
WELSH STATUTORY INSTRUMENTS

2009 No. 1267

**The Traffic Management Permit
Scheme (Wales) Regulations 2009**

PART 9

Miscellaneous

Service of documents, etc

39.—(1) Subject to paragraph (5), any requirement or power in these Regulations or in a permit scheme to send a document or information other than a fixed penalty notice will be discharged by sending that document or information using electronic communication.

(2) Where a person —

- (a) has provided a Permit Authority with an address for service on him or her of fixed penalty notices by using a particular method for transmitting an electronic communication; and
- (b) has not notified the Permit Authority that the address is withdrawn for that purpose;

a fixed penalty notice shall be given by sending it to him or her at that address by that method, in accordance with the requirements set out in paragraph (4).

(3) Subject to section 98(2) of the 1991 Act, where an electronic communication is used for the purpose of sending a document or information, then, unless the contrary is proved, the document or information will be deemed to be given on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

(4) An electronic communication must be —

- (a) capable of being accessed by the person to whom it is sent;
- (b) legible; and
- (c) in a form sufficiently permanent to be used for subsequent reference.

(5) Where it is not possible to use an electronic communication or, in relation to a fixed penalty notice, paragraph (2) does not apply, service may be effected by any of the following means —

- (a) delivery to the person to whom it is to be given;
- (b) leaving it at his or her proper address;
- (c) sending it by first class post to him or her at his or her proper address; or
- (d) such other means as may be agreed between the sender and recipient.

(6) The proper address of any person for the purposes of this regulation is, subject to paragraph (7)

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- (a) where such person has provided to the sender an address for service for the purposes of permit schemes, that address;
 - (b) otherwise —
 - (i) in the case of a corporation, the registered or principal office of the corporation; or

(ii) in any other case, the last known address of such person.

(7) A person may provide different addresses for different notices or different classes of notice.

(8) Where a Permit Authority does not have arrangements for receiving communications at any time outside business hours, any requirement imposed by or under a permit scheme to send a document or information to the Permit Authority by a given day is deemed to have been satisfied if the document or information has been received by the Permit Authority before 10.00 hours on the following working day.

(9) In paragraph (8), “business hours” means the period from 08.00 hours to 16.30 hours on a working day.

Non-discrimination

40. Without prejudice to the operation of Parts 5 and 6 of these Regulations, a Permit Authority must operate a permit scheme made by it without discrimination between different classes of applicant for permits or for provisional advance authorisations.