

## THE REGULATIONS GOVERNING ELECTRONIC NOTICES

### Summary

These regulations relate to the supply of notices by the Institute. The Bye-Laws in which these notices arise are, although not limited to:-

Bye-Law 48 and 49 – notices including forms of nomination, notices to nominees and ballot papers relating to the election of Council members and Officers of the Institute.

Bye-Laws 75 and 79 – notice of a General Meeting or adjourned General Meeting.

Bye-Law 84C – provision of instruments of proxy.

Bye-Laws 89-95 – notices relating to postal votes on any resolution at an Institute General Meeting.

### 1 The Regulations

These Regulations are made by the Council under Bye-Law 102 and shall take effect on [DATE]. For the avoidance of doubt, the provisions of these Regulations shall be without prejudice to provisions for the service of notices established by express provision in any other regulations of the Institute.<sup>1</sup>

### 2 Definitions

*electronic form* means electronic transmission to a registered email address or publication on the Institute's website;

*notice(s)* shall mean any notice or other document required to be given, delivered, sent or provided to members and shall include without limitation forms of nomination for the election of members of the Council and Officers of the Institute, the financial statements, summary financial statements, annual report of Council, notices relating to Annual and Special General meetings, forms of proxy and any accompanying ancillary or additional papers, or other documents as shall from time to time be provided to *Members* in accordance with or required by the Supplemental Charter, the Bye-Laws or any regulations;

*Member* means any Member, Affiliate member, Associate member, or Registered Student;

*registered address* means the postal address registered by the Member with the Institute;

*registered email address* means the email address registered by the Member with the Institute;

*regulation(s)* means regulations made by the Council or any committee pursuant to the Supplemental Charter (power to make regulations) and for the time being in force.

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<sup>1</sup> There are specific provisions within the Disciplinary Regulations for service of notices connected with disciplinary proceedings.

### **3. Nominations, ballots and votes of members**

(a) Any *notice* required to be given, delivered or sent or provided to *members* may be sent by prepaid post addressed to them at their *registered address*.

(b) In proving the delivery of a notice or document in accordance with Bye-Law 103, it shall be sufficient to prove that the cover containing such notice was properly addressed, stamped and posted.

(c) Subject to paragraph (d), the Institute may serve *notices* to *members* in *electronic form* and all *notices* served in accordance with *these Regulations* shall be deemed to be validly given, delivered, sent or provided for the purposes of the Supplemental Charter, the Bye-Laws and any *regulations*.

(d) A *notice* may only be given, delivered, sent or provided by the Institute in *electronic form* to a member who has agreed to service by electronic means (and has not revoked that agreement). A *Member* shall be deemed to have agreed that notices may be given, delivered, sent or provided to him or her in electronic form upon provision by that Member of a *registered email address*.

(e) Any *notice* which is served by the Institute by means of the Institute's website shall be notified to *Members* who have provided a *registered email address* and be deemed to have been received when the recipient received (or is deemed to have received) notice of the fact that the material is available on the website or the date on which the material is made available on the website, if later.

(f) The Institute may notify Members in writing of an address for the purpose of its receiving communications from Members by such *electronic form* as determined from time to time.

### **Suspension of postal services**

**4.** If at any time by reason of the suspension or curtailment of postal services within the *United Kingdom* the Institute is unable to give notice by post in hard copy, such notice shall be deemed to have been given to all members if such notice is advertised in at least one national daily newspaper and, where an email address is held for a member, notice is given in *electronic form*. Such notice shall be deemed to have been given on the day when the advertisement appears or, if later, the day the notice is issued in *electronic form*.