



Electronic Trade Documents Act 2023

2023 CHAPTER 38

5 Exceptions

- (1) If an intention that section 3 should not apply in relation to an electronic trade document appears in, or can reasonably be inferred from, the document or terms that have effect in relation to the document—
 - (a) that section does not apply in relation to the document, and
 - (b) section 4 also does not apply in relation to it.
- (2) Sections 1 to 4 do not apply in relation to—
 - (a) an uncertificated unit of a security that is transferable by means of a relevant system in accordance with the Uncertificated Securities Regulations 2001 (S.I. 2001/3755), or
 - (b) a document or instrument of a type specified in regulations made by the appropriate authority.
- (3) The Secretary of State may by regulations amend this section so as to amend or remove the exception conferred by subsection (2)(a).
- (4) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (2)(b) that contain provision that is to have effect in relation to Scotland.
- (5) Subsection (4) does not apply if the regulations are to be made by the Secretary of State and the Scottish Ministers acting jointly.
- (6) Regulations under this section may include incidental, consequential, transitional or saving provision.
- (7) “The appropriate authority”, in relation to regulations under subsection (2)(b), means—
 - (a) in any case, the Secretary of State or the Secretary of State and the Scottish Ministers acting jointly;
 - (b) in a case in which all of the provision made by the regulations is within Scottish devolved competence, the Scottish Ministers.

Changes to legislation: There are currently no known outstanding effects for the Electronic Trade Documents Act 2023, Section 5. (See end of Document for details)

- (8) Provision is within Scottish devolved competence if it is provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

Commencement Information

II [S. 5](#) in force at 20.9.2023, see [s. 8\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Electronic Trade Documents Act 2023, Section 5.