

296D. Communication by liquidator by means of website

- (1) This section applies if a document or information is sent or supplied by a liquidator or provisional liquidator to another person by making it available on a website.
- (2) 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 making it available on a website;
 - (b) that other person has not revoked the agreement;
 - (c) 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;
 - (d) that other person has provided an address for receiving the notification mentioned in paragraph (e);
 - (e) the liquidator or provisional liquidator has sent a notification to the address notifying that other person of—
 - (i) the matters specified in subsection (5);
 - (ii) the right of the recipient to request the document or information in hard copy form; and
 - (iii) the fact that a postal address and an electronic address specified by the liquidator or provisional liquidator as provided in the notification may be used to request the document or information in hard copy form; and
 - (f) subject to subsection (3), the liquidator or provisional liquidator has made the document or information available on a website throughout the 3 months beginning on the date on which the notification is sent to that other person in accordance with paragraph (e).
- (3) If the liquidator makes available on the website a copy of a proposed written resolution mentioned in section 207E(1), the copy must be available throughout the period—
 - (a) beginning on the circulation date; and
 - (b) ending on—
 - (i) the date on which the resolution lapses under section 207H(1); or
 - (ii) the date on which the resolution is passed under section 207G(1).
- (4) For the purposes of subsection (2)(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) The matters specified for the purposes of subsection (2)(e)(i) are—
 - (a) the presence of the document or information on the website;
 - (b) if the document or information is not available on the website on the date of the notification, the date on which it will be so available;
 - (c) the address of the website;
 - (d) the place on the website where the document or information may be accessed; and
 - (e) how to access the document or information.
- (6) For the purposes of subsections (2)(f) and (3), a failure to make the document or information available on a website throughout the period mentioned in those subsections is to be disregarded if—
 - (a) the document or information is made available on the website for part of that period; and
 - (b) the failure is wholly attributable to circumstances that it would not be reasonable to have expected the liquidator or provisional liquidator to prevent or avoid.
- (7) If the document or information is sent or supplied by a liquidator or provisional liquidator to that other person in accordance with subsection (2)—
 - (a) the document or information is to be regarded as having been sent or supplied on whichever is the later of the following—
 - (i) the date on which the document or information is first made available on the website;
 - (ii) the date on which a notification under subsection (2)(e) is sent; and
 - (b) the document or information is to be regarded as having been received by that other person at the end of the period specified in subsection (8) after whichever is the later of the following—
 - (i) the time when the document or information is first made available on the website;
 - (ii) the time when that other person receives a notification under subsection (2)(e).
- (8) The period specified for the purpose of subsection (7)(b) is—
 - (a) the period specified for the purpose in any agreement between the liquidator or provisional liquidator and that other person; or
 - (b) if no period has been specified, 48 hours.
- (9) In calculating the period mentioned in subsection (8)(b), any part of a day that is not a business day is to be disregarded.