



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 2706 (Cy.225)

2009 No. 2706 (W.225)

Y DRETH GYNGOR, CYMRU

COUNCIL TAX, WALES

ARDRETHU A PHRSIO, CYMRU

RATING AND VALUATION, WALES

Gorchymyn y Dreth Gyngor ac
Ardrethu Annomestig
(Cyfathrebiadau Electronig)
(Cymru) 2009

The Council Tax and Non-
Domestic Rating (Electronic
Communications) (Wales) Order
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestr Lleol) 1989, Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestr Canolog) 1989 a Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 o ran Cymru. Mae'n darparu ar gyfer cyflwyno hysbysiadau a gwybodaeth benodol drwy gyfathrebiad electronig ar berson sydd wedi cytuno i dderbyn cyflwyniad electronig.

This Order amends the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989, the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 and the Council Tax (Administration and Enforcement) Regulations 1992 in relation to Wales. It provides for the service of certain notices and information by electronic communication on a person who has agreed to accept electronic service.

Mae erthygl 3 yn mewnosod diffiniadau newydd yn rheoliad 1 o'r Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestr Lleol) 1989 ("Rheoliadau 1989").

Article 3 inserts new definitions into regulation 1 of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 ("the 1989 Regulations").

Mae erthygl 4(2) yn ychwanegu paragraffau newydd i reoliad 2 o Reoliadau 1989.

Article 4(2) adds new paragraphs to regulation 2 of the 1989 Regulations.

O dan y paragraff (3) newydd o reoliad 2 caniateir cyflwyno unrhyw hysbysiad o dan Ran II (Bilio) neu o dan reoliad 11 (Gorchymynion dyled: camau rhagarweiniol) o Reoliadau 1989 neu unrhyw wybodaeth y mae angen ei chyflenwi pan gyflwynir hysbysiadau galw am dalu yn rhinwedd Rheoliadau Ardrethu Annomestig (Hysbysiadau Galw am Dalu) (Cymru) 1993 yn electronig ar berson sydd wedi cytuno i dderbyn dogfennau o'r fath drwy gyflwyniad electronig. Fel arall, os yw'r awdurdod bilio wedi cytuno â'r derbynnydd, caniateir cyhoeddi'r dogfennau hyn ar wefan a chaniateir i'r awdurdod bilio hysbysu'r derbynnydd ei fod wedi gwneud hynny, ac o ble y gellir canfod yr hysbysiad neu'r wybodaeth a sut mae cael atynt.

Under new paragraph (3) of regulation 2 any notice under Part II (Billing) or under regulation 11 (Liability orders: preliminary steps) of the 1989 Regulations or any information which is required to be supplied when demand notices are served by virtue of the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993 may be served electronically on a person who has agreed to accept electronic service of such documents. Alternatively, where the billing authority has agreed with the recipient, these documents may be published on a website and the billing authority may notify the recipient that it has done so, where the notice or information may be found and how they may be accessed.

Mae'r paragraff (4) newydd yn darparu y bernir y bydd hysbysiad o dan Ran II neu o dan reoliad 11 wedi cael ei gyflwyno at ddbenion unrhyw achos cyfreithiol ar yr ail ddiwrnod busnes ar ôl y diwrnod y'i hanfonwyd neu, os cyhoeddwyd ef ar wefan, ar yr ail ddiwrnod busnes ar ôl hysbysu ei gyhoeddi.

Mae'r paragraff (5) newydd yn darparu fod rhaid i'r sawl sy'n cael hysbysiadau neu wybodaeth o'r fath hysbysu'r awdurdod bilio yn ysgrifenedig o unrhyw newid yn eu cyfeiriad electronig.

Mae'r paragraffau (6) a (7) newydd yn eu trefn yn gwneud darpariaeth i'r derbynnydd dynnu'n ôl ei gytundeb i dderbyn dogfennau o'r fath drwy gyflwyniad electronig neu i gael at ddogfennau o'r fath ar wefan.

Mae'r Gorchymyn hwn hefyd yn diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 o ran Cymru.

Mae erthygl 6 yn mewnosod diffiniadau newydd yn rheoliad 2 ac mae erthygl 7 yn disodli rheoliad 3. Mae'r rheoliad 3(1) newydd yn caniatáu cyflwyno'n electronig hysbysiadau y mae angen i Weinidogion Cymru eu cyflwyno (yn benodol hysbysiadau galw am dalu o dan reoliad 4 a hysbysiadau galw am dalu pellach o dan reoliad 8). Oni fydd trethdalwr yn pennu cyfeiriad ar gyfer cyflwyniad electronig, bydd y trethdalwr hwnnw yn parhau i gael hysbysiadau ar bapur. Mae paragraffau (3) a (4) o'r rheoliad 3 newydd yn darparu fod rhaid i'r rheini sy'n cael hysbysiadau electronig roi gwybod i Weinidogion Cymru yn ysgrifenedig o unrhyw newid yn eu cyfeiriad electronig ac y caniateir iddynt dynnu'n ôl eu cytundeb i dderbyn cyflwyniad electronig.

Diwygir Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 mewn modd cyffelyb i Reoliadau 1989 gan erthygl 9 sy'n mewnosod diffiniadau newydd yn rheoliad 1 a chan erthygl 10 sy'n ychwanegu paragraffau (4) i (8) newydd at reoliad 2.

New paragraph (4) provides that a notice under Part II or under regulation 11 will be deemed to have been served for the purpose of any legal proceedings, on the second business day after it was sent or, if published on a website, on the second business day after notification is given of its publication.

New paragraph (5) provides that the recipient of such notices or information must notify the billing authority in writing of any change in their electronic address.

New paragraphs (6) and (7) respectively provide for the recipient to withdraw their agreement to accepting electronic service of such documents or to accessing such documents on a website.

This Order also amends the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 in relation to Wales.

Article 6 inserts new definitions into regulation 2 and article 7 replaces regulation 3. New regulation 3(1) allows the notices which are required to be served by the Welsh Ministers (in particular demand notices under regulation 4 and further demand notices under regulation 8) to be served electronically. If a ratepayer does not specify an address for electronic service, the ratepayer will continue to receive notices in paper form. Paragraphs (3) and (4) of new regulation 3 provide that the recipients of electronic notices must notify the Welsh Ministers in writing of any change in their electronic address and that they may withdraw their agreement to accepting electronic service.

The Council Tax (Administration and Enforcement) Regulations 1992 are amended in a similar way to the 1989 Regulations by article 9 which inserts new definitions into regulation 1 and by article 10 which adds new paragraphs (4) to (8) to regulation 2.

2009 Rhif 2706 (Cy.225)

Y DRETH GYNGOR, CYMRU

ARDRETHU A PHRSISIO, CYMRU

**Gorchymyn y Dreth Gyngor ac
Ardrethu Annomestig
(Cyfathrebiadau Electronig)
(Cymru) 2009**

Gwnaed 1 Hydref 2009
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 6 Hydref 2009
Yn dod i rym 31 Hydref 2009

Mae Gweinidogion Cymru, (a) gan ystyried fod awdurdodi defnyddio cyfathrebiadau electronig gan y Gorchymyn hwn at unrhyw ddiben yn gyfryw ag na fyddai'r rhychwant (os oes un) y bydd cofnodion o bethau a wnaed at y diben hwnnw ar gael yn llai boddhaol mewn achosion lle defnyddir cyfathrebiadau electronig nac mewn achosion eraill; (b) gyda chydysyniad yr Ysgrifennydd Gwladol(1); ac (c) drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000(2) ac a freiniwyd bellach ynddynt hwy(3) drwy hyn yn gwneud y Gorchymyn a ganlyn:

(1) *Gweler* adran 10(5) o Ddeddf Cyfathrebiadau Electronig 2000 (p.7).

(2) 2000 p.7.

(3) Trosglwyddwyd y swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000 i Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi. Trosglwyddwyd y pwerau y gwnaed Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 (O.S. 1992/613), Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989 (O.S. 1989/1058) a Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 (O.S. 1989/2260) oddi tanynt, o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1988 a Deddf Cyllid Llywodraeth Leol 1992 yn Atodlen 1. Yn ddiweddarach breiniwyd y swyddogaethau yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 iddi.

2009 No. 2706 (W.225)

COUNCIL TAX, WALES

RATING AND VALUATION, WALES

**The Council Tax and Non-
Domestic Rating (Electronic
Communications) (Wales) Order
2009**

Made 1 October 2009
*Laid before the National
Assembly for Wales* 6 October 2009
Coming into force 31 October 2009

The Welsh Ministers, (a) considering that the authorisation of the use of electronic communications by this Order 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 than in other cases; (b) with the consent of the Secretary of State(1); and (c) in exercise of the powers conferred on the National Assembly for Wales by sections 8 and 10 of the Electronic Communications Act 2000(2) and now vested in them(3) hereby make the following Order:

(1) *See* section 10(5) of the Electronic Communications Act 2000 (c.7).

(2) 2000 c.7.

(3) The functions conferred on the National Assembly for Wales by sections 8 and 10 of the Electronic Communications Act 2000 were transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32). The powers under which the Council Tax (Administration and Enforcement) Regulations 1992 (S.I. 1992/613), the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058) and the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 (S.I. 1989/2260) were made were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the reference to the Local Government Finance Act 1988 and the Local Government Finance Act 1992 in Schedule 1. The functions were subsequently vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009 a daw i rym ar 31 Hydref 2009.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989

2. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989(1) yn unol ag erthyglau 3 a 4 isod.

3. Yn rheoliad 1 (enwi, cychwyn a dehongli) ym mharagraff (2)–

(a) ar ôl y geiriau "In these Regulations" mewnosoder "–";

(b) ar ôl y diffiniad o "the Act" mewnosoder–

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

"business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales;

"demand notice regulations" means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(3);

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)–

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(4);

(b) by other means but while in an electronic form."

4.–(1) Diwygir rheoliad 2 (cyflwyno hysbysiadau) fel a ganlyn.

(2) Ar ôl paragraff (2) mewnosoder–

"(3) Without prejudice to section 233 of the Local Government Act 1972(5) and paragraphs (1) and (2) above and subject to paragraphs (4) to (7) below, any notice required or authorised to be

Title, commencement and application

1.–(1) The title of this Order is the Council Tax and Non-Domestic Rating (Electronic Communications) (Wales) Order 2009 and it comes into force on 31 October 2009.

(2) This Order applies in relation to Wales.

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

2. The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(1) are amended in accordance with articles 3 and 4 below.

3. In regulation 1 (citation, commencement and interpretation) in paragraph (2)–

(a) after the words "In these Regulations" insert "–";

(b) after the definition of "the Act" insert–

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

"business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales;

"demand notice regulations" means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(3);

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)–

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(4);

(b) by other means but while in an electronic form."

4.–(1) Regulation 2 (service of notices) is amended as follows.

(2) After paragraph (2) insert–

"(3) Without prejudice to section 233 of the Local Government Act 1972(5) and paragraphs (1) and (2) above and subject to paragraphs (4) to (7) below, any notice required or authorised to be

(1) O.S. 1989/1058 y mae iddynt ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

(2) 1971 p.80.

(3) O.S. 1993/252.

(4) 2003 p.21.

(5) 1972 p.70.

(1) S.I. 1989/1058 to which there are amendments not relevant to this Order.

(2) 1971 c.80.

(3) S.I. 1993/252.

(4) 2003 c.21.

(5) 1972 c.70.

given to or served by a billing authority on any person by a provision of Part II of these Regulations or by Regulation 11, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served:

- (a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or
- (b) is treated as given, served or supplied to that person where—
 - (i) the billing authority and that person have agreed for that purpose that any documents containing the notice or information may be accessed by that person on a website;
 - (ii) the document is a document to which that agreement applies;
 - (iii) the billing authority has published the document on a website; and
 - (iv) that person is notified, in a manner for the time being agreed for those purposes between that person and the billing authority, of—
 - (aa) the publication of the document on a website;
 - (bb) the address of that website; and
 - (cc) the place on the website where the document may be accessed.

(4) For the purpose of any legal proceedings, a notice given by a means described in paragraph (3), unless the contrary is proved, is treated as served on the second business day after—

- (a) it was sent in accordance with paragraph (3)(a); or
- (b) notification of its publication was given in accordance with paragraph (3)(b)(iv).

(5) A person who has notified an address for the purpose of paragraph (3)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(6) A person who has notified an address for the purpose of paragraph (3)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has entered into an agreement with the billing authority under paragraph (3)(b)(i) may, by notice in writing to the billing authority,

given to or served by a billing authority on any person by a provision of Part II of these Regulations or by Regulation 11, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served:

- (a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or
- (b) is treated as given, served or supplied to that person where—
 - (i) the billing authority and that person have agreed for that purpose that any documents containing the notice or information may be accessed by that person on a website;
 - (ii) the document is a document to which that agreement applies;
 - (iii) the billing authority has published the document on a website; and
 - (iv) that person is notified, in a manner for the time being agreed for those purposes between that person and the billing authority, of—
 - (aa) the publication of the document on a website;
 - (bb) the address of that website; and
 - (cc) the place on the website where the document may be accessed.

(4) For the purpose of any legal proceedings, a notice given by a means described in paragraph (3), unless the contrary is proved, is treated as served on the second business day after—

- (a) it was sent in accordance with paragraph (3)(a); or
- (b) notification of its publication was given in accordance with paragraph (3)(b)(iv).

(5) A person who has notified an address for the purpose of paragraph (3)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(6) A person who has notified an address for the purpose of paragraph (3)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has entered into an agreement with the billing authority under paragraph (3)(b)(i) may, by notice in writing to the billing authority,

inform the authority that they no longer wish to be a party to the agreement; and where such notice is given, the agreement is treated as revoked on the third business day after the date on which the notice is received by the billing authority."

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989

5. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989(1) yn unol ag erthyglau 6 a 7.

6. Yn rheoliad 2(1), mewnosoder y diffiniadau canlynol yn y manau priodol—

- (a) "'address" in relation to electronic communications includes any number or address used for the purposes of such communications;";
- (b) "'business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales;"; and
- (c) "'electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
 - (a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(3);
 - (b) by other means but while in an electronic form;".

7. Yn lle rheoliad 3 rhodder—

"Service of notices

3.—(1) Any notice required or authorised by these Regulations to be served on a person by the Welsh Ministers may be served—

- (a) in the case of a body corporate, by addressing the notice or information to the secretary of the body and—
 - (i) delivering it to the secretary,
 - (ii) leaving it at or sending it by post to the secretary at the registered or principal office of the body, or
 - (iii) sending it to the secretary by electronic communication to such address as may be notified by the secretary for that purpose; and

inform the authority that they no longer wish to be a party to the agreement; and where such notice is given, the agreement is treated as revoked on the third business day after the date on which the notice is received by the billing authority."

Amendment of the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989

5. The Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989(1) are amended in accordance with articles 6 and 7.

6. In regulation 2(1), insert the following definitions in the appropriate places—

- (a) "'address" in relation to electronic communications includes any number or address used for the purposes of such communications;";
- (b) "'business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(2) in England and Wales;"; and
- (c) "'electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
 - (a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(3);
 - (b) by other means but while in an electronic form;".

7. For regulation 3 substitute—

"Service of notices

3.—(1) Any notice required or authorised by these Regulations to be served on a person by the Welsh Ministers may be served—

- (a) in the case of a body corporate, by addressing the notice or information to the secretary of the body and—
 - (i) delivering it to the secretary,
 - (ii) leaving it at or sending it by post to the secretary at the registered or principal office of the body, or
 - (iii) sending it to the secretary by electronic communication to such address as may be notified by the secretary for that purpose; and

(1) O.S. 1989/2260.

(2) 1971 p.80.

(3) 2003 p.21.

(1) S.I. 1989/2260.

(2) 1971 c.80.

(3) 2003 c.21.

- (b) in any other case, by—
- (i) delivering the notice or information to the person,
 - (ii) leaving it at or sending it by post to the person at that person's last place of abode or an address given by that person at which service will be accepted, or
 - (iii) sending it to the person by electronic communication to such an address as may be notified by that person for that purpose.

(2) For the purpose of any legal proceedings, a notice given by the means described in paragraph (1)(a)(iii) or (b)(iii), unless the contrary is proved, is treated as served on the second business day after it was sent.

(3) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) must, by notice in writing to the Welsh Ministers, advise the Welsh Ministers of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(4) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) may, by notice in writing to the Welsh Ministers, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(5) Where a company registered outside the United Kingdom has an office in the United Kingdom, that office is treated for the purpose of paragraph (1)(a)(ii) as its principal office, and where it has more than one office in the United Kingdom its principal office in the United Kingdom is treated as its principal office for that purpose."

Diwygio Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992

8. Diwygir Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992(1) yn unol ag erthyglau 9 a 10 isod.

9.—(1) Diwygir rheoliad 1 (enwi, cychwyn a dehongli) fel a ganlyn.

(2) Ym mharagraff (2) ar ôl y diffiniad o "the Act" mewnosoder—

""address" in relation to electronic communications includes any number or address used for the purposes of such communications;

- (b) in any other case, by—
- (i) delivering the notice or information to the person,
 - (ii) leaving it at or sending it by post to the person at that person's last place of abode or an address given by that person at which service will be accepted, or
 - (iii) sending it to the person by electronic communication to such an address as may be notified by that person for that purpose.

(2) For the purpose of any legal proceedings, a notice given by the means described in paragraph (1)(a)(iii) or (b)(iii), unless the contrary is proved, is treated as served on the second business day after it was sent.

(3) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) must, by notice in writing to the Welsh Ministers, advise the Welsh Ministers of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(4) A person who has notified an address for the purpose of paragraph (1)(a)(iii) or (b)(iii) may, by notice in writing to the Welsh Ministers, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the Welsh Ministers.

(5) Where a company registered outside the United Kingdom has an office in the United Kingdom, that office is treated for the purpose of paragraph (1)(a)(ii) as its principal office, and where it has more than one office in the United Kingdom its principal office in the United Kingdom is treated as its principal office for that purpose."

Amendment of the Council Tax (Administration and Enforcement) Regulations 1992

8. The Council Tax (Administration and Enforcement) Regulations 1992(1) are amended in accordance with articles 9 and 10 below.

9.—(1) Regulation 1 (citation, commencement and interpretation) is amended as follows.

(2) In paragraph (2) after the definition of "the Act" insert—

""address" in relation to electronic communications includes any number or address used for the purposes of such communications;

(1) O.S. 1992/613 y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Gorchymyn hwn.

(1) S.I. 1992/613 to which there are amendments not relevant to this Order.

"business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in England and Wales;

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)–

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(2);

(b) by other means but while in an electronic form;".

(3) Ym mharagraff (2), yn y diffiniad o "demand notice regulations" ar ôl y geiriau "as is mentioned in paragraph 2(4)(e)" mewnosoder "or 2(4)(j)".

10.–(1) Diwygir rheoliad 2 (cyflwyno hysbysiadau) fel a ganlyn.

(2) Ar ôl paragraff (3) mewnosoder–

"(4) Without prejudice to section 233 of the Local Government Act 1972 and paragraphs (1), (2) and (3) above and subject to paragraphs (5) to (8) below, any notice required or authorised to be given to or served by a billing authority on any person by a provision of Part II, III or V of these Regulations or by Regulation 33, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part V of these Regulations) is served:

(a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or

(b) is to be treated as given, served or supplied to that person where–

(i) the billing authority and that person have agreed for that purpose that any document containing that notice or information may be accessed by that person on a website;

(ii) the document is a document to which that agreement applies;

(iii) the billing authority has published the document on a website; and

(iv) that person is notified, in a manner for the time being agreed for that purpose between that person and the billing authority, of–

"business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in England and Wales;

"electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)–

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(2);

(b) by other means but while in an electronic form;".

(3) In paragraph (2), in the definition of "demand notice regulations" after the words "as is mentioned in paragraph 2(4)(e)" insert "or 2(4)(j)".

10.–(1) Regulation 2 (service of notices) is amended as follows.

(2) After paragraph (3) insert–

"(4) Without prejudice to section 233 of the Local Government Act 1972 and paragraphs (1), (2) and (3) above and subject to paragraphs (5) to (8) below, any notice required or authorised to be given to or served by a billing authority on any person by a provision of Part II, III or V of these Regulations or by Regulation 33, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part V of these Regulations) is served:

(a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or

(b) is to be treated as given, served or supplied to that person where–

(i) the billing authority and that person have agreed for that purpose that any document containing that notice or information may be accessed by that person on a website;

(ii) the document is a document to which that agreement applies;

(iii) the billing authority has published the document on a website; and

(iv) that person is notified, in a manner for the time being agreed for that purpose between that person and the billing authority, of–

(1) 1971 p.80.

(2) 2003 p.21.

(1) 1971 c.80.

(2) 2003 c.21.

- (aa) the publication of the document on a website;
- (bb) the address of that website; and
- (cc) the place on the website where the document may be accessed.

(5) For the purpose of any legal proceedings, a notice given by a means described in paragraph (4), unless the contrary is proved, is treated as served on the second business day after—

- (a) it was sent in accordance with paragraph (4)(a); or
- (b) notification of its publication was given in accordance with paragraph (4)(b)(iv).

(6) A person who has notified an address for the purpose of paragraph (4)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has notified an address for the purpose of paragraph (4)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(8) A person who has entered into an agreement with the billing authority under paragraph (4)(b)(i) may, by notice in writing to the billing authority, inform the authority that they no longer wish to be party to the agreement; and where such notice is given, the agreement must be treated as revoked on the third business day after the date on which the notice is received by the billing authority."

- (aa) the publication of the document on a website;
- (bb) the address of that website; and
- (cc) the place on the website where the document may be accessed.

(5) For the purpose of any legal proceedings, a notice given by a means described in paragraph (4), unless the contrary is proved, is treated as served on the second business day after—

- (a) it was sent in accordance with paragraph (4)(a); or
- (b) notification of its publication was given in accordance with paragraph (4)(b)(iv).

(6) A person who has notified an address for the purpose of paragraph (4)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has notified an address for the purpose of paragraph (4)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(8) A person who has entered into an agreement with the billing authority under paragraph (4)(b)(i) may, by notice in writing to the billing authority, inform the authority that they no longer wish to be party to the agreement; and where such notice is given, the agreement must be treated as revoked on the third business day after the date on which the notice is received by the billing authority."

Brian Gibbons

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one of the Welsh Ministers

1 Hydref 2009

1 October 2009

© 2009 Hawlfraint y Goron 2009

© Crown copyright 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 2706 (Cy.225)

Y DRETH GYNGOR, CYMRU

ARDRETHU A PHRSIO, CYMRU

Gorchymyn y Dreth Gyngor ac
Ardreth Annomestig
(Cyfathrebiadau Electronig)
(Cymru) 2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 2706 (W.225)

COUNCIL TAX, WALES

RATING AND VALUATION, WALES

The Council Tax and Non-
Domestic Rating (Electronic
Communications) (Wales) Order
2009