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STATUTORY INSTRUMENTS

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**2018 No. 248**

**The Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018**

**PART 3**

**Electronic Communications**

**Amendments to rule 2**

- 9.**—(1) Rule 2 (interpretation) of the 2007 Rules is amended as follows.
- (2) The existing provisions of rule 2 become paragraph (1) of that rule, and in that paragraph—
- (a) after the definition of “authorising authority” insert—
- ““business day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(1);”;
- (b) after the definition of “document” insert—
- ““electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(2);”.
- (3) After paragraph (1), insert—
- “(2) In these Rules, and in relation to the use of electronic communications for any purpose of these Rules which is capable of being carried out electronically—
- (a) the expression “address” includes any number or address used for the purposes of such communications;
- (b) references to statements, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.
- (3) Paragraphs (4) to (7) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in these Rules to give or send any statement, notice or other document to any other person (“the recipient”).
- (4) The requirement is to be taken to be fulfilled where the document transmitted by means of the electronic communication is—
- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

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(1) 1971 c. 80.

(2) Section 15(1) was amended by section 406(1) of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

(5) In paragraph (4), “legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(6) A requirement in these Rules that any document should be in writing is fulfilled where that document meets the criteria in paragraph (4), and “written” is to be construed accordingly.

(7) Where the electronic communication is received by the recipient outside the recipient’s business hours, it is taken to have been received on the next business day.”.

**Substitution of rule 21**

10. For rule 21 (sending of notices by post) of the 2007 Rules, substitute—

**“Sending of notices**

21. Notices or documents required or authorised to be sent under any of the provisions of these Rules may be sent—

- (a) by post; or
- (b) by using electronic communications to send the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

**Insertion of new rule 21A**

11. After rule 21 of the 2007 Rules, insert—

**“Withdrawal of consent to use of electronic communications**

21A. Where a person is no longer willing to accept the use of electronic communications for any purpose which, under these Rules, is capable of being carried out using such communications, the person must give notice in writing—

- (a) withdrawing any address notified to the authorising authority or the inspector for that purpose, or
- (b) revoking any agreement entered into with the authorising authority or the inspector for that purpose,

and such withdrawal or revocation is final and takes effect on a date specified by the person in the notice but not less than 7 days after the date on which the notice is given.”.