



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 3

CIVIC LICENSING

Miscellaneous and general

83 Electronic communications under the 1982 Act

- (1) The 1982 Act is amended as follows.
- (2) In Schedule 1 (licensing: further provisions as to the general system)—
- (a) after paragraph 3(3), insert—

“(3A) Where a licensing authority have determined to accept objections and representations by means of an electronic communication under paragraph 16A, an objection or representation is made for the purpose of sub-paragraph (1) of this paragraph if it is sent—

- (a) to the authority by means of an electronic communication which complies with the determination, and
- (b) within the time specified in sub-paragraph (1).

- (3B) Sub-paragraph (3A) is without prejudice to sub-paragraph (3).”,
- (b) after paragraph 16 insert—

“Electronic communications

- 16A (1) A licensing authority may determine to accept—
- (a) applications for the grant or renewal of a licence under paragraph 1,
- (b) objections or representations under paragraph 3,
- (c) notifications of a change to a licence under paragraph 9,
- by means of an electronic communication.

Status: This is the original version (as it was originally enacted).

- (2) Where a licensing authority make a determination under sub-paragraph (1) they must—
- (a) specify in the determination—
 - (i) the form of electronic communication by which applications, objections, representations or notifications may be made or given,
 - (ii) the electronic address to be used for making or giving applications, objections, representations or notifications, and
 - (iii) any means of authentication (in addition to an electronic signature) that are acceptable, and
 - (b) publicise the determination as they consider appropriate.
- (3) In relation to an application, objection, representation or notification made or given by means of an electronic communication, any requirement of this Schedule for the application, objection, representation or notification—
- (a) to be in writing is satisfied if the communication is—
 - (i) in the form specified under sub-paragraph (2)(a)(i), and
 - (ii) sent to the address specified under sub-paragraph (2)(a)(ii),
 - (b) to be signed is satisfied if the communication includes an electronic signature or is authenticated by a means specified under sub-paragraph (2)(a)(iii).
- (4) A licensing authority may determine to—
- (a) give notices under paragraphs 5, 9, 10, 11 or 12, and
 - (b) give reasons under paragraph 17,
- by means of an electronic communication.
- (5) A licensing authority may only give a notice or reasons by means of an electronic communication if—
- (a) the person to whom the notice or reasons is or are to be given has agreed to receive notices and reasons by means of an electronic communication, and
 - (b) the communication is sent to an electronic address, and is in an electronic form, specified for that purpose by the person.
- (6) In relation to any notice or reasons given by means of an electronic communication, any requirement of this Schedule for the notice or reasons to be given in writing is satisfied if the communication is sent in accordance with sub-paragraph (5).
- (7) When a licensing authority gives a notice or reasons by means of an electronic communication then, unless the contrary is proved, it is to be treated as having been received by the person to whom it was sent on the second working day after the day on which it was sent.

Status: This is the original version (as it was originally enacted).

- (8) For the purposes of sub-paragraph (7), “working day” means a day which is not—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve or Christmas Day,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning, or
 - (e) a day which is a local or public holiday in the area in which the electronic communication is to be sent.
- (9) A licensing authority may make different determinations for different purposes including, in particular, for different types of licence.
- (10) In this Schedule—
- “electronic communication” is to be construed in accordance with section 15(1) of the Electronic Communications Act 2000,
 - “electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000.”.
- (3) In Schedule 2 (control of sex shops and sexual entertainment venues)—
- (a) after paragraph 8(4) insert—
 - “(4A) Where a local authority have determined to accept objections and representations by means of an electronic communication under paragraph 22A, an objection or representation is made for the purpose of sub-paragraph (2) of this paragraph if it is sent—
 - (a) to the authority by means of an electronic communication which complies with the determination, and
 - (b) within the time specified in sub-paragraph (2). - (4B) Sub-paragraph (4A) is without prejudice to sub-paragraph (4).”.
 - (b) after paragraph 22 insert—

“Electronic communications

- 22A (1) A local authority may determine to accept—
- (a) applications for the grant or renewal of a licence under this Schedule,
 - (b) objections or representations under paragraph 8,
 - (c) notifications of a change to a licence under paragraph 14,
- by means of an electronic communication.
- (2) Where a local authority make a determination under sub-paragraph (1) they must—
- (a) specify in the determination—
 - (i) the form of electronic communication by which applications, objections, representations or notifications may be made or given,

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- (ii) the electronic address to be used for making or giving applications, objections, representations or notifications, and
 - (iii) any means of authentication (in addition to an electronic signature) that are acceptable, and
 - (b) publicise the determination as they consider appropriate.
- (3) In relation to an application, objection, representation or notification made or given by means of an electronic communication, any requirement of this Schedule for the application, objection, representation or notification—
 - (a) to be in writing is satisfied if the communication is—
 - (i) in the form specified under sub-paragraph (2)(a)(i), and
 - (ii) sent to the address specified under sub-paragraph (2)(a)(ii),
 - (b) to be signed is satisfied if the communication includes an electronic signature or is authenticated by a means specified under sub-paragraph (2)(a)(iii).
- (4) A local authority may determine to—
 - (a) give notices under paragraphs 8, 10, 13, 14 or 15, and
 - (b) give reasons under paragraph 23,by means of an electronic communication.
- (5) A local authority may only give a notice or reasons by means of an electronic communication if—
 - (a) the person to whom the notice or reasons is or are to be given has agreed to receive notices and reasons by means of an electronic communication, and
 - (b) the communication is sent to an electronic address, and is in an electronic form, specified for that purpose by the person.
- (6) In relation to any notice or reasons given by means of an electronic communication, any requirement of this Schedule for the notice or reasons to be given in writing is satisfied if the communication is sent in accordance with sub-paragraph (5).
- (7) When a licensing authority gives a notice or reasons by means of an electronic communication then, unless the contrary is proved, it is to be treated as having been received by the person to whom it was sent on the second working day after the day on which it was sent.
- (8) For the purposes of sub-paragraph (7), “working day” means a day which is not—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve or Christmas Day,
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971,
 - (d) a day appointed for public thanksgiving or mourning, or

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(e) a day which is a local or public holiday in the area to which the electronic communication is sent.

(9) A local authority may make different determinations for different purposes including, in particular, for different types of licence.

(10) In this Schedule—

“electronic communication” is to be construed in accordance with section 15(1) of the Electronic Communications Act 2000,

“electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000.”.