



Pensions Act 2004

2004 CHAPTER 35

PART 9

MISCELLANEOUS AND SUPPLEMENTARY

Service of notifications etc and electronic working

304 Notification and documents in electronic form

- (1) This section applies where—
 - (a) section 303 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 this Act 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 a relevant authority—
 - (a) it must have indicated its 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 it may require, and
 - (c) the notification or other document must take such form as it may require.
- (4) Where the person making the transmission is a relevant authority, it 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Status: This is the original version (as it was originally enacted).

- (5) Where the recipient is a person other than a relevant authority—
- (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 given 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 - (d) may be modified or withdrawn at any time by a notice given to that person in such manner as he may require.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 a relevant authority for the purposes of this section is to be given, imposed or made by being published in such manner as it considers appropriate for bringing it to the attention of the persons who, in its opinion, are likely to be affected by it.
- (8) Where both the recipient and the person making the transmission are relevant authorities—
- (a) subsections (3) and (4) do not apply, and
 - (b) the recipient 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.
- (9) Subsection (8) of section 303 applies for the purposes of this section as it applies for the purposes of that section.
- (10) In this section, “relevant authority” means the Regulator, the Board or the Secretary of State and in the application of this section to Northern Ireland by virtue of section 323(2)(g)(ii) also includes the Department for Social Development in Northern Ireland.
- (11) In this section and section 305, “electronic communications network” has the same meaning as in the Communications Act 2003 (c. 21).