

207K. Communication with liquidator by electronic means for the purpose of written resolution

- (1) If the conditions in subsection (2) are satisfied, a member of a committee of inspection may send to a liquidator by electronic means—
 - (a) a request under section 207F(1); or
 - (b) a document signifying agreement to a proposed written resolution referred to in section 207G(2).
- (2) The conditions are that—
 - (a) the liquidator—
 - (i) has agreed, generally or specifically that a document may be sent to the liquidator by electronic means; and
 - (ii) has not revoked the agreement; or
 - (b) the liquidator is to be regarded as having so agreed as described in subsection (4).
- (3) For the purposes of subsection (1), a document is sent to a liquidator by electronic means if—
 - (a) the document is sent to an electronic address—
 - (i) specified for the purpose by the liquidator generally or specifically; or
 - (ii) regarded under subsection (4) as having been so specified for the purpose;
 - (b) the document is sent in a form, and by a means, that, in the reasonable opinion of the member, will enable the liquidator to—
 - (i) read the document, or, to the extent that it consists of images, to see the document with the naked eye or with a suitable corrective lens; and
 - (ii) retain a copy of the document;
 - (c) the document is sent in the manner as described in section 205A(3)(a) or (b); and
 - (d) the document is authenticated in one of the following ways—
 - (i) the identity of the member is confirmed in a manner specified by the liquidator;
 - (ii) if the manner has not been specified, the communication contains, or is accompanied by, a statement of the identity of the member, the truth of which the liquidator has no reason to doubt.
- (4) If the liquidator has given an electronic address in any document containing or accompanying a proposed written resolution of the committee, the liquidator is to be regarded as having agreed, subject to any conditions or limitations that the liquidator may have specified in the document, that any document relating to that resolution may be sent by electronic means to that address.
- (5) For the purposes of subsection (2)(a)(ii), an agreement to allow sending documents by electronic means is only to be regarded as having been revoked if the liquidator has given the member of the committee a notice of revocation of at least—
 - (a) 7 days; or
 - (b) the period specified for the purpose in any agreement between the liquidator and the members,whichever is the longer.
- (6) If a document is sent to the liquidator in accordance with this section, unless the contrary is proved, it is to be regarded as having been received by the liquidator at the end of the following period after it is sent—

- (a) the period specified for the purpose in any agreement between the member of the committee and the liquidator; or
 - (b) if no period has been specified, 48 hours.
- (7) In calculating the period mentioned in subsection (6)(b), any part of a day that is not a business day is to be disregarded.
- (8) In this section, a reference to a member of a committee of inspection includes a representative of a member.

(Added 14 of 2016 s. 45)