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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 286**

**The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013**

**Written and electronic communication**

9.—(1) All applications, notices, notifications, reports and statements to which these Regulations apply must be made in writing.

(2) “Writing” in paragraph (1) includes an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000<sup>(1)</sup>, which has been recorded and is consequently capable of being reproduced, provided that—

- (a) any document of the type referred to in paragraph (1) must only be sent to the Scottish Ministers by an electronic communication if the Scottish Ministers have represented that electronic communication is a means by which persons can send such a document to them; and
- (b) notifications required to be sent by the Scottish Ministers to any person must only be made by an electronic communication if the intended recipient has used the same form of electronic communication in communicating with the Scottish Ministers for the purpose of these Regulations or has otherwise represented that that form of electronic communication is a means by which the Scottish Ministers can communicate with them.

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(1) 2000 c.7; section 15 was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158. Section 15 provides that “electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)- (a) by means of an electronic communications network; or (b) by other means but while in an electronic form.