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STATUTORY INSTRUMENTS

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**2004 No. 3236**

**The Consumer Credit Act 1974  
(Electronic Communications) Order 2004**

**Amendments to the Act**

2.—(1) The Act shall be amended as follows:

(2) In section 61 (signing of the agreement), in paragraph (b) of subsection (2) (unexecuted agreement to be sent to debtor or hirer by post for signature), for “by post” substitute “by an appropriate method”.

(3) In section 63(3) (duty to supply copy of executed agreement), for “by post” substitute “by an appropriate method”.

(4) In section 64 (duty to give notice of cancellation rights), for “by post”, in each place where it occurs, substitute “by an appropriate method”.

(5) For section 69(7) substitute—

“(7) Whether or not it is actually received by him, a notice of cancellation sent to a person shall be deemed to be served on him—

(a) in the case of a notice sent by post, at the time of posting, and

(b) in the case of a notice transmitted in the form of an electronic communication in accordance with section 176A(1), at the time of the transmission.”.

(6) In section 176 (service of documents), in subsection (2) (permitted methods of service), for “by post” substitute “by an appropriate method”.

(7) After section 176 insert—

**“Electronic transmission of documents**

**176A.**—(1) A document is transmitted in accordance with this subsection if—

(a) the person to whom it is transmitted agrees that it may be delivered to him by being transmitted to a particular electronic address in a particular electronic form,

(b) it is transmitted to that address in that form, and

(c) the form in which the document is transmitted is such that any information in the document which is addressed to the person to whom the document is transmitted is capable of being stored for future reference for an appropriate period in a way which allows the information to be reproduced without change.

(2) A document transmitted in accordance with subsection (1) shall, unless the contrary is proved, be treated for the purposes of this Act, except section 69, as having been delivered on the working day immediately following the day on which it is transmitted.

(3) In this section, “electronic address” includes any number or address used for the purposes of receiving electronic communications.”.

(8) In section 189 (definitions), in subsection (1), insert the following at the appropriate places—

““appropriate method” means—

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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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- (a) post, or
- (b) transmission in the form of an electronic communication in accordance with section 176A(1);”

““electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000 (c. 7)“”.

(9) In that subsection, in the definitions of the expressions “give” and “serve on” for “by post” substitute “by an appropriate method”.