

# ELECTRONIC TRANSACTIONS (GENERAL) REGULATIONS 2000

Statutory Document No. 529/00

In exercise of the powers conferred on the Department of Trade and Industry by sections 1(3), 2(8), 7(1), (2) and (3) and 8(1) of the Electronic Transactions Act 2000, and of all other enabling powers, the following Regulations are hereby made:-

## 1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Electronic Transactions (General) (Amendment) Regulations 2000 and, subject to section 12(1) of the Act, shall come into operation on the 1st November 2000.

(2) In these Regulations "the Act" means the Electronic Transactions Act 2000.

## 2. Transactions etc. excluded from section 1(1)

(1) Section 1(1) of the Act (transaction not invalid merely because it takes place by means of electronic communication) does not apply to the following transactions -

- (a) a marriage;
- (b) a testamentary disposition;
- (c) the conveyance or creation of an interest in land;
- (d) a mortgage or charge of land;
- (e) a covenant burdening an estate in customary fee simple in land;
- (f) the grant of a power of attorney;
- (g) a transfer or mortgage of, or of a share in, a registered ship or registered vessel (within the meaning of the Merchant Shipping Registration Act 1991);
- (h) a bill of exchange;
- (i) a mortgage, debenture or charge on the undertaking, property or revenues of a company or public authority.

(2) Without prejudice to paragraph (1), section 1(1) of the Act does not apply to any statutory provision or rule of law to the extent that it expressly or impliedly requires a transaction specified in that paragraph to be effected by deed or by writing.

## 3. Time and place of despatch and receipt of electronic communications

Section 2 of the Act does not apply to any statutory provision determining the time or place of supply of any goods or services for the purpose of the Value Added Tax Act 1986.

#### **4. Temporary exemption for communications etc. to public authorities**

(1) Section 4 of the Act does not apply in the case of a requirement or permission to give information to a public authority or a person acting on behalf of a public authority.

(2) Section 5 of the Act does not apply in the case of a requirement give a signature to a public authority or a person acting on behalf of a public authority.

(3) Section 6 of the Act does not apply in the case of a requirement or permission to produce a document to a public authority or a person acting on behalf of a public authority.

(4) This regulation shall cease to have effect on the 1st November 2004.

*NOTE: Regulation 4(4) amended by Electronic Transactions (General) (Amendment) Regulations 2001 (SD 517/01) and further amended by Electronic Transactions (General) (Amendment) Regulations 2002 (SD 627/02) with effect from 31st October 2002.*

MADE 6th September 2000

*D. North*

Minister for Trade and Industry

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations.)*

These Regulations supplement the provisions of the Electronic Transactions Act 2000. Regulation 2 specifies transactions which are excluded from the operation of section 1(1) (which provides that, in general, a transaction is not invalid merely because it takes place wholly or partly by means of one or more electronic communications). Regulation 3 excludes section 2 (which makes provision for the time and place of despatch and receipt of electronic communications) in the case of value added tax. Regulation 4 gives an exemption for 12 months from sections 4, 5 and 6 in relation to dealings with public authorities by electronic means.