
WELSH STATUTORY INSTRUMENTS

2004 No. 3156

The Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004

Use of electronic communications for service of notices

4.—(1) Section 329 of the Planning Act⁽¹⁾ (service of notices) is amended as follows.

(2) In subsection (1), after paragraph (c), insert—

“(cc) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (3A), to that person at that address (subject to subsection (3B)); or”.

(3) After subsection (3), insert—

“(3A) The condition mentioned in subsection (1)(cc) is that the notice or other document shall be—

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference,

and for this purpose “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served or given by means of a notice or document in printed form.

(3B) Subsection (1)(cc) shall not apply to—

- (a) service of a planning contravention notice;
- (b) service of a copy of an enforcement notice by a local planning authority;
- (c) giving of notice under section 173A of the exercise of powers conferred by subsection (1) of that section;
- (d) service under section 181(4) of notice of a local planning authority’s intention to take steps required by an enforcement notice;
- (e) service of an enforcement notice issued by the Secretary of State;
- (f) service of a stop notice, or of notice of withdrawal of a stop notice, by a local planning authority;
- (g) service of a stop notice by the Secretary of State;
- (h) service of a breach of condition notice or of notice of withdrawal of a breach of condition notice;
- (i) giving of notice of the making of a tree preservation order, or service of a copy of such an order, in accordance with regulations under section 199;
- (j) service of a notice under section 215 requiring steps to be taken to remedy the condition of any land;

(1) Section 329 was amended by the Planning and Compensation Act 1991, section 32 and Schedule 7, paragraphs 8 and 51.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (k) service of a notice under section 330 requiring information as to interests in land.”(2)

(2) Section 172 was substituted by the Planning and Compensation Act 1991, section 5. Section 183 was substituted in part by the Planning and Compensation Act 1991, section 9(1). Section 187A was inserted by section 2 of that Act. Section 207 was substituted in part by section 23(1) of that Act. Section 330 was amended by the Environment Act 1995, section 78 and Schedule 10, paragraph 32(1).