



Legal Writings (Counterparts and Delivery) (Scotland) Act 2015

2015 asp 4

Delivery of traditional documents by electronic means

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- (1) This section applies where there is a requirement for delivery of a traditional document (whether or not a document executed in counterpart).
- (2) The requirement may be satisfied by delivery by electronic means of—
 - (a) a copy of the document, or
 - (b) a part of such a copy.
- (3) But the requirement may be satisfied by delivery of a part of such a copy only if the part—
 - (a) is sufficient in all the circumstances to show that it is part of the document, and
 - (b) is, or includes, the page on which the sender (or the person on whose behalf the sender has effected the delivery) has subscribed the document.
- (4) Delivery under subsection (2) must be by a means (and what is delivered must be in a form) which the intended recipient has agreed to accept (the “accepted method”), unless subsection (5) applies.
- (5) If—
 - (a) no accepted method has been agreed,
 - (b) there is uncertainty about the accepted method, or
 - (c) the accepted method is impracticable,delivery may be by such means (and in such form) as is reasonable in all the circumstances.
- (6) Although delivery by electronic means constitutes effective delivery in relation to a traditional document, what is received by that means is not to be treated as being the traditional document itself.
- (7) A traditional document, in relation to which delivery by electronic means has been effected, is to be held by the sender in accordance with whatever arrangements have

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been made by the sender and the recipient (or, if there is a number of recipients, have been made by the sender and the recipients as a group).

(8) Any reference in subsection (7) to a recipient is to be construed, in a case where a person takes delivery by virtue of section 2(1), as a reference to the parties who nominated that person.

(9) In this section, references to delivery by electronic means are to delivery—

- (a) by means of an electronic communications network (for example as an attachment to an e-mail),
- (b) by fax,
- (c) by means of a device on which the thing delivered is stored electronically (such as a disc, a memory stick or other removable or portable media), or
- (d) by other means but in a form which requires the use of electronic apparatus by the recipient to render the thing delivered intelligible.

(10) In this section—

“electronic communications network” has the meaning given by section 32 of the Communications Act 2003,

“traditional document” has the meaning given by section 1A of the 1995 Act.

Commencement Information

II S. 4 in force at 1.7.2015 by S.S.I. 2015/242, art. 2

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