
STATUTORY INSTRUMENTS

2021 No. 789

**The Gas Act 1986 and Electricity Act 1989
(Electronic Communications) Order 2021**

Amendments to the Electricity Act 1989

3.—(1) Section 109 of the Electricity Act 1989⁽¹⁾ (service of documents) is amended as follows.

(2) After subsection (4) insert—

“(4A) In the case of any document required or authorised by virtue of this Act to be served on any person by the Authority⁽²⁾ or the Secretary of State, that document may also be served by electronic means if the conditions in subsection (4B) are met.

(4B) The conditions in this subsection are that—

- (a) the person on whom the document is to be served has indicated to the Authority or the Secretary of State (as the case may be) the person’s willingness to receive by electronic means documents of that description (and has not withdrawn that indication); and
- (b) the document is sent to the number or address most recently specified by the person for that purpose.

(4C) An indication for the purposes of subsection (4B)—

- (a) must be given in such manner and include such information as the Authority or the Secretary of State (as the case may be) directs; and
- (b) may be withdrawn by an indication given in such manner as the Authority or the Secretary of State (as the case may be) directs.

(4D) Withdrawal of an indication given for the purposes of subsection (4B) takes effect at the beginning of the fifth working day after the day on which the Authority or the Secretary of State (as the case may be) receives the indication withdrawing it.

(4E) A document which is served in accordance with subsection (4A) is to be treated as having been served on the next working day after the day on which it is sent.”

(3) For subsection (6) substitute—

“(6) In this section—

“secretary”, in relation to a local authority within the meaning of the Local Government Act 1972⁽³⁾ or the Local Government (Scotland) Act 1973⁽⁴⁾, means the proper officer within the meaning of that Act;

“working day” means any day other than—

- (a) Saturday or Sunday;
- (b) Christmas Day or Good Friday;

(1) 1989 c. 29.

(2) Section 111(1) of the Electricity Act 1989 defines “the Authority”.

(3) 1972 c. 70.

(4) 1973 c. 65.

Status: This is the original version (as it was originally made).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

- (c) a day which is a bank holiday in England and Wales or Scotland under the Banking and Financial Dealings Act 1971.”