**Changes to Legislation:** as of 11 November 2026, this Act is up to date with all changes known to be in force.



*Number* 27 *of* 2000

# ELECTRONIC COMMERCE ACT 2000

**REVISED**

**Updated to 1 June 2025**

This Revised Act is an administrative consolidation of the *Electronic Commerce Act 2000*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 2025, and all statutory instruments up to and including *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), made 27 May 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

*Number* 27 *of* 2000

# ELECTRONIC COMMERCE ACT 2000

**REVISED**

**Updated to 1 June 2025**

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*Number* 27 *of* 2000

# ELECTRONIC COMMERCE ACT, 2000

**REVISED**

**Updated to 1 June 2025**

AN ACT TO PROVIDE FOR THE LEGAL RECOGNITION OF ELECTRONIC CONTRACTS, ELECTRONIC WRITING, ELECTRONIC SIGNATURES AND ORIGINAL INFORMATION IN ELECTRONIC FORM IN RELATION TO COMMERCIAL AND NON-COMMERCIAL TRANSACTIONS AND DEALINGS AND OTHER MATTERS, THE ADMISSIBILITY OF EVIDENCE IN RELATION TO SUCH MATTERS, THE ACCREDITATION, SUPERVISION AND LIABILITY OF CERTIFICATION SERVICE PROVIDERS AND THE REGISTRATION OF DOMAIN NAMES, AND TO PROVIDE FOR RELATED MATTERS.

[10*th July*, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**Annotations**

**Modifications (not altering text):**

**C1** Functions transferred and references to Minister for **Environment, Climate and Communications** construed as **Tourism, Culture, Arts, Gaeltacht, Sport and Media** (1.06.2025) by *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), arts. 2, 3 and sch. part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Department of the Environment, Climate and Communications contained in any Act or any instrument made under an Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

3. (1) The functions vested in the Minister for the Environment, Climate and Communications –

(a) by or under the Acts or provisions of the Acts mentioned in Part 1 of the Schedule,

(b) under the Regulations or provisions of the Regulations mentioned in Part 2 of that Schedule,

are transferred to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Minister for the Environment, Climate and Communications contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

...

Schedule

Part 1

...

Electronic Commerce Act 2000 (No. 27 of 2000)

...

The history of the Ministers concerned with the Electronic Commerce Act 2000 can be traced as follows:

- Functions transferred and references to Minister for **Public Enterprise** changed to **Marine and Natural Resources** (18.06.2002) by *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002), in effect as per art. 1(2);
- Title of Minister for **Marine and Natural Resources** changed to **Communications, Marine and Natural Resources** (19.06.2002) by *Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 307 of 2002), in effect as per art. 1(2);
- Title of Minister for **Communications, Marine and Natural Resources** changed to **Communications, Energy and Natural Resources** (20.10.2007) by *Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007* (S.I. No. 706 of 2007), in effect as per art. 1(2);
- Title of Minister for **Communications, Energy and Natural Resources** changed to **Communications, Climate Action and Environment** (23.07.2016) by *Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 421 of 2016), in effect as per art. 1(2);
- Title of Minister for **Communications, Climate Action and Environment** changed to **Environment, Climate and Communications** (24.09.2020) by *Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 373 of 2020), in effect as per art. 1(2).
- Functions transferred and references to Minister for **Environment, Climate and Communications** construed as **Tourism, Culture, Arts, Gaeltacht, Sport and Media** (1.06.2025) by *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), in effect as per art. 1(2).
- Title of Minister for **Tourism, Culture, Arts, Gaeltacht, Sport and Media** changed to **Culture, Communications and Sport** (2.06.2025) by *Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 236 of 2025), in effect as per art. 1(2).

**C2** Application of Act restricted (24.02.2003) by *European Communities (Directive 2000/31/EC) Regulations 2003* (S.I. No. 68 of 2003), reg. 14(1), in effect as per reg. 1(2).

*Placing of orders pursuant to contracts concluded by electronic means.*

14. (1) Notwithstanding the provisions of the Electronic Commerce Act 2000 (No. 27 of 2000) and subject to paragraph (2), in relation to contracts concluded by electronic means where the recipient of the relevant service places his or her order through electronic means—

(a) the relevant service provider shall acknowledge the receipt of the order of the recipient without undue delay and by electronic means,

(b) the order and the acknowledgement of receipt are deemed to be received when the parties to whom they are addressed are able to access them.

...

## PART 1

### Preliminary And General

Short title and commencement.

**1.**—(1) This Act may be cited as the Electronic Commerce Act, 2000.

(2) This Act shall come into operation on such day or days as the Minister, after consultation with the Minister for Enterprise, Trade and Employment, may appoint by order or orders, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.

**Annotations**

**Editorial Notes:**

**E1** Power pursuant to section exercised (20.09.2000) by *Electronic Commerce Act, 2000 (Commencement) Order 2000* (S.I. No. 293 of 2000).

2. The 20th day of September, 2000, is hereby fixed as the day on which the Electronic Commerce Act, 2000 (No. 27 of 2000), shall come into operation.

Interpretation.

**2.**—(1) In this Act, unless the context otherwise requires—

"accreditation" means an accreditation under *section 29(2)*;

"addressee", in relation to an electronic communication, means a person or public body intended by the originator to receive the electronic communication, but does not include a person or public body acting as a service provider in relation to the processing, receiving or storing of the electronic communication or the provision of other services in relation to it;

"advanced electronic signature" means an electronic signature—

(*a*) uniquely linked to the signatory,

(*b*) capable of identifying the signatory,

(*c*) created using means that are capable of being maintained by the signatory under his, her or its sole control, and

(*d*) linked to the data to which it relates in such a manner that any subsequent change of the data is detectable;

"certificate" means an electronic attestation which links signature verification data to a person or public body, and confirms the identity of the person or public body;

"certification service provider" means a person or public body who issues certificates or provides other services related to electronic signatures;

F1**[**"Commission" means the Commission for Communications Regulation established under the Communications Regulation Act 2002;**]**

"Directive" means the European Parliament and Council Directive 1999/93/EC of 13 December, 1999[1];

"electronic" includes electrical, digital, magnetic, optical, electro-magnetic, biometric, photonic and any other form of related technology;

"electronic communication" means information communicated or intended to be communicated to a person or public body, other than its originator, that is generated, communicated, processed, sent, received, recorded, stored or displayed by electronic means or in electronic form, but does not include information communicated in the form of speech unless the speech is processed at its destination by an automatic voice recognition system;

[1] OJ No. L13/12 of 19/1/2000, p. 13

"electronic contract" means a contract concluded wholly or partly by means of an electronic communication;

"electronic signature" means data in electronic form attached to, incorporated in or logically associated with other electronic data and which serves as a method of authenticating the purported originator, and includes an advanced electronic signature;

"excluded law" means a law referred to in *section 10*;

"information" includes data, all forms of writing and other text, images (including maps and cartographic material), sound, codes, computer programmes, software, databases and speech;

"information system" means a system for generating, communicating, processing, sending, receiving, recording, storing or displaying information by electronic means;

"legal proceedings" means civil or criminal proceedings, and includes proceedings before a court, tribunal, appellate body of competent jurisdiction or any other body or individual charged with determining legal rights or obligations;

"Minister" means the Minister for Public Enterprise;

"originator", in relation to an electronic communication, means the person or public body by whom or on whose behalf the electronic communication purports to have been sent or generated before storage, as the case may be, but does not include a person or public body acting as a service provider in relation to the generation, processing, sending or storing of that electronic communication or providing other services in relation to it;

"person" does not include a public body;

"prescribed" means prescribed by regulations made under *section 3*;

"public body" means—

(*a*) a Minister of the Government or a Minister of State,

(*b*) a body (including a Department of State but not including a non-government organisation) wholly or partly funded out of the Central Fund or out of moneys provided by the Oireachtas or moneys raised by local taxation or charges, or

(*c*) a commission, tribunal, board or body established by an Act or by arrangement of the Government, a Minister of the Government or a Minister of State for a non-commercial public service or purpose;

"qualified certificate" means a certificate which meets the requirements set out in Annex I and is provided by a certification service provider who fulfils the requirements set out in Annex II;

"secure signature creation device" means a signature creation device which meets the requirements set out in Annex III;

"signatory" means a person who, or public body which, holds a signature creation device and acts in the application of a signature by use of the device either on his, her or its own behalf or on behalf of a person or public body he, she or it represents;

"signature creation data" means unique data, such as codes, passwords, algorithms or private cryptographic keys, used by a signatory or other source of the data in generating an electronic signature;

"signature creation device" means a device, such as configured software or hardware used to generate signature creation data;

"signature verification data" means data, such as codes, passwords, algorithms or public cryptographic keys, used for the purposes of verifying an electronic signature;

"signature verification device" means a device, such as configured software or hardware used to generate signature verification data.

(2) In the application of this Act, "writing", where used in any other Act or instrument under an Act (and whether or not qualified by reference to it being or being required to be under the hand of the writer or similar expression) shall be construed as including electronic modes of representing or reproducing words in visible form, and cognate words shall be similarly construed.

(3) In this Act—

(*a*) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference is made, unless it is indicated that a reference to some other provision is intended,

(*c*) a reference to an enactment shall, except to the extent that the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, and

(*d*) a reference to an Annex by number is a reference to the Annex so numbered to the Directive and included in the *Schedule* to this Act.

(4) Where in any legal proceedings the question of whether—

(*a*) a body is a non-government organisation, or

(*b*) a body, commission, tribunal or board is or was established by an Act or by arrangement of the Government, a Minister of the Government or a Minister of State for a non-commercial service or purpose,

is in issue then, for the purpose of establishing whether it is or is not a public body as defined in *subsection (1)*, a document signed by the Minister, a Minister of the Government or a Minister of State declaring that—

(i) he or she is the appropriate Minister for determining whether the body is or is not a non-government organisation, and that in fact it is or is not such an organisation, or

(ii) he or she is the appropriate Minister for determining whether the body, commission, tribunal or board was or was not so established for a non-commercial service or purpose, and that in fact it was or was not so established,

is sufficient evidence of those facts, until the contrary is shown, and the Minister, Minister of the Government or Minister of State may make such a declaration.

**Annotations**

**Amendments:**

**F1** Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 19, S.I. No. 224 of 2007.

**Modifications (not altering text):**

**C3** Functions transferred and references to Minister for **Environment, Climate and Communications** construed as **Tourism, Culture, Arts, Gaeltacht, Sport and Media** (1.06.2025) by *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), arts. 2, 3 and sch. part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Department of the Environment, Climate and Communications contained in any Act or any instrument made under an Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

3. (1) The functions vested in the Minister for the Environment, Climate and Communications –

(a) by or under the Acts or provisions of the Acts mentioned in Part 1 of the Schedule,

(b) under the Regulations or provisions of the Regulations mentioned in Part 2 of that Schedule,

are transferred to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

(2) References to the Minister for the Environment, Climate and Communications contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.

...

Schedule

Part 1

...

Electronic Commerce Act 2000 (No. 27 of 2000)

...

The history of the Ministers concerned with the Electronic Commerce Act 2000 can be traced as follows:

- Functions transferred and references to Minister for **Public Enterprise** changed to **Marine and Natural Resources** (18.06.2002) by *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002), in effect as per art. 1(2);
- Title of Minister for **Marine and Natural Resources** changed to **Communications, Marine and Natural Resources** (19.06.2002) by *Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 307 of 2002), in effect as per art. 1(2);
- Title of Minister for **Communications, Marine and Natural Resources** changed to **Communications, Energy and Natural Resources** (20.10.2007) by *Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007* (S.I. No. 706 of 2007), in effect as per art. 1(2);
- Title of Minister for **Communications, Energy and Natural Resources** changed to **Communications, Climate Action and Environment** (23.07.2016) by *Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 421 of 2016), in effect as per art. 1(2);
- Title of Minister for **Communications, Climate Action and Environment** changed to **Environment, Climate and Communications** (24.09.2020) by *Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 373 of 2020), in effect as per art. 1(2).
- Functions transferred and references to Minister for **Environment, Climate and Communications** construed as **Tourism, Culture, Arts, Gaeltacht, Sport and Media** (1.06.2025) by *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), in effect as per art. 1(2).
- Title of Minister for **Tourism, Culture, Arts, Gaeltacht, Sport and Media** changed to **Culture, Communications and Sport** (2.06.2025) by *Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 236 of 2025), in effect as per art. 1(2).

Regulations.

**3.**—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed, or in relation to any matter referred to in this Act as the subject of regulation.

(2) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations or for giving full effect to this Act.

**Annotations**

**Editorial Notes:**

**E2** Power pursuant to section exercised (9.02.2022) by *Electronic Commerce Act 2000 (Application of sections 12 to 23 to Registered Land) Regulations 2022* (S.I. No. 55 of 2000).

Laying of orders and regulations before Houses of Oireachtas.

**4.**—F2**[**Every order made under this Act (other than an order made under section 1(2)), and every regulation made under section 3 or 32,**]** shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

**Annotations**

**Amendments:**

**F2** Substituted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 20, S.I. No. 224 of 2007.

Expenses of Minister.

**5.**—Expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Prosecution of offenses.

**6.**—(1) Summary proceedings for offences under this Act or a regulation made under *section 3* may be brought and prosecuted by the Minister or a person or public body prescribed by the Minister for that purpose.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act or a regulation made under *section 3* may be commenced at any time within 12 months from the date on which evidence that, in the opinion of the person or public body by whom the proceedings are brought, is sufficient to justify the bringing of the proceedings, comes to that person's or public body's knowledge.

(3) For the purpose of *subsection (2)*, a document signed by or on behalf of the person or public body bringing the proceedings as to the date on which the evidence referred to in that subsection came to his, her or its knowledge is *prima facie* evidence thereof and in those or any other legal proceedings a document purporting to be issued for the purpose of this subsection and to be so signed is taken to be so signed and shall be admitted as evidence without further proof of the signature of the person or public body purporting to sign it.

Offences by bodies corporate.

**7.**—Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person being a director, shadow director (as defined in section 3(1) of the Companies Act, 1990), manager, secretary or other

officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Penalties.

**8.**—A person or public body guilty of an offence under this Act for which no penalty other than by this section is provided shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both the fine and the imprisonment, or

(*b*) on conviction on indictment, to a fine not exceeding £500,000 or, at the discretion of the court, to imprisonment for a term not exceeding 5 years, or to both the fine and the imprisonment.

## PART 2

## Legal Recognition and Non-Discrimination in respect of Electronic Signatures, Originals, Contracts and Related Matters

### *Legal Recognition of Electronic Communications and Information in Electronic Form*

Electronic form not to affect legal validity or enforceability.

**9.**—Information (including information incorporated by reference) shall not be denied legal effect, validity or enforceability solely on the grounds that it is wholly or partly in electronic form, whether as an electronic communication or otherwise.

Excluded laws.

**10.**—(1) *Sections 12* to *23* are without prejudice to—

(*a*) the law governing the creation, execution, amendment, variation or revocation of—

(i) a will, codicil or any other testamentary instrument to which the Succession Act, 1965, applies,

(ii) a trust, or

(iii) an enduring power of attorney,

(*b*) the law governing the manner in which an interest in real property (including a leasehold interest in such property) may be created, acquired, disposed of or registered, other than contracts (whether or not under seal) for the creation, acquisition or disposal of such interests,

(*c*) the law governing the making of an affidavit or a statutory or sworn declaration, or requiring or permitting the use of one for any purpose, or

(*d*) the rules, practices or procedures of a court or tribunal,

except to the extent that regulations under *section 3* may from time to time prescribe.

(2) Where the Minister is of the opinion that—

(*a*) technology has advanced to such an extent, and access to it is so widely available, or

(*b*) adequate procedures and practices have developed in public registration or other services, so as to warrant such action, or

(*c*) the public interest so requires,

he or she may, after consultation with such Minister or Ministers as in the Minister's opinion has or have a sufficient interest or responsibility in relation to the matter, by regulations made under *section 3*, for the purpose of encouraging the efficient use of electronic communication facilities and services in commerce and the community generally while at the same time protecting the public interest, extend the application of this Act or a provision of this Act to or in relation to a matter specified in *subsection (1)* (including a particular aspect of such a matter) subject to such conditions as he or she thinks fit, and the Act as so extended shall apply accordingly.

(3) Without prejudice to the generality of *subsection (2)*, the regulations may apply to a particular area or subject, or for a particular time, in the nature of a trial of technology and procedures.

**Annotations**

**Editorial Notes:**

**E3** Power pursuant to section exercised (9.02.2022) by *Electronic Commerce Act 2000 (Application of sections 12 to 23 to Registered Land) Regulations 2022* (S.I. No. 55 of 2000).

Certain laws not to be affected.

**11.**—Nothing in this Act shall prejudice the operation of—

(*a*) any law relating to the imposition, collection or recovery of taxation or other Government imposts, including fees, fines and penalties,

(*b*) the Companies Act, 1990 (Uncertificated Securities) Regulations, 1996 (S.I. No. 68 of 1996) or any regulations made in substitution for those regulations,

(*c*) the Criminal Evidence Act, 1992, or

(*d*) F3**[**...**]** the European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995 No. 27 of 1995).

**Annotations**

**Amendments:**

**F3** Deleted (1.08.2013) by *Central Bank (Supervision and Enforcement) Act 2013* (26/2013), s. 89, S.I. No. 287 of 2013.

Writing.

**12.**—(1) If by law or otherwise a person or public body is required (whether the requirement is in the form of an obligation or consequences flow from the information not being in writing) or permitted to give information in writing (whether or not in a form prescribed by law), then, subject to *subsection (2)*, the person or public body may give the information in electronic form, whether as an electronic communication or otherwise.

(2) Information may be given as provided in *subsection (1)* only—

(*a*) if at the time the information was given it was reasonable to expect that it would be readily accessible to the person or public body to whom it was directed, for subsequent reference,

(*b*) where the information is required or permitted to be given to a public body or to a person acting on behalf of a public body and the public body consents to the giving of the information in electronic form, whether as an electronic communication or otherwise, but requires—

(i) the information to be given in accordance with particular information technology and procedural requirements, or

(ii) that a particular action be taken by way of verifying the receipt of the information,

if the public body's requirements have been met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*c*) where the information is required or permitted to be given to a person who is neither a public body nor acting on behalf of a public body—if the person to whom the information is required or permitted to be given consents to the information being given in that form.

(3) *Subsections (1)* and *(2)* are without prejudice to any other law requiring or permitting information to be given—

(*a*) in accordance with particular information technology and procedural requirements,

(*b*) on a particular kind of data storage device, or

(*c*) by means of a particular kind of electronic communication.

(4) This section applies to a requirement or permission to give information whether the word "give", "send", "forward", "deliver", "serve" or similar word or expression is used.

(5) In this section, "give information" includes but is not limited to—

(*a*) make an application,

(*b*) make or lodge a claim,

(*c*) make or lodge a return,

(*d*) make a request,

(*e*) make an unsworn declaration,

(*f*) lodge or issue a certificate,

(*g*) make, vary or cancel an election,

(*h*) lodge an objection,

(*i*) give a statement of reasons,

(*j*) record and disseminate a court order,

(*k*) give, send or serve a notification.

**Annotations**

**Modifications (not altering text):**

**C4** Subs. 2(*b*) applied (1.12.2005) by *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (12/2005), ss. 2(1), 57(4)(*b*), S.I. No. 695 of 2005, art. 3.

**Electronic filing agents.**

**57.**—(1) A company may authorise a person (who shall be known and is in this Act referred to as an "electronic filing agent") to do the following acts on its behalf.

...

(4) The conditions mentioned in subsection (3) are—

...

(b) the doing of the act complies with any requirements of the registrar of companies of the kind referred to in sections 12 (2)(*b*) and 13 (2)(*a*) of the Electronic Commerce Act 2000.

...

**Editorial Notes:**

**E4** A transfer of title to securities made under this section excludes the application of certain provisions requiring the execution, under hand or seal, of a document in writing as provided (1.06.2015) by *Companies Act 2014* (38/2014), s. 1085, S.I. No. 169 of 2015, art. 3.

Signatures.

**13.**—(1) If by law or otherwise the signature of a person or public body is required (whether the requirement is in the form of an obligation or consequences flow from there being no signature) or permitted, then, subject to *subsection (2)*, an electronic signature may be used.

(2) An electronic signature may be used as provided in *subsection (1)* only—

(*a*) where the signature is required or permitted to be given to a public body or to a person acting on behalf of a public body and the public body consents to the use of an electronic signature but requires that it be in accordance with particular information technology and procedural requirements (including that it be an advanced electronic signature, that it be based on a qualified certificate, that it be issued by an accredited certification service provider or that it be created by a secure signature creation device)— if the public body's requirements have been met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*b*) where the signature is required or permitted to be given to a person who is neither a public body nor acting on behalf of a public body— if the person to whom the signature is required or permitted to be given consents to the use of an electronic signature.

(3) *Subsections (1)* and *(2)* are without prejudice to any other provision of this Act or law requiring or permitting an electronic communication to contain an electronic signature, an advanced electronic signature, an electronic signature based on a qualified certificate, an electronic signature created by a secure signature creation device or other technological requirements relating to an electronic signature.

Signatures required to be witnessed.

**14.**—(1) If by law or otherwise a signature to a document is required to be witnessed (whether the requirement is in the form of an obligation or consequences flow from the signature not being witnessed) that requirement is taken to have been met if—

(*a*) the signature to be witnessed is an advanced electronic signature, based on a qualified certificate, of the person or public body by whom the document is required to be signed,

(*b*) the document contains an indication that the signature of that person or public body is required to be witnessed, and

(*c*) the signature of the person purporting to witness the signature to be witnessed is an advanced electronic signature, based on a qualified certificate.

(2) An advanced electronic signature based on a qualified certificate may be used as provided in *subsection (1)* only—

(*a*) where the signature required or permitted to be witnessed is on a document to be given to a public body or to a person acting on behalf of a public body and the public body consents to the use of an electronic signature of both the person attesting the document and witnessing the signature but requires that the document and signatures be in accordance with particular information technology and procedural requirements (including that a qualified certificate on which the signature or signatures are based be issued by an accredited certification service provider)— if the public body's requirements are met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*b*) where the document on or in respect of which the signature is to be witnessed is required or permitted to be given to a person who is neither a public body nor acting on behalf of a public body— if the person to whom it is required or permitted to be given consents to the use of an advanced electronic signature based on a qualified certificate for that purpose.

Consumer law to apply.

**15.**—All electronic contracts within the State shall be subject to all existing consumer law and the F4**[**role of the National Consumer Agency**]** in such legislation shall apply equally to consumer transactions, whether conducted electronically or non-electronically.

**Annotations**

**Amendments:**

**F4** Substituted (1.05.2007) by *Consumer Protection Act 2007* (19/2007), s. 40(1) and sch. 3 part 1, S.I. No. 178 of 2007.

**Modifications (not altering text):**

**C5** Functions transferred and references the National Consumer Agency construed as Competition and Consumer Protection Commission (31.10.2014, establishment day) by *Competition and Consumer Protection Act 2014* (29/2014), s. 39, S.I. No. 367 of 2014.

**Transfer of functions to Commission.**

**39.** —(1) All functions that, immediately before the establishment day, were vested in the dissolved bodies are transferred to the Commission.

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to—

(a) the National Consumer Agency, or

(b) the Competition Authority,

shall, on and after that day, be construed as references to the Commission.

(3) A reference in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to the chief executive of the National Consumer Agency shall, on and after that day, be construed as a reference to the chairperson of the Commission.

(4) This section shall come into operation on the establishment day.

Documents under seal.

**16.**—(1) If by law or otherwise a seal is required to be affixed to a document (whether the requirement is in the form of an obligation or consequences flow from a seal not being affixed) then, subject to *subsection (2)*, that requirement is taken to have been met if the document indicates that it is required to be under seal and it includes an advanced electronic signature, based on a qualified certificate, of the person or public body by whom it is required to be sealed.

(2) An advanced electronic signature based on a qualified certificate may be used as provided in *subsection (1)* only—

(*a*) where the document to be under seal is required or permitted to be given to a public body or to a person acting on behalf of a public body and the public body consents to the use of an electronic signature but requires that it be in accordance with particular information technology and procedural requirements (including that a qualified certificate on which it is based be issued by an accredited certification service provider)— if the public body's requirements have been met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*b*) where the document to be under seal is required or permitted to be given to a person who is neither a public body nor acting on behalf of a public body— if the person to whom it is required or permitted to be given consents to the use of an advanced electronic signature based on a qualified certificate.

Electronic originals.

**17.**—(1) If by law or otherwise a person or public body is required (whether the requirement is in the form of an obligation or consequences flow from the information not being presented or retained in its original form) or permitted to present or retain information in its original form, then, subject to *subsection (2)*, the information may be presented or retained, as the case may be, in electronic form, whether as an electronic communication or otherwise.

(2) Information may be presented or retained as provided in *subsection (1)* only—

(*a*) if there exists a reliable assurance as to the integrity of the information from the time when it was first generated in its final form, whether as an electronic communication or otherwise,

(*b*) where it is required or permitted that the information be presented— if the information is capable of being displayed in intelligible form to a person or public body to whom it is to be presented,

(*c*) if, at the time the information was generated in its final form, it was reasonable to expect that it would be readily accessible so as to be useable for subsequent reference,

(*d*) where the information is required or permitted to be presented to or retained for a public body or for a person acting on behalf of a public body, and the public body consents to the information being presented or retained in electronic form, whether as an electronic communication or otherwise, but requires that it be presented or retained in accordance with particular information technology and procedural requirements— if the public body's requirements have been met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*e*) where the information is required or permitted to be presented to or retained for a person who is neither a public body nor acting on behalf of a public body— if the person to whom the information is required or permitted to be presented or for whom it is required or permitted to be retained consents to the information being presented or retained in that form.

(3) *Subsections (1)* and *(2)* are without prejudice to any other law requiring or permitting information to be presented or retained—

(*a*) in accordance with particular information technology and procedural requirements,

(*b*) on a particular kind of data storage device, or

(*c*) by means of a particular kind of electronic communication.

(4) For the purposes of *subsections (1)* and *(2)*—

(*a*) the criteria for assessing integrity is whether the information has remained complete and unaltered, apart from the addition of any endorsement or change which arises in the normal course of generating, communicating, processing, sending, receiving, recording, storing or displaying, and

(*b*) the standard of reliability shall be assessed in the light of the purpose for which and the circumstances in which the information was generated.

Retention and production.

**18.**—(1) If by law or otherwise a person or public body is required (whether the requirement is in the form of an obligation or consequences flow from the information not being retained or produced in its original form) or permitted to retain for a particular period or produce a document that is in the form of paper or other material on which information may be recorded in written form, then, subject to *subsection (2)*, the person or public body may retain throughout the relevant period or, as the case may be, produce, the document in electronic form, whether as an electronic communication or otherwise.

(2) A document may be retained throughout the period, or produced, by the person or public body as provided in *subsection (1)* only—

(*a*) if there exists a reliable assurance as to the integrity of the information from the time when it was first generated in its final form as an electronic communication,

(*b*) in the case of a document to be produced— if the information is capable of being displayed in intelligible form to the person or public body to whom it is to be produced,

(*c*) in the case of a document to be retained— if, at the time of the generation of the final electronic form of the document, it was reasonable to expect that the information contained in the electronic form of the document would be readily accessible so as to be useable for subsequent reference,

(*d*) where the document is required or permitted to be retained for or produced to a public body or for or to a person acting on behalf of a public body, and the public body consents to the document being retained or produced in electronic form, whether as an electronic communication or otherwise, but requires that the electronic form of the document be retained or produced in accordance with particular information technology and procedural requirements— if the public body's requirements have been met and those requirements have been made public and are objective, transparent, proportionate and non-discriminatory, and

(*e*) where the document is required or permitted to be retained for or produced to a person who is neither a public body nor acting on behalf of a public body— if the person for or to whom the document is required or permitted to be retained or produced consents to it being retained or produced in that form.

(3) *Subsections (1)* and *(2)* are without prejudice to any other law requiring or permitting documents in the form of paper or other material to be retained or produced—

(*a*) in accordance with particular information technology and procedural requirements,

(*b*) on a particular kind of data storage device, or

(*c*) by means of a particular kind of electronic communication.

(4) For the purposes of *subsections (1)* and *(2)*—

(*a*) the criteria for assessing integrity is whether the information has remained complete and unaltered, apart from the addition of any endorsement or change which arises in the normal course of generating, communicating, processing, sending, receiving, recording, storing or displaying, and

(*b*) the standard of reliability shall be assessed in the light of the purpose for which the information was generated and the circumstances in which it was generated.

Contracts.

**19.**—(1) An electronic contract shall not be denied legal effect, validity or enforceability solely on the grounds that it is wholly or partly in electronic form, or has been concluded wholly or partly by way of an electronic communication.

(2) In the formation of a contract, an offer, acceptance of an offer or any related communication (including any subsequent amendment, cancellation or revocation of the offer or acceptance of the offer) may, unless otherwise agreed by the parties, be communicated by means of an electronic communication.

Acknowledgement of receipt of electronic communications.

**20.**—(1) Subject to any other law, where the originator of an electronic communication indicates that receipt of the electronic communication is required to be acknowledged but does not indicate a particular form or method of acknowledgement, then, unless the originator and the addressee of the electronic communication agree otherwise, the acknowledgement shall be given by way of an electronic communication or any other communication (including any conduct of the addressee) sufficient to indicate to the originator that the electronic communication has been received.

(2) Where the originator of an electronic communication indicates that receipt of the electronic communication is required to be acknowledged, the electronic communication, in relation to the establishing of legal rights and obligations between parties, shall, until the acknowledgement is received by the originator and unless the parties otherwise agree, be treated as if it had never been sent.

(3) Where the originator of an electronic communication has indicated that receipt of the electronic communication is required to be acknowledged but has not stated that the electronic communication is conditional on the receipt of acknowledgement and the acknowledgement has not been received by the originator within the time specified or agreed or, if no time has been specified or agreed, within a reasonable time, then the electronic communication, in relation to the establishing of legal rights and obligations between parties, shall, unless the parties otherwise agree, be treated as if it had never been sent.

Time and place of dispatch and receipt of electronic communications.

**21.**—(1) Where an electronic communication enters an information system, or the first information system, outside the control of the originator, then, unless otherwise agreed between the originator and the addressee, it is taken to have been sent when it enters such information system or first information system.

(2) Where the addressee of an electronic communication has designated an information system for the purpose of receiving electronic communications, then, unless otherwise agreed between the originator and the addressee or the law otherwise provides, the electronic communication is taken to have been received when it enters that information system.

(3) Where the addressee of an electronic communication has not designated an information system for the purpose of receiving electronic communications, then, unless otherwise agreed between the originator and the addressee, the electronic communication is taken to have been received when it comes to the attention of the addressee.

(4) *Subsections (1), (2)* and *(3)* apply notwithstanding that the place where the relevant information system is located may be different from the place where the

electronic communication is taken to have been sent or received, as the case may be, under those subsections.

(5) Unless otherwise agreed between the originator and the addressee of an electronic communication, the electronic communication is taken to have been sent from and received at, respectively, the place where the originator and the addressee have their places of business.

(6) For the purposes of *subsection (5)*, but subject to *subsection (7)*—

(*a*) if the originator or addressee has more than one place of business, the place of business is the place that has the closest relationship to the underlying transaction or, if there is no underlying transaction, the principal place of business, and

(*b*) if the originator or addressee does not have a place of business, the place of business is taken to be the place where he or she ordinarily resides.

(7) If an electronic communication is or is in connection with a notification or other communication required or permitted by or under an Act to be sent or given to, or served on, a company at its registered office, the registered office is taken to be the place of business of the company in connection with that electronic communication for the purpose of *subsection (5)*.

Admissibility.

**22.**—In any legal proceedings, nothing in the application of the rules of evidence shall apply so as to deny the admissibility in evidence of—

(*a*) an electronic communication, an electronic form of a document, an electronic contract, or writing in electronic form—

(i) on the sole ground that it is an electronic communication, an electronic form of a document, an electronic contract, or writing in electronic form, or

(ii) if it is the best evidence that the person or public body adducing it could reasonably be expected to obtain, on the grounds that it is not in its original form,

or

(*b*) an electronic signature—

(i) on the sole ground that the signature is in electronic form, or is not an advanced electronic signature, or is not based on a qualified certificate, or is not based on a qualified certificate issued by an accredited certification service provider, or is not created by a secure signature creation device, or

(ii) if it is the best evidence that the person or public body adducing it could reasonably be expected to obtain, on the grounds that it is not in its original form.

Defamation law to apply.

**23.**—All provisions of existing defamation law shall apply to all electronic communications within the State, including the retention of information electronically.

*General*

Electronic form not required.

**24.**—Nothing in this Act shall be construed as—

(*a*) requiring a person or public body to generate, communicate, produce, process, send, receive, record, retain, store or display any information, document or signature by or in electronic form, or

(*b*) prohibiting a person or public body engaging in an electronic transaction from establishing reasonable requirements about the manner in which the person will accept electronic communications, electronic signatures or electronic forms of documents.

Prohibition of fraud and misuse of electronic signatures and signature creation device.

**25.**—A person or public body who or which—

(*a*) knowingly accesses, copies or otherwise obtains possession of, or recreates, the signature creation device of another person or a public body, without the authorisation of that other person or public body, for the purpose of creating or allowing, or causing another person or public body to create, an unauthorised electronic signature using the signature creation device,

(*b*) knowingly alters, discloses or uses the signature creation device of another person or a public body, without the authorisation of that other person or public body or in excess of lawful authorisation, for the purpose of creating or allowing, or causing another person or public body to create, an unauthorised electronic signature using the signature creation device.

(*c*) knowingly creates, publishes, alters or otherwise uses a certificate or an electronic signature for a fraudulent or other unlawful purpose,

(*d*) knowingly misrepresents the person's or public body's identity or authorisation in requesting or accepting a certificate or in requesting suspension or revocation of a certificate,

(*e*) knowingly accesses, alters, discloses or uses the signature creation device of a certification service provider used to issue certificates, without the authorisation of the certification service provider or in excess of lawful authorisation, for the purpose of creating, or allowing or causing another person or a public body to create, an unauthorised electronic signature using the signature creation device, or

(*f*) knowingly publishes a certificate, or otherwise knowingly makes it available to anyone likely to rely on the certificate or on an electronic signature that is verifiable with reference to data such as codes, passwords, algorithms, public cryptographic keys or other data which are used for the purposes of verifying an electronic signature, listed in the certificate, if the person or public body knows that—

(i) the certification service provider listed in the certificate has not issued it,

(ii) the subscriber listed in the certificate has not accepted it, or

(iii) the certificate has been revoked or suspended, unless its publication is for the purpose of verifying an electronic signature created before such revocation or suspension, or giving notice of revocation or suspension,

is guilty of an offence.

Activities partly outside the State.

**26.**—The provisions of *section 25* extend to activities that took place partly outside the State.

Investigative procedures.

**27.**—(1) Where, on the sworn information of an officer of the Minister or a member of the Garda Síochána not below the rank of Inspector, a judge of the District Court is satisfied that there are reasonable grounds for suspecting that evidence of or relating to an offence under this Act is to be found at a place specified in the information, the judge may issue a warrant for the search of that place and any persons found at that place.

(2) A warrant issued under this section shall authorise a named officer of the Minister or member of the Garda Síochána, alone or accompanied by such member or other members of the Garda Síochána and such other persons as may be necessary—

(*a*) to enter, within 7 days from the date of the warrant, and if necessary by the use of reasonable force, the place named in the warrant,

(*b*) to search the place and any person reasonably suspected of being connected with any activities of the place found thereon, and

(*c*) to seize anything found there, or anything found in the possession of a person present there at the time of the search, which that officer or member reasonably believes to be evidence of or relating to an offence under this Act and, where the thing seized is or contains information or an electronic communication that cannot readily be accessed or put into intelligible form, to require the disclosure of the information or electronic communication in intelligible form.

(3) An officer of the Minister or member of the Garda Síochána acting in accordance with a warrant issued under this section may require any person found at the place where the search is carried out to give the officer or member the person's name and address.

(4) A person who or public body which—

(*a*) obstructs or attempts to obstruct an officer of the Minister or member of the Garda Síochána acting in accordance with a warrant issued under *subsection (1)*,

(*b*) fails or refuses to comply with a requirement under this section, or

(*c*) gives a name or address which is false or misleading,

is guilty of a summary offence.

(5) An officer of the Minister or member of the Garda Síochána may retain anything seized under *subsection (2)(c)* which he or she has reasonable grounds for believing to be evidence of an offence under this Act, for use as evidence in relation to proceedings in relation to any such offence, for such period as is reasonable or, if proceedings are commenced in which the thing is required to be used in evidence, until the conclusion of the proceedings.

(6) In this section, "place" includes any dwelling, any building or part of a building and any vehicle, vessel or structure.

Confidentiality of deciphering data.

**28.**—Nothing in this Act shall be construed as requiring the disclosure or enabling the seizure of unique data, such as codes, passwords, algorithms, private cryptographic keys, or other data, that may be necessary to render information or an electronic communication intelligible.

## PART III

### Certification Services

Accreditation and supervision of certification service providers.

**29.**—(1) A person or public body is not required to obtain the prior authority of any other person or public body to provide certification or other services relating to electronic signatures.

(2) (*a*) The Minister, after consultation with the Minister for Enterprise, Trade and Employment, may by regulations made under *section 3* establish a scheme of voluntary accreditation of certification service providers for the purpose

of the Directive and to enhance levels of certification service provision in the State, and may designate accreditation authorities and prescribe such matters relating to their designation as the Minister thinks appropriate for the purpose.

(*b*) A person or public body who or which provides certification or other services in the State relating to electronic signatures may apply as prescribed to the accreditation authority designated under *paragraph (a)* to participate in any scheme of voluntary accreditation established pursuant to that paragraph.

(*c*) The regulations may prescribe—

(i) the rights and obligations specific to the provision of certification services of participants in a scheme of voluntary accreditation, and

(ii) the manner in which the accreditation authority designated under *paragraph (a)* shall elaborate and supervise compliance with those rights and obligations in accordance with the Directive and, in particular, Annex II.

(*d*) A participant in a scheme referred to in *paragraph (a)* shall not exercise a right under the scheme without the prior permission of the accreditation authority.

(3) The Minister shall prescribe a scheme of supervision of certification service providers established in the State who issue qualified certificates to the public.

(4) (*a*) The Minister may, after consultation with the Minister for Enterprise, Trade and Employment, by order, designate persons or public bodies for the purposes of determining whether secure signature creation devices conform with the requirements of Annex III.

(*b*) The Minister may, by order, amend or revoke an order under this subsection, including an order under this paragraph.

(5) No civil action shall lie or be maintained against a person or public body designated under or for the purposes of *subsection (2), (3)* or *(4)* in respect of any determination made or thing done by the person or public body, in good faith, in the performance or purported performance of a function under a scheme referred to in *subsection (2)* or *(3)* or for which he, she or it is designated under *subsection (4)*.

**Annotations**

**Editorial Notes:**

**E5** Power pursuant to subs. (3) exercised (31.05.2010) by *Electronic Commerce (Certification Service Providers Supervision Scheme) Regulations 2010* (S.I. No. 233 of 2010).

Liability of certification service providers.

**30.**—(1) A certification service provider who provides a service to the public of issuing certificates and who as a part of that service issues a certificate as a qualified certificate or guarantees such a certificate, shall be liable for any damage caused to a person who, or public body which, reasonably relies on the certificate unless the certification service provider proves that he, she or it has not acted negligently.

(2) It shall be the duty of every certification service provider who provides to the public a service of issuing certificates and who issues a certificate as a qualified certificate or guarantees such a certificate, to take reasonable steps to ensure—

(*a*) the accuracy of all information in the qualified certificate as at the time of issue and that the certificate contains all the details required by Annex I to be so contained in a qualified certificate,

(*b*) that, at the time of the issue of the certificate, the signatory identified in the certificate held the signature creation device corresponding to the signature verification device given or identified in the certificate, and

(*c*) that the signature creation device and the signature verification device act together in a complementary manner, in cases where the certification service provider generates both.

(3) A certification service provider who provides a service to the public of issuing certificates and who as a part of that service issues a certificate as a qualified certificate, or guarantees such a certificate, is liable for any damage caused to a person who, or public body which, reasonably relies on the certificate, for the certification service provider's failure to register or publish notice of the revocation or suspension of the certificate as prescribed, unless the certification service provider proves that he, she or it has not acted negligently.

(4) A certification service provider who provides a service to the public of issuing certificates and who as a part of that service issues a certificate as a qualified certificate, or guarantees such a certificate, may indicate in the qualified certificate limits on the uses of the certificate (including a limit on the value of transactions for which the certificate can be used) and, if the limits are clear and readily identifiable as limitations, the certification service provider shall not be liable for damages arising from a contrary use of a qualified certificate which includes such limits on its uses.

## F5[PART 4

## Registration of Domain Names

Interpretation: Part 4.

**31.**— In this Part, " '.ie' domain name" means the top level of the global domain name system assigned to Ireland according to the two-letter code in the International Standard ISO 3166-1 (Codes for Representation of Names of Countries and their Subdivision) of the International Organisation for Standardisation.**]**

**Annotations**

**Amendments:**

**F5** Substituted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), ss. 1(2), 21, S.I. No. 224 of 2007, art. 2.

F6[Registration of ".ie" domain names.

**32.**— (1) The purpose of this Part is to facilitate easy comprehension, fairness, transparency, avoidance of deception, promotion of fair competition and public confidence with respect to the use of ".ie" domain names.

(2) A person shall not use an ".ie" domain name unless the name is registered in accordance with regulations made under this section.

(3) The Commission may make regulations for the purposes of this section, but only after consultation with the Minister for Enterprise, Trade and Employment and such other persons and public bodies (if any) as the Commission thinks appropriate.

(4) In particular, regulations under *subsection (3)* may do all or any of the following:

(*a*) specify an entity as the authority authorised to register ".ie" domain names;

(*b*) prescribe the form and manner in which an application for registration or renewal of registration of an ".ie" domain name is to be made;

(*c*) prescribe the circumstances and manner in which, the terms on which and the period for which an ".ie" domain name may be registered;

(*d*) prescribe the circumstances and manner in which, the terms on which and the period for which registration of an ".ie" domain name may be renewed;

(*e*) prescribe the circumstances and manner in which an application for registration or renewal of registration of an ".ie" domain name can be refused by the registering authority;

(*f*) empower the registering authority to revoke the registration of an ".ie" domain name in specified circumstances;

(*g*) confer a right of appeal against—

(i) a refusal of an application for registration or a renewal of registration of an ".ie" domain name, and

(ii) the revocation of the registration of such a name;

(*h*) provide for the procedure for hearing and determining appeals;

(*i*) prescribe the fees (if any) to be paid on registering and renewing the registration of an ".ie" domain name and the time within which and the manner in which such fees are to be paid;

(*j*) provide for such other matters relating to registration as appear to the Commission to be necessary or desirable for the purposes of this section.

(5) The regulations shall provide that persons who have registered ".ie" domain names before the regulations came into operation are taken to have registered those names in accordance with the regulations.

(6) A person who contravenes *subsection (2)*, or contravenes a regulation made under this section, is liable on summary conviction to a fine not exceeding €5,000.**]**

**Annotations**

**Amendments:**

**F6** Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 21, S.I. No. 224 of 2007. A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(3) and table ref. no. 1, S.I. No. 662 of 2010.

F7**[**Commission may impose levy.

**33.**— (1) In order to provide a fund to meet the expenses properly incurred by the Commission in performing its function with respect to the use of ".ie" domain names, the Commission may, by order, impose a levy on the entity authorised to register ".ie" domain names in the State. The order shall specify the deadline for payment of such a levy.

(2) While an order made under *subsection (1)* remains in force, the entity shall, before the deadline specified in the order, pay to the Commission the amount of levy so specified.

(3) If the entity fails to pay a levy by the deadline fixed for payment, the Commission may, by proceedings brought in a court of competent jurisdiction, recover from the entity the amount of the levy as a debt due to the Commission.**]**

**Annotations**

**Amendments:**

**F7** Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 21, S.I. No. 224 of 2007.

F8**[**Commission to have access to domain database.

**34.**—The Commission is at all times entitled to have access to all internet ".ie" domain name databases and any associated records.**]**

**Annotations**

**Amendments:**

**F8** Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 21, S.I. No. 224 of 2007.

F9**[**Power of Commission to designate interim registration authority.

**35.**— (1) If the Commission considers it necessary to do so, it may, with the consent of the Minister, designate a person on an interim basis as the registration authority for the purposes of regulations in force under *section 32*.

(2) A designation under *subsection (1)* or *subsection (3)* is to be for a period not exceeding 12 months and is to be on such terms as may be specified in the designation.

(3) A designation under *subsection (1)* or this subsection may, with the consent of the Minister, be renewed for a further period not exceeding 12 months on such terms as may be specified in the renewal of the designation.

(4) This section has effect despite anything to the contrary in regulations in force under *section 32*.**]**

**Annotations**

**Amendments:**

**F9** Inserted (15.05.2007) by *Communications Regulation (Amendment) Act 2007* (22/2007), s. 21, S.I. No. 224 of 2007.

*Section 2(3)(d).*

## SCHEDULE

### ANNEXES TO DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A COMMUNITY FRAMEWORK FOR ELECTRONIC SIGNATURES

### ANNEX I

*Requirements for qualified certificates*

*Section 30(2)(a).* Qualified certificates must contain:

(*a*) an indication that the certificate is issued as a qualified certificate;

(*b*) the identification of the certification-service-provider and the State in which it is established;

(*c*) the name of the signatory or a pseudonym, which shall be identified as such;

(*d*) provision for a specific attribute of the signatory to be included if relevant, depending on the purpose for which the certificate is intended;

(*e*) signature-verification data which correspond to signature-creation data under the control of the signatory;

(*f*) an indication of the beginning and end of the period of validity of the certificate;

(*g*) the identity code of the certificate;

(*h*) the advanced electronic signature of the certification-service-provider issuing it;

(*i*) limitations on the scope of use of the certificate, if applicable; and

(*j*) limits on the value of transactions for which the certificate can be used, if applicable.

### ANNEX II

*Requirements for certification-service-providers issuing qualified certificates*

*Section 29(2)(c)(ii).* Certification-service-providers must:

(*a*) demonstrate the reliability necessary for providing certification services;

(*b*) ensure the operation of a prompt and secure directory and a secure and immediate revocation service;

(*c*) ensure that the date and time when a certificate is issued or revoked can be determined precisely;

(*d*) verify, by appropriate means in accordance with national law, the identity and, if applicable, any specific attributes of the person to which a qualified certificate is issued;

(*e*) employ personnel who possess the expert knowledge, experience and qualifications necessary for the services provided, in particular competence at managerial level, expertise in electronic signature technology and familiarity with proper security procedures; they must also apply

administrative and managerial procedures which are adequate and correspond to recognised standards;

(*f*) use trustworthy systems and products which are protected against modification and ensure the technical and cryptographic security of the processes supported by them;

(*g*) take measures against forgery of certificates, and, in cases where the certification-service-provider generates signature-creation data, guarantee confidentiality during the process of generating such data;

(*h*) maintain sufficient financial resources to operate in conformity with the requirements laid down in the Directive, in particular to bear the risk of liability for damages, for example by obtaining appropriate insurance;

(*i*) record all relevant information concerning a qualified certificate for an appropriate period of time, in particular for the purpose of providing evidence of certification for the purposes of legal proceedings. Such recording may be done electronically;

(*j*) not store or copy signature-creation data of the person to whom the certification-service-provider provides key management services;

(*k*) before entering into a contractual relationship with a person seeking a certificate to support his electronic signature, inform that person by a durable means of communication of the precise terms and conditions regarding the use of the certificate, including any limitations on its use, the experience of a voluntary accreditation scheme and procedures for complaints and dispute settlement. Such information, which may be transmitted electronically, must be in writing and in readily understandable language. Relevant parts of this information must also be made available on request to third-parties relying on the certificate;

(*l*) use trustworthy systems to store certificates in a verifiable form so that:

—only authorised persons can make entries and changes,

—information can be checked for authenticity,

—certificates are publicly available for retrieval in only those cases for which the certificate-holder's consent has been obtained, and

—any technical changes comprising these security requirements are apparent to the operator.

## ANNEX III

*Requirements for secure signature-creation devices*

*Section 29(4).*

1. Secure signature-creation devices must, by appropriate technical and procedural means, ensure at the least that:

(*a*) the signature-creation-data used for signature generation can practically occur only once, and that their secrecy is reasonably assured;

(*b*) the signature-creation-data used for signature generation cannot, with reasonable assurance, be derived and the signature is protected against forgery using currently available technology;

(*c*) the signature-creation-data used for signature generation can be reliably protected by the legitimate signatory against the use of others.

2. Secure signature-creation devices must not alter the data to be signed or prevent such data from being presented to the signatory prior to the signature process.

*Number* 27 *of* 2000

# ELECTRONIC COMMERCE ACT 2000

**REVISED**

**Updated to 1 June 2025**

## About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

## Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

## Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

## Acts which affect or previously affected this revision

- *Competition and Consumer Protection Act 2014* (29/2014)
- *Central Bank (Supervision and Enforcement) Act 2013* (26/2013)
- *Consumer Protection Act 2007* (19/2007)
- *Communications Regulation (Amendment) Act 2007* (22/2007)
- *Investment Funds, Companies and Miscellaneous Provisions Act 2005* (12/2005)

All Acts up to and including *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 2025, were considered in the preparation of this revision.

## Statutory instruments which affect or previously affected this revision

- *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025)
- *Electronic Commerce Act 2000 (Application of sections 12 to 23 to Registered Land) Regulations 2022* (S.I. No. 55 of 2022)
- *Electronic Commerce (Certification Service Providers Supervision Scheme) Regulations 2010* (S.I. No. 233 of 2010)
- *European Communities (Award of Public Authorities' Contracts) Regulations 2006* (S.I. No. 329 of 2006)
- *European Communities (Directive 2000/31/EC) Regulations 2003* (S.I. No. 68 of 2003)
- *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002)
- *Electronic Commerce Act, 2000 (Commencement) Order 2000* (S.I. No. 293 of 2000)

All statutory instruments up to and including *Telecommunications (Transfer of Departmental Administration and Ministerial Functions) Order 2025* (S.I. No. 237 of 2025), made 27 May 2025, were considered in the preparation of this revision.