
STATUTORY INSTRUMENTS

2008 No. 2334

The Building (Electronic Communications) Order 2008

Amendment of the Building Act 1984

2. After section 94 of the Building Act 1984(1) insert—

“Electronic service of documents

94A.—(1) This section applies where—

- (a) section 94 authorises the giving or serving of a document by its delivery to a particular person (“the recipient”), and
- (b) the document is of a kind mentioned in subsection (7).

(2) Transmission of the document to the recipient by means of an electronic communication has effect for the purposes of section 94 as delivery of the document to the recipient if, and only if, the conditions in subsection (3) are met.

(3) The conditions are—

- (a) that the recipient has stated a willingness to receive the document by means of an electronic communication,
- (b) that the statement has not been withdrawn, and
- (c) that the document was transmitted to an electronic address specified by the recipient.

(4) A statement may be limited to documents of a specified description.

(5) A statement may require a document to be in a specified electronic form.

(6) A statement may be modified or withdrawn—

- (a) in a case where the statement was made by being published, by publishing the modification or withdrawal in the same or in a similar manner;
- (b) in any other case, by giving a notice to the person to whom the statement was made.

(7) The documents are—

- (a) a notice under section 16(6), 47, 50(7) or (8), 51A, 51C, 52, 54 or paragraph 1(1) or 2(5) or (6) of Schedule 4;
- (b) a document containing plans or evidence which accompanies a notice under section 47(1), 51A(2) or 54(1);
- (c) a certificate under section 50(1), 51(1) or paragraph 2(1) or 3(1) of Schedule 4;
- (d) a combined notice and certificate under section 50(4) or paragraph 2(2) of Schedule 4.

(8) In this section—

Status: This is the original version (as it was originally made).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

“electronic address” includes any number or address used for the purposes of receiving electronic communications;

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000;

“specified” means specified in a statement made for the purposes of subsection (3) (a).”.