

2007 No. 124

LOCAL GOVERNMENT

RATING AND VALUATION

**The Valuation Appeal Committee (Electronic Communications)
(Scotland) Order 2007**

Made - - - - - *28th February 2007*

Laid before the Scottish Parliament *1st March 2007*

Coming into force - - - *1st April 2007*

The Scottish Ministers, considering that the authorisation, by this Order, of the use of electronic communications or electronic storage for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications or electronic storage than in other cases, in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(a), and with the consent of the Secretary of State in accordance with section 9(7)(c) of that Act, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Valuation Appeal Committee (Electronic Communications) (Scotland) Order 2007 and shall come into force on 1st April 2007.

(2) This Order extends to Scotland only.

Amendment of the Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995

2. The Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995(b) are amended in accordance with articles 3 and 4.

3. In regulation 2(1) (interpretation), in the appropriate place, insert—

““address” in relation to electronic communications, includes any number or address used for the purposes of such communications;” and

““electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000(a);”.

(a) 2000 c.7 (“the 2000 Act”). By virtue of the modifications for Scotland in section 9(7) of the 2000 Act, the reference to the appropriate Minister is to be read as a reference to the Secretary of State, and the powers of the Secretary of State may be exercised by the Scottish Ministers, with the consent of the Secretary of State.

(b) S.I. 1995/572; amended by S.I. 1996/580.

4. In regulation 3 (requirements as to appeal)–

- (a) in paragraph (5) for “written intimation”, substitute “either written intimation or intimation by way of electronic communication using the method specified in paragraph (8)”;
- (b) after paragraph (5) insert–
 - “(6) An appeal to the Committee may be made by way of electronic communication using the method specified in paragraph (8) instead of by way of notice in terms of paragraph (1).
 - (7) An appeal by electronic communication shall specify–
 - (a) the particular lands and heritages in respect of which the appeal is made;
 - (b) the name of the appellant and the appellant’s postal address and postal code; and
 - (c) where an agent is acting for the appellant, the name of the agent and the agent’s postal address and postal code.
 - (8) The method of appeal is to send the electronic communication to an address published by the assessor for the purposes of this paragraph, and an electronic communication under this paragraph must–
 - (a) be capable of being accessed by the recipient;
 - (b) be legible in all other material respects; and
 - (c) be sufficiently permanent to be used for subsequent reference.
 - (9) In paragraph (8)(b), “legible in all other material respects” means that the information contained in the electronic communication shall be available to the recipient to no lesser extent than it would be if that information had been contained in a document in printed form.
 - (10) Where the assessor has published an address for the purposes of paragraph (8), the assessor may subsequently publish a different address for those purposes and, from such date of publication, the electronic communication shall be sent to the different address and not to the previous address.”.

St Andrew’s House,
Edinburgh
28th February 2007

TOM McCABE
A member of the Scottish Executive

I consent

PHIL WOOLAS
Secretary of State

26th February 2007

EXPLANATORY NOTE

(This note is not part of the Order)

Section 8 of the Electronic Communications Act 2000 empowers the Scottish Ministers, with the consent of the Secretary of State (required by section 9 of that Act) by order to modify any enactment or subordinate legislation for the purpose of authorising or facilitating the use of electronic communications. This Order amends the Valuation Appeal Committee (Procedure in Appeals under the Valuation Acts) (Scotland) Regulations 1995 (“the 1995 Regulations”) to provide for notices of appeal to a Valuation Appeal Committee to be made by electronic communication as well as by notice in writing.

Article 3 of the Order inserts new definitions into regulation 2(1) of the 1995 Regulations for these purposes. These define “electronic communication” and what an “address” is for the purposes of such electronic communication.

Article 4 of the Order amends paragraph (5) and inserts new paragraphs (6) to (10) in Regulation 3 of the 1995 Regulations, concerning requirements as to appeals.

Paragraph (5) is amended to provide that an appellant can give either intimation in writing, or by electronic communication, to the assessor withdrawing a notice of appeal.

Paragraph (6) provides that a notice of appeal may be made by electronic communication using the specified method.

In accordance with paragraph (7), the communication must specify the lands and heritages in respect of which the appeal is made, the name, postal address and postal code of the appellant, and if an agent makes the communication, those details for the agent.

Paragraphs (8) and (9) further specify the required method of such an electronic communication.

Paragraph (10) provides for the assessor to subsequently publish different addresses for electronic communications, and the communication shall be sent to the newly published address from the date of its publication.

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