

SCHEDULE 3

Consequential Amendments

Electronic Communications Act 2000

- 1.—(1) The Electronic Communications Act 2000^{MI} 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.

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

Changes to legislation: There are currently no known outstanding effects for the The Electronic Identification and Trust Services for Electronic Transactions Regulations 2016, Paragraph 1. (See end of Document for details)

- (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.”.

Marginal Citations

M1 2000 c.7.

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