

## SCHEDULE 3

Regulation 5

### Consequential Amendments

#### **Electronic Communications Act 2000**

1.—(1) The Electronic Communications Act 2000<sup>(1)</sup> is amended as set out below.

(2) In section 7(2)(b), for paragraph (b) substitute—

“(b) purports to be used by the individual creating it to sign.”

(3) In section 7(3), for the words “establishing the authenticity of the communication or data, the integrity of the communication or data, or both”, substitute “signing”.

(4) After section 7, insert—

#### **“7A Electronic seals and related certificates**

(1) In any legal proceedings—

- (a) an electronic seal incorporated into or logically associated with a particular electronic communication or particular electronic data, and
- (b) the certification by any person of such a seal,

shall each be admissible in evidence in relation to any question as to the authenticity of the communication or data, the integrity of the communication or data, or both.

(2) For the purposes of this section an electronic seal is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with electronic communication or electronic data; and
- (b) purports to ensure the origin and integrity of the communication or data.

(3) For the purposes of this section an electronic seal incorporated into or associated with a particular electronic communication or particular electronic data is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the seal,
- (b) a means of producing, communicating or verifying the seal, or
- (c) a procedure applied to the seal,

is (either alone or in combination with other factors) a valid means of ensuring the origin of the communication or data, the integrity of the communication or data, or both.

#### **7B Electronic time stamps and related certificates**

(1) In any legal proceedings—

- (a) an electronic time stamp incorporated into or logically associated with a particular electronic communication or particular electronic data, and
- (b) the certification by any person of such a time stamp,

shall each be admissible in evidence in relation to any question as to whether the communication or data existed at the time the electronic time stamp was incorporated into or logically associated with such communication or data.

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(1) 2000 c.7.

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(2) For the purposes of this section an electronic time stamp is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
- (b) purports to bind electronic communication or electronic data to a particular time establishing evidence that such data existed at that time.

(3) For the purposes of this section an electronic time stamp incorporated into or associated with a particular electronic communication or particular electronic data is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the time stamp,
- (b) a means of producing, communicating or verifying the time stamp, or
- (c) a procedure applied to the time stamp,

is (either alone or in combination with other factors) a valid means of establishing whether the communication or data existed at a particular point in time.

#### **7C Electronic documents and related certificates**

(1) In any legal proceedings an electronic document shall be admissible in evidence in relation to any question as to the authenticity of an electronic transaction.

(2) For the purposes of this section an electronic document is anything stored in electronic form, including text or sound, and visual or audiovisual recording.

#### **7D Electronic registered delivery service and related certificates**

(1) In any legal proceedings, any electronic communication or electronic data sent and received using an electronic registered delivery service shall be admissible in evidence.

(2) For the purposes of this section an electronic registered delivery service is a service which—

- (a) provides for the transmission of data between third parties by electronic means;
- (b) provides evidence relating to the handling of the transmitted data, including proof of sending and receiving the data; and
- (c) protects transmitted data against the risk of loss, theft, damage or unauthorised alterations.”.

### **Medicines for Human Use (Clinical Trials) Regulations 2004**

**2.** In regulation 2(1) (interpretation) of the Medicines for Human Use (Clinical Trials) Regulations 2004(2)—

- (a) for the definition “electronic signature”, substitute—

““electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;
- (b) after the definition of “serious adverse event”, insert—

““signatory” means a natural person who creates an electronic signature;”.

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(2) [S.I. 2004/1031](#), to which there are amendments not relevant to these Regulations.

### **National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004**

3. In regulation 2(1) (interpretation) of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004(3) for the definition of “advanced electronic signature”, substitute—

““advanced electronic signature” means an advanced electronic signature within the meaning given in Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market(4);”.

### **National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004**

4. In regulation 2 (interpretation) of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004(5) for the definition of “advanced electronic signature”, substitute—

““advanced electronic signature” means an advanced electronic signature within the meaning given in Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.

### **Hazardous Waste (Wales) Regulations 2005**

5. In the Hazardous Waste (Wales) Regulations 2005(6)—

(a) in the Welsh language text, for regulation 5(3)(ch) (general interpretation) substitute—

“mae i “llofnod electronig” yr ystyr a roddir i “electronic signature” yn Erthygl 3(10) o Reoliad (EU) Rhif 910/2014 Senedd Ewrop a’r Cyngor ar adnabod electronig a gwasanaethau ymddiried ar gyfer trafodiadau electronig yn y farchnad fewnol.”; and

(b) in the English language text, for regulation 5(3)(d) (general interpretation) substitute—

““electronic signature” (“*llofnod electronig*”) has the meaning given in Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market.”.

### **Producer Responsibility Obligations (Packaging Waste) Regulations 2007**

6. In regulation 2 (interpretation and notices) of the Producer Responsibility Obligations (Packaging Waste) Regulations 2007(7)—

(a) in regulation 2(2), after the definition “SIC code”, insert the definition—

““signatory” means a natural person who creates an electronic signature;”; and

(b) in regulation 2(5)(d) for the definition “electronic signature”, substitute—

““electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;

(3) S.S.I 2004/115, amended by S.S.I. 2007/206; there are other amending instruments but none is relevant.

(4) OJ No L 257, 28.8.14, p73.

(5) S.S.I 2004/116, amended by S.S.I 2007/205; there are other amending instruments but none is relevant.

(6) S.I. 2005/1806 (W.138). The Regulations are made in Welsh and English. By virtue of section 156(1) of the Government of Wales Act 2006 (c.32) the English and Welsh texts are to be treated for all purposes as being of equal standing. The title of the Regulations in Welsh is Rheoliadau Gwastraff Peryglus (Cymru) 2005.

(7) S.I. 2007/871, amended by S.I. 2010/2849; there are other amending instruments but none is relevant.

## Defence and Security Public Contracts Regulations 2011

7. In regulation 49(6)(a) (means of communication) of the Defence and Security Public Contracts Regulations 2011(8), for the words “[Directive 1999/93/EC](#) of the European Parliament and the Council of 13th December 1999 on a Community framework for electronic signatures”, substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”.

## Human Medicines Regulations 2012

8.—(1) In regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012(9), after the definition “electronic communication”, insert—

““electronic signature” has the meaning given within Article 3(10) of Regulation (EU) 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.

(2) In regulation 219(5) (electronic prescriptions) of the Human Medicines Regulations 2012, for the definition of “advanced electronic signature”, substitute—

““advanced electronic signature” has the meaning given within Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.

## National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013

9. In regulation 2(1) (interpretation) of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013(10)—

(a) for the definition of “advanced electronic signature”, substitute—

““advanced electronic signature” means an electronic signature which meets the following requirements—

- (a) it is uniquely linked to the signatory;
- (b) it is capable of identifying the signatory;
- (c) it is created using electronic signature creation data that the signatory can, with a high level of confidence, use under the signatory’s sole control; and
- (d) it is linked to the data signed in such a way that any subsequent change in the data is detectable;”;

(b) after the definition “electronic repeatable prescription”, insert—

““electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;

“electronic signature creation data” means unique data which is used by the signatory to create an electronic signature;”;

(c) after the definition “scheme premises” insert—

““signatory” means a natural person who creates an electronic signature;”.

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(8) [S.I. 2011/1848](#), to which there are amendments not relevant to these Regulations.

(9) [S.I. 2012/1916](#); amended by [S.I. 2015/903](#); there are other amending instruments but none is relevant.

(10) [S.I. 2013/349](#), to which there are amendments not relevant to these Regulations.

### **National Health Service (Pharmaceutical Services) (Wales) Regulations 2013**

**10.** In the National Health Service (Pharmaceutical Service) (Wales) Regulations 2013(**11**)—

- (a) in the English language text, in regulation 2(1) (interpretation), for the definition “advanced electronic signature”, substitute—

““advanced electronic signature” means an advanced electronic signature as defined in Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”; and

- (b) in the Welsh language text, in regulation 2(1) (Dehongli), for the definition “llofnod electronig uwch”, substitute—

“ystyr “llofnod electronig uwch” yw llofnod electronig uwch fel y’i diffinir yn Erthygl 3(11) o Reoliad (EU) Rhif 910/2014 Senedd Ewrop a’r Cyngor ar adnabod electronig a gwasanaethau ymddiried ar gyfer trafodiadau electronig yn y farchnad fewnol;”.

### **Reservoirs Act 1975 (Capacity, Registration, Prescribed Forms, etc.) (England) Regulations 2013**

**11.** In regulation 2(2)(e) (interpretation) of the Reservoirs Act 1975 (Capacity, Registration, Prescribed Forms, etc.) (England) Regulations 2013(**12**), for the definition “electronic signature”, substitute—

““electronic signature” has the meaning given within Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market.”.

### **Electronic Documents (Scotland) Regulations 2014**

**12.**—(1) In regulation 1(2) (citation, commencement and interpretation) of the Electronic Documents (Scotland) Regulations 2014(**13**)—

- (a) omit the definition “the 2002 Regulations”;
- (b) for the definition “advanced electronic signature”, substitute—

““advanced electronic signature” means an advanced electronic signature within the meaning given in Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”; and

- (c) for the definition “signature-creation data”, substitute—

““electronic signature creation data” has the meaning given in Article 3(13) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.

(2) For regulation 3(b) (requirements of self-proving electronic document) of the Electronic Documents (Scotland) Regulations 2014, substitute—

- “(b) certified by a qualified certificate for electronic signature as defined in Article 3(15) of Regulation (EU) No 910/2014 of the European Parliament and of the Council

(11) [S.I. 2013/898 \(W.102\)](#). The Regulations are made in Welsh and English. By virtue of section 156(1) of the Government of Wales Act 2006 (c.32) the English and Welsh texts are to be treated for all purposes as being of equal standing. The title of the Regulations in Welsh is Rheoliadau’r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) (Cymru) 2013.

(12) [S.I. 2013/1677](#).

(13) [S.S.I. 2014/83](#), as amended by [S.S.I. 2014/347](#); there are other amending instruments but none is relevant.

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on electronic identification and trust services for electronic transactions in the internal market.”.

(3) In regulation 6 (registration of electronic documents in the Land Register) of the Electronic Documents (Scotland) Regulations 2014—

(a) in sub-paragraph (b), from the words “created by” to the end, substitute—

“(i) created by electronic signature creation data associated with a digital certificate supplied by the Keeper in accordance with paragraph (c); or

(ii) certified by a qualified certificate for electronic signature as defined in Article 3(15) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;

(b) at the beginning of sub-paragraph (c), insert “in the case of an electronic signature under paragraph (b)(i),”.

### **European Union (Recognition of Professional Qualifications) Regulations 2015**

13. In regulation 5(8) (functions of competent authorities in the United Kingdom) of the European Union (Recognition of Professional Qualifications) Regulations 2015(14)—

(a) for “advance electronic signatures under Article 2.2 of [Directive 1999/93/EC](#) on a Community framework for electronic signatures”, substitute “advanced electronic signatures under Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”; and

(b) for “[Decision 2009/76/EC](#)”, substitute, “[Decision 2009/767/EC](#)(15)”.

### **National Health Service (Charges for Drugs and Appliances) Regulations 2015**

14. In regulation 2(1) (interpretation) of the National Health Service (Charges for Drugs and Appliances) Regulations 2015(16)—

(a) in the definition of “advanced electronic signature”, for the words “created using means that a signatory can maintain under their sole control”, substitute “created using electronic signature creation data that the signatory can, with a high level of confidence, use under the signatory’s sole control;”;

(b) after the definition of “electronic signature”, insert—

““electronic signature creation data” means unique data which is used by the signatory to create an electronic signature;”;

(c) after the definition “repeatable prescription”, insert—

““signatory” means a natural person who creates an electronic signature;”.

### **National Health Service (General Medical Services Contracts) Regulations 2015**

15.—(1) In regulation 3 (interpretation) of the National Health Service (General Medical Services Contracts) Regulations 2015(17)—

(a) for the definition of “advanced electronic signature”, substitute—

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(14) [S.I. 2015/2059](#).

(15) OJ No L 274, 20.10.2009, p36.

(16) [S.I. 2015/570](#).

(17) [S.I. 2015/1862](#).

““advanced electronic signature” means an electronic signature which meets the following requirements—

- (a) it is uniquely linked to the signatory;
- (b) it is capable of identifying the signatory;
- (c) it is created using electronic signature creation data that the signatory can, with a high level of confidence, use under the signatory’s sole control; and
- (d) it is linked to the data signed in such a way that any subsequent change in the data is detectable;”;

(b) after the definition “electronic repeatable prescription”, insert—

““electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;

“electronic signature creation data” means unique data which is used by the signatory to create an electronic signature;”;

(c) after the definition “service provider” insert—

““signatory” means a natural person who creates an electronic signature;”.

### **National Health Service (Personal Medical Services Agreements) Regulations 2015**

**16.** In regulation 3 (interpretation) of the National Health Service (Personal Medical Services Agreements) Regulations 2015(**18**)—

(a) for the definition of “advanced electronic signature”, substitute—

““advanced electronic signature” means an electronic signature which meets the following requirements—

- (a) it is uniquely linked to the signatory;
- (b) it is capable of identifying the signatory;
- (c) it is created using electronic signature creation data that the signatory can, with a high level of confidence, use under the signatory’s sole control; and
- (d) it is linked to the data signed in such a way that any subsequent change in the data is detectable;”;

(b) after the definition “electronic repeatable prescription”, insert—

““electronic signature” means data in electronic form which is attached to or logically associated with other data in electronic form and which is used by the signatory to sign;

“electronic signature creation data” means unique data which is used by the signatory to create an electronic signature;”;

(c) after the definition “Scheduled drug”, insert—

““signatory” means a natural person who creates an electronic signature;”.

### **Public Contracts Regulations 2015**

**17.**—(1) The Public Contracts Regulations 2015(**19**) are amended as set out below.

(2) In regulation 2(1) (definitions)—

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(18) S.I. 2015/1879.

(19) S.I. 2015/102, amended by S.I. 2015/1472.

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- (a) after the definition of “economic operator”, insert—
    - ““electronic document” has the meaning given in Article 3(35) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;
  - (b) after the definition of “electronic means”, insert—
    - ““electronic signature” has the meaning given in Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;
    - and
  - (c) after the definition of “public works contracts”, insert—
    - ““qualified certificate for electronic signature” has the meaning given in Article 3(15) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.
- (3) In regulation 22(17)(c) (rules applicable to communication: technical requirements for tools and devices)—
- (a) for the words “[Directive 1999/93/EC](#) of the European Parliament and of the Council”, substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”; and
  - (b) for the words “qualified certificate”, wherever they occur, substitute “qualified certificate for electronic signature”.

### **Public Contracts (Scotland) Regulations 2015**

**18.** In regulation 23(19) (rules applicable to communication) of the Public Contracts (Scotland) Regulations 2015(**20**), for “[Directive 1999/93/EC](#) of the European Parliament and of the Council on a Community framework for electronic signatures”, substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”.

### **Concession Contracts (Scotland) Regulations 2016**

**19.**—(1) In regulation 32(18) (rules applicable to communication) of the Concession Contracts (Scotland) Regulations 2016(**21**), for “[Directive 1999/93/EC](#) of the European Parliament and of the Council on a Community framework for Electronic signatures”, substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”.

### **Utilities Contracts Regulations 2016**

- 20.**—(1) The Utilities Contracts Regulations 2016(**22**) are amended as set out below.
- (2) In regulation 2(1) (definitions)—
    - (a) after the definition of “economic operator”, insert—

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(20) [S.S.I. 2015/446](#).

(21) [S.S.I. 2016/65](#); amended by [S.S.I. 2016/125](#).

(22) [S.I. 2016/274](#).



- ““electronic document” has the meaning given in Article 3(35) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;
- (b) after the definition of “electronic means”, insert—
- ““electronic signature” has the meaning given in Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;
- and
- (c) after the definition of “Public Contracts Regulations”, insert—
- ““qualified certificate for electronic signature” has the meaning given in Article 3(15) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”.
- (3) In regulation 40(17)(c) (rules applicable to communication: technical etc. requirements for tools and devices)—
- (a) for the words “[Directive 1999/93/EC](#) of the European Parliament and of the Council”, substitute “Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market”; and
- (b) for the words “qualified certificate”, wherever they may occur, substitute “qualified certificate for electronic signature”.

### **Utilities Contracts (Scotland) Regulations 2016**

- 21.—**(1) The Utilities Contracts (Scotland) Regulations 2016(**23**) are amended as set out below.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “economic operator”, insert—
- ““eIDAS Regulation” means Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market;”;
- ““electronic document” has the meaning given in Article 3(35) of the eIDAS Regulation;”;
- (b) after the definition of “electronic means”, insert—
- ““electronic signature” has the meaning given in Article 3(10) of Regulation (EU) No 910/2014 of the eIDAS Regulation;”;
- and
- (c) after the definition of “Public Contracts (Scotland) Regulations”, insert—
- ““qualified certificate for electronic signature” has the meaning given in Article 3(15) of the eIDAS Regulation;”.
- (3) In regulation 38(18)(d) (rules applicable to communication), for the words “qualified certificate”, wherever they may occur, substitute “qualified certificate for electronic signature”.
- (4) In regulation 38(19) (rules applicable to communication), for “[Directive 1999/93/EC](#) of the European Parliament and of the Council on a Community framework for electronic signatures” substitute, “the eIDAS Regulation”.

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(23) [S.S.I. 2016/49](#).

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