

296C. Communication by liquidator by electronic means

- (1) Subject to subsection (2), this section applies if a document or information is sent or supplied by electronic means by a liquidator or provisional liquidator to another person.
- (2) This section does not apply if the document or information is sent or supplied by the liquidator or provisional liquidator to that other person by making it available on a website.
- (3) For the purposes of an applicable provision, a document or information is sent or supplied to another person if—
 - (a) that other person has agreed, generally or specifically, that the liquidator or provisional liquidator may send or supply the document or information to the person by electronic means;
 - (b) that other person has not revoked the agreement;
 - (c) that other person has specified, generally or specifically, an electronic address for receiving the document or information;
 - (d) the document or information is sent or supplied to that other person by electronic means to the electronic address mentioned in paragraph (c);
 - (e) the document or information is sent or supplied in a form, and by a means, that, in the reasonable opinion of the liquidator or provisional liquidator, will enable the recipient—
 - (i) to read the document or information, or, to the extent that it consists of images, to see the document or information, with the naked eye or with a suitable corrective lens; and
 - (ii) to retain a copy of the document or information;
 - (f) the document or information is authenticated in one of the following ways—
 - (i) the identity of the liquidator or provisional liquidator is confirmed in a manner specified by that other person;
 - (ii) if the manner has not been specified, the communication contains, or is accompanied by, a statement of the identity of the liquidator or provisional liquidator, the truth of which the other person has no reason to doubt; and
 - (g) the document or information contains, or is accompanied by, a statement that—
 - (i) the recipient may request the document or information in hard copy form; and
 - (ii) a postal address and an electronic address specified by the liquidator or provisional liquidator as provided in the statement may be used to request the document or information in hard copy form.
- (4) For the purposes of subsection (3)(b), the person is only to be regarded as having revoked the agreement if the person has given the liquidator or provisional liquidator a notice of revocation of at least—
 - (a) 7 days; or
 - (b) the period specified for the purpose in any agreement between the liquidator or provisional liquidator and the person,whichever is the longer.
- (5) If the document or information is sent or supplied to that other person in accordance with this section, unless the contrary is proved, the document or information is to be regarded as having been received by the person at the end of the following period after it is sent or supplied—

- (a) the period specified for the purpose in any agreement between the liquidator or provisional liquidator and the person; or
 - (b) if no period has been specified, 48 hours.
- (6) In calculating the period mentioned in subsection (5)(b), any part of a day that is not a business day is to be disregarded.