



# Fire and Rescue Services Act 2004

## 2004 CHAPTER 21

### PART 6

#### SUPPLEMENTARY

##### *Powers of entry*

#### **48 Notices given electronically**

- (1) This section applies if the notice required by section 45(3)(b) or (4) is transmitted to the person to whom it is required to be given (“the recipient”)—
  - (a) by means of an electronic communications network (within the meaning given by section 32 of the Communications Act 2003 (c. 21)), or
  - (b) 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 as a delivery of the notice to the recipient only if he has indicated to the fire and rescue authority on whose behalf the transmission is made his willingness to receive a notice under section 45 transmitted in the form and manner used.
- (3) An indication to a fire and rescue authority for the purposes of subsection (2)—
  - (a) must be given to the authority in any manner it requires;
  - (b) may be a general indication or one that is limited to notices of a particular description;
  - (c) must state the address to be used and must be accompanied by any other information which the authority requires for the making of the transmission;
  - (d) may be modified or withdrawn at any time by a notice given to the authority in any manner it requires.
- (4) If the making of the transmission has been recorded in the computer system of the fire and rescue authority on whose behalf it is made, it must be presumed, unless the contrary is proved, that the transmission—

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*Status: This is the original version (as it was originally enacted).*

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- (a) was made to the person recorded in that system as receiving it;
- (b) was made at the time recorded in that system as the time of delivery;
- (c) contained the information recorded on that system in respect of it.