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STATUTORY INSTRUMENTS

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**2011 No. 593**

**The Mutual Societies (Electronic Communications) Order 2011**

**PART 3**

**Friendly societies**

*Interpretation*

**Interpretation of the 1992 Act**

**4.—(1)** In section 119(1) of the 1992 Act<sup>(1)</sup> (general interpretation), insert at the appropriate place—

““electronic address” means any number or address used for the purposes of sending or receiving documents or information by electronic means;”.

**(2)** After section 119A of the 1992 Act<sup>(2)</sup>, insert—

**“Meaning of electronic form, electronic means etc.**

**119AA.—(1)** The following provisions apply for the purposes of this Act.

**(2)** A document or information is sent in electronic form if it is sent—

- (a)** by electronic means (for example, by email or fax), or
- (b)** by any other means while in electronic form (for example, sending a disk in the post).

References to “electronic copy” have a corresponding meaning.

**(3)** A document or information is sent by electronic means if it is—

- (a)** sent initially and received at its destination by means of electronic equipment for the processing (which expression includes digital compression) or storage of data, and
- (b)** entirely transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means.

References to “electronic means” have a corresponding meaning.

**(4)** A document or information sent in electronic form must be sent in a form, and by a means, that the sender reasonably considers will enable the recipient—

- (a)** to read it, and
- (b)** to retain a copy of it.

**(5)** For the purposes of this section, a document or information can be read only if—

- (a)** it can be read with the naked eye, or

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<sup>(1)</sup> 1992 c.40; section 119(1) was amended by S.I. 1994/1984 to insert the definition of “EFTA State”. There are other amendments to section 119(1) not relevant to this Order.

<sup>(2)</sup> 1992 c.40; section 119A was inserted by S.I.1994/1984 reg 31.

(b) to the extent that it consists of images (for example photographs, pictures, maps, plans or drawings), it can be seen with the naked eye.

(6) The provisions of this section apply whether the provision of this Act in question uses the word “send” or uses other words (such as “furnish”, “circulate”, “provide”, “produce”, “supply”, “give” or “deliver”) to refer to the sending of a document or information.

### **Communications by means of a website**

**119AB.**—(1) For the purposes of this Act, a person (A), other than the Authority, makes a document or information available on a website to another person (B) if each of the following conditions is satisfied.

(2) The first condition is that B—

- (a) has agreed (generally or specifically) that A may make the document or information available to B in that manner, and
- (b) has not revoked that agreement.

(3) The second condition is that A has notified B of—

- (a) the presence of the document or information on the website,
- (b) the address of the website,
- (c) the place on the website where the document or information may be accessed, and
- (d) how to access the document or information.

(4) The third condition is that the document or information is present on the website for the whole of the period—

- (a) beginning when A sends B the notification referred to in subsection (3) or, if later, when the document or information first appears on the website, and
- (b) ending with the end date specified for the purposes of this paragraph in the provision of, or made under, this Act that requires or permits A to send the document to B.

(5) If the document or information is absent from the website for part of the period referred to in subsection (4), the absence is to be disregarded if it is wholly attributable to circumstances that it would not be reasonable to have expected A to prevent or avoid.

(6) A is not to be regarded as making a document available on a website for the purposes of this section if the website is the Authority’s website (an electronic copy of the document having been placed there in reliance on section 104(1A)(b)).”.

### **Commencement Information**

**II** Art. 4 in force at 12.4.2011, see [art. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Mutual Societies (Electronic Communications) Order 2011, Cross Heading: Interpretation.