

## SCHEDULE 1

### Amendments to the 1964 Act

7.—(1) Section 48 (service of documents) is amended as follows.

(2) After subsection (1) insert—

“(1A) Any such document may also be given to or served on a person (the “recipient”) by means of an electronic communication but only if—

- (a) the recipient has given a written statement agreeing to accept service of the document by means of an electronic communication,
- (b) the statement has not been withdrawn, and
- (c) the document was transmitted in a specified electronic form to a specified electronic address.

(1B) For the purposes of subsection (1A)(c) “specified” means specified by the recipient in a written statement given for the purposes of paragraph (a) of that subsection.

(1C) A document given or served on a recipient in accordance with subsection (1A) must be in a form sufficiently permanent to be used for subsequent reference.

(1D) Where a document is given to or served on a recipient in accordance with subsection (1A), the document is deemed, unless the contrary is proved, to have been given to or served on the recipient at the time at which the electronic communication is transmitted.

(1E) But if the transmission is made outside the recipient’s normal business hours, the document is to be taken to have been given to or served on the recipient on the next working day.

(1F) A statement under subsection (1A) may be withdrawn by giving a written notice to the person to whom the statement was made.

(1G) A withdrawal under subsection (1F) takes effect on the later of—

- (a) the date specified by the person in the notice, and
- (b) the date which is fourteen days after the date on which the notice is given.”

(3) For subsection (2), substitute—

“(2) Any document required or authorised to be given to or served on a body corporate may be given to or served on the secretary or clerk of that body.”

(4) After subsection (4) insert—

“(5) Subsections (1) to (4) do not apply in relation to a document if—

- (a) it is required or authorised by Schedule 3 to be given to or served on a relevant authority, and
- (b) the authority, in exercise of a power in Schedule 3, has specified the form in which, or means by which, the document is to be given to or served on it.

(6) In this section —

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

“electronic communication” has the meaning given in section 15 of the Electronic Communications Act 2000;

“relevant authority” means—

- (a) the Secretary of State;

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

- (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
- “working day” means any day other than—
- (a) a Saturday or Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”