
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

The Additional Powers Request (Scotland) Regulations 2019

PART 6

General

Electronic communication

29.—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communication and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient consents, or is deemed to have agreed under paragraph (3), to receive it electronically, and
- (b) that document transmitted by electronic communication is—
 - (i) capable of being accessed by the recipient,
 - (ii) legible in all material respects, and
 - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communication is to be taken to have agreed—

- (a) to the use of such communication for all purposes relating to the additional powers request which are capable of being carried out electronically, and
- (b) that the address for the purpose of such communication is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) subsists until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communication or of revocation of agreement under paragraph (4) takes effect on the later of—

- (a) the date specified by the person in the notice, or
- (b) the expiry of the period of 5 working days beginning with the date on which the notice is given.

(6) In this regulation—

“address” includes any number or address used for the purpose of such communication or storage,

“document” includes any notice, consent, decision, representation, statement, list, report, form, plan, certificate or other information or communication,

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽¹⁾ (general interpretation),

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form, and

“sent” includes submitted or given and cognate expressions are to be construed accordingly.

(1) 2000 c.7. Section 15(1) was amended by the Communications Act 2003 (c.21), schedule 17, paragraph 158.