

**2004 No. 2521**

**EDUCATION, ENGLAND AND WALES**

**The Education Act 1996 (Electronic Communications) Order  
2004**

<i>Made</i>	- - - -	<i>22nd September 2004</i>
<i>Laid before Parliament</i>		<i>1st October 2004</i>
<i>Coming into force</i>		<i>1st January 2005</i>

The Secretary of State for Education and Skills, considering that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the powers conferred on him by sections 8 and 9 of the Electronic Communications Act 2000(a) hereby makes the following Order:

**Citation, commencement and application**

1. This Order may be cited as the Education Act 1996 (Electronic Communications) Order 2004 and shall come into force on 1<sup>st</sup> January 2005.
2. This Order applies to England and Wales.

**Amendment of section 572 of the Education Act 1996**

3. In section 572 of the Education Act 1996(b) (service of notices and other documents) at the end there is inserted –

“(2) But such a document may not be served or given in an electronic communication to a person as a parent unless —

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

(3) In subsection (2), “electronic communication” has the same meaning as in the Electronic Communications Act 2000.”

22nd September 2004

*David Miliband*  
Minister of State  
Department for Education and Skills

---

(a) 2000 c.7.

(b) 1996 c.56. Section 572 was amended by section 23(2) of the Anti-Social Behaviour Act 2003 c. 38.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order applies to England and Wales.

This Order facilitates the service of orders, notices, and other documents under the Education Act 1996 by electronic means.

Article 3 inserts two new subsections into section 572 of the Education Act 1996. The new subsection (2) specifies requirements, where documents are served or given by electronic means to parents, which have to be satisfied for the document to have been lawfully served or given. Consent to such delivery must be in writing.

Relevant parts of the following Acts are construed as one with the Education Act 1996 and therefore the provisions inserted by this Order apply to documents required or authorised to be served or given by the following Acts :

- the School Inspections Act 1996,
- the Education Act 1997,
- the School Standards and Framework Act 1998,
- the Education Act 2002.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E1315 10/2004 141315T 19585

ISBN 0-11-049868-2



9 780110 498683