



Communications Act 2003

2003 CHAPTER 21

PART 6

MISCELLANEOUS AND SUPPLEMENTAL

Notifications etc. and electronic working

395 Notifications and documents in electronic form

- (1) This section applies where—
 - (a) section 394 authorises the giving or sending of a notification or other document by its delivery to a particular person (“the recipient”); and
 - (b) the notification or other document is transmitted to the recipient—
 - (i) by means of an electronic communications network; or
 - (ii) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.
- (2) The transmission has effect for the purposes of the enactments specified in section 394(2) as a delivery of the notification or other document to the recipient, but only if the requirements imposed by or under this section are complied with.
- (3) Where the recipient is OFCOM—
 - (a) they must have indicated their willingness to receive the notification or other document in a manner mentioned in subsection (1)(b);
 - (b) the transmission must be made in such manner and satisfy such other conditions as they may require; and
 - (c) the notification or other document must take such form as they may require.
- (4) Where the person making the transmission is OFCOM, they may (subject to subsection (5)) determine—
 - (a) the manner in which the transmission is made; and
 - (b) the form in which the notification or other document is transmitted.

Status: Point in time view as at 25/07/2003. This version of this provision has been superseded.

Changes to legislation: Communications Act 2003, Section 395 is up to date with all changes known to be in force on or before 04 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Where the recipient is a person other than OFCOM—
- (a) the recipient, or
 - (b) the person on whose behalf the recipient receives the notification or other document,
- must have indicated to the person making the transmission the recipient's willingness to receive notifications or documents transmitted in the form and manner used.
- (6) An indication to any person for the purposes of subsection (5)—
- (a) must be given to that person in such manner as he may require;
 - (b) may be a general indication or one that is limited to notifications or documents of a particular description;
 - (c) must state the address to be used and must be accompanied by such other information as that person requires for the making of the transmission; and
 - (d) may be modified or withdrawn at any time by a notice given to that person in such manner as he may require.
- (7) An indication, requirement or determination given, imposed or made by OFCOM for the purposes of this section is to be given, imposed or made by being published in such manner as they consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by it.
- (8) Subsection (9) of section 394 applies for the purposes of this section as it applies for the purposes of that section.

Commencement Information

- II** S. 395 in force at 25.7.2003 for specified purposes by S.I. 2003/1900, arts. 1(2), 2(1), Sch. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3))

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