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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2006 No.**

**The Electronic Communications (Scotland) Order 2006**

*Animals*

**Amendment to the Zoo Licensing Act 1981**

2. After section 19A (directions) of the Zoo Licensing Act 1981(1), insert–

**“Electronic communications**

**19B.**—(1) Subject to subsection (2), any reference in this Act to any document, notice, notification or statement in writing shall include a reference to that document, notice, notification or statement being an electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.

(2) Any notice which a local authority requires to send may be given to or served on a person by such an electronic communication only if–

- (a) the person consents in writing to the receipt of a notice of the kind in question from the sender by electronic communication sent to a specified number or address; and
- (b) the communication is sent to the number or address in question.

(3) In any legal proceedings, an electronic communication sent to any person under this Act shall, unless the contrary is proven, be regarded as having been received by that person on the second working day after the day on which it was sent.

(4) In subsection (3), “working day” means a day which is not–

- (a) a Saturday;
- (b) a Sunday;
- (c) Christmas Eve;
- (d) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 (c. 80);
- (e) a day appointed for public thanksgiving or mourning; or
- (f) a day which is a local or public holiday in the area in which the electronic communication is to be sent.”.

**Amendments to the Deer (Scotland) Act 1996**

3.—(1) The Deer (Scotland) Act 1996(2) is amended in accordance with paragraphs (2) to (8).

(2) After section 10(4) (emergency measures to prevent damage by deer), insert–

“(4A) For the purposes of subsections (2) and (4) above, a request or authorisation may be by electronic communication (as defined in section 15(1) of the Electronic

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(1) 1981 c. 37. Section 19A was inserted by S.S.I. 2003/174, regulation 25.

(2) 1996 c. 58.

Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.

(4B) Any request to a person under subsection (2) above may be made by such an electronic communication only if–

- (a) the person consents in writing to the receipt of a request of the kind in question from the sender by electronic communication sent to a specified number or address, and
- (b) the communication is sent to the number or address in question.”.

(3) In section 15 (power to enter on land)–

(a) after subsection (2), insert–

“(2A) For the purposes of subsections (1) and (2) above, an authorisation may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.”;

(b) in subsection (4), after “written document” insert–

“, or a copy of a record of authority in terms of subsection (2A) above,”.

(4) In section 16 (service of notices)–

(a) in subsection (1), after “post” insert–

“or, where subsection (1A) below applies, sent to him at a specified number or address”;

(b) after subsection (1) insert–

“(1A) Any notice for the purposes of sections 10(7) and (8), 15(2)(a) and 40(1) of this Act, may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.

(1B) Any notice to which subsection (1A) above applies may be given to or served on a person by such an electronic communication only if–

- (a) the person consents in writing to the receipt of a notice of the kind in question from the sender by electronic communication sent to a specified number or address, and
- (b) the communication is sent to the number or address in question.”.

(5) After section 26(2) (right of occupier in respect of deer causing serious damage to crops etc. on certain ground), insert–

“(2A) For the purposes of subsection (2)(d) above, an approval may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.”.

(6) In section 34 (records kept by venison dealers)–

(a) after subsection (2), insert–

“(2A) For the purposes of subsection (2) above, an authority may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.”.

(b) in subsection (3), after “written authority” insert–

“, or a copy of a record of authority in terms of subsection (2A) above,”.

(7) After section 37(2) (restrictions on granting of certain authorisations), insert–

“(2A) For the purposes of subsection (2) above, an authorisation may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.”.

(8) After section 40(2) (power of Commission to require return of number of deer killed), insert—

“(2A) For the purposes of subsection (2) above, a notice may be by electronic communication (as defined in section 15(1) of the Electronic Communications Act 2000 (c. 7)), which has been recorded and is consequently capable of being reproduced.

(2B) A notice may be served on a person by such an electronic communication only if—

- (a) the person consents in writing to the receipt of a notice of the kind in question from the sender by electronic communication sent to a specified number or address, and
- (b) the communication is sent to the number or address in question.”.