

SCHEDULE 3

Amendment of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

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 cases are–

- (a) serving notice on any person under regulation 11(2);
- (b) sending any document referred to in regulation 11(4);
- (c) serving a notice under regulation 11(6);
- (d) serving a notice under regulation 14;
- (e) serving a notice of an order for confirmation of revocation and modification of consent under regulation 22(2); and
- (f) notifying a claim under regulation 23(1).

(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 a day which is a working day, it shall be deemed to have been received on that day; or
- (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

Status: This is the original version (as it was originally made).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

1971(1), 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.

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

- (a) to the use of such communications for all purposes relating to the application, appeal, objection 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, appeal, objection or notice; and
- (c) that the person’s deemed agreement under this paragraph shall subsist until the person gives notice in accordance with regulation 32A that the person wishes to revoke the agreement.”.