**The Building Societies Act 1986
(Electronic Communications) Order 2003**

Declarations where electronic communications are used in the appointment of proxies or in the conduct of ballots

19.—(1) In Schedule 2 to the 1986 Act, paragraph 34 (declarations to be made in proxy and ballot forms) is amended as follows.

(2) After sub-paragraph (2) insert—

“(2A) Where an appointment of a proxy is contained in an electronic communication sent in accordance with paragraph 24(1A)(b), the requirements of sub-paragraph (2) above are satisfied only if—

- (a) the appointment incorporates the terms of the declaration required by that subparagraph; and
- (b) the authenticity and integrity of the appointment is established (whether by an electronic signature or otherwise) in such manner as may have been agreed between the member and the society.

(2B) Where a member voting in a postal ballot returns a completed voting paper electronically as mentioned in sub-paragraph (6E)(b) of paragraph 33 above, the requirements of sub-paragraph (2) above are satisfied only if—

- (a) the voting paper incorporates the terms of the declaration required by that subparagraph; and
- (b) the authenticity and integrity of the completed paper is established (whether by electronic signature or otherwise) in such manner as may have been agreed between the member and the society.

(2C) Where a member registers a vote on a web site in accordance with sub-paragraph (8)(b) of paragraph 33A above, the requirements of sub-paragraph (2) above are satisfied only if—

- (a) at the place on the web site where the voting facility is accessed, the member has confirmed the terms of the declaration specified by that subparagraph; and
- (b) the authenticity and integrity of the member’s vote is established (whether by electronic signature or otherwise) in such a manner as may have been agreed between the member and the society.”.

(3) After sub-paragraph (3) insert—

“(3A) A building society shall ensure that—

- (a) every voting paper sent by it to a member by means of an electronic communication incorporates a declaration in accordance with sub-paragraph (2) above, and
- (b) every voting facility provided by it on a web site is accompanied by such a declaration,

Status: This is the original version (as it was originally made).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

- for completion or confirmation by the member purporting to exercise his right to vote.”.
- (4) In sub-paragraph (5), before the definition of “qualifying shareholding” insert—
- ““authenticity” and “integrity”, with reference to an electronic communication, must be construed in accordance with section 15(2) of the Electronic Communications Act 2000⁽¹⁾;
- “electronic signature” has the same meaning as in section 7(2) of that Act;”.

⁽¹⁾ 2000 c. 7.