

SCHEDULE 1

Article 12

Amendment of The Town and Country Planning (Development
by Planning Authorities) (Scotland) Regulations 1981

1. In regulation 2 (interpretation), after “in these regulations” insert—
““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(1)

2. After regulation 2, insert—

“2A.—(1) In these Regulations, and in relation to the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically—

- (a) the expression “address” includes any number or address used for the purposes of such communications, except that where these Regulations impose an obligation on any person to provide a name and address to any other person, the obligation shall not be fulfilled unless the person on whom it is imposed provides a postal address; and

- (b) references to forms, plans, notices, or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(2) Paragraphs (3) to (8) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Regulations to give or send any form, plan, notice or other document to any other person (“the recipient”).

(3) The requirement shall (except in a case referred to in paragraph (4)) be deemed to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient;
- (b) legible in all material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(4) The case is a requirement of giving notice under regulation 4(2)(a).

(5) In paragraph (3), “legible in all material respects” means that the information contained in the notice or other 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.

(6) Where the electronic communication is received by the recipient—

- (a) at any time before the end of the day which is a working day, it shall be deemed to have been received on that day;
- (b) at any time during a day which is not a working day, it shall be deemed to have been received on the next working day,

and for these purposes, “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(2), a day appointed for public thanksgiving or mourning, or any other day which is a local or public holiday in an area in which the electronic communication is received.

(7) A requirement in these Regulations that any document should be in writing is fulfilled where that document meets the criteria in paragraph (3), and “written” and cognate expressions are to be construed accordingly.

(1) 2000 c. 7.
(2) 1971 c. 80.

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

(8) In a case to which this paragraph applies, and except where a contrary intention appears, a person making an application or giving or serving a notice using electronic communications shall be deemed to have agreed—

- (a) to the use of such communications for all purposes relating to an application or notice, as the case may be, which are capable of being carried out electronically;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the application or notice; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with regulation 10A that the person wishes to revoke the agreement.”.

3. After regulation 10 insert—

“Withdrawal of consent to use of electronic communications

10A. Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Regulations, is capable of being carried out using such communications, that person shall give notice in writing—

- (a) withdrawing any address notified to the Scottish Ministers or, as the case may be, to a planning authority for that purpose; or
- (b) revoking any agreement entered into or deemed to have been entered into with the Scottish Ministers or, as the case may be, with a planning authority for that purpose,

and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice being a date occurring after the period of seven days, beginning with the date on which the notice is given.”.