

SCHEDULE 12

Regulation 34(3)

All applicants: matters that must be included in an authority's scheme — procedural matters

PART 1

Procedure for an application for a reduction under an authority's scheme

Procedure by which a person may apply for a reduction under an authority's scheme

1. Paragraphs 2 to 7 apply to an application for a reduction under an authority's scheme.
2. An application may be made—
 - (a) in writing,
 - (b) by means of an electronic communication in accordance with Part 4, or
 - (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- 3.—(1) An application which is made in writing must be made to the designated office and be—
 - (a) on a properly completed form approved by the authority for the purposes of making an application in writing; or
 - (b) in such written form as the authority accepts as sufficient in the circumstances of any particular case (or class of cases) having regard to the sufficiency of the written information and evidence.
 - (2) Where an application in writing is not made in the form described in paragraph 3(1)(a) or (b) it is defective.
 - (3) Any form provided by the authority for the purposes of making an application in writing must be provided free of charge .
- 4.—(1) Where an application made in writing is defective because—
 - (a) it was made on the form approved for the purpose but that form is not accepted by the authority as being properly completed, the authority may request the applicant to complete the defective application; or
 - (b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence, the authority may supply the applicant with the approved form or request further information or evidence.
 - (2) An application made on an approved form is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.
- 5.—(1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.
 - (2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

Status: This is the original version (as it was originally made).

6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of that person's circumstances provided by the authority.

7.—(1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

PART 2

Procedure for making an appeal

Procedure by which a person may make an appeal against certain decisions of the authority

8.—(1) A person who is aggrieved by a decision of an authority which affects—

- (a) that person's entitlement to a reduction under an authority's scheme; or
- (b) the amount of any reduction under an authority's scheme,

may serve a written notice on the authority stating the matter by which, and the grounds on which, the person is aggrieved.

(2) A notice under sub-paragraph (1) must be served within one month of the date of service of the notification of the decision of the authority, or where a person has made a request for a written statement in accordance with paragraph 9(5) of Schedule 13 (request for statement of written reasons), within one month of the date of service of the statement of reasons.

9. The authority must—

- (a) consider the matter to which the notice relates;
- (b) notify the aggrieved person in writing—
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.

10. Where, following notification under paragraph 9(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with paragraph 9(b) within two months of the service of the person's notice, the person may appeal to the valuation tribunal under section 16 of the 1992 Act.

PART 3

Procedure for applying for a discretionary reduction

Procedure for an application to an authority for a reduction under section 13A(1)(c) of the 1992 Act

11. An application to an authority for a reduction under section 13A(1)(c) of the 1992 Act must be made—

- (a) in writing,
- (b) by means of an electronic communication in accordance with Part 4, or

- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.
- (2) Where—
 - (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
 - (b) a person in that class would otherwise be entitled to a reduction under the authority's scheme,

that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

PART 4

Electronic communication

Interpretation

12. In this Part of this Schedule—

“information” (“*gwybodaeth*”) includes an application for a reduction under an authority's scheme, a certificate, notice or other evidence;

“official computer system” (“*system gyfrifiadurol swyddogol*”) means a computer system maintained by or on behalf of an authority for the sending, receiving, processing or storing of any information.

Conditions for the use of electronic communication

13.—(1) An authority may use an electronic communication in connection with an application for, and an award of, a reduction under its scheme.

(2) A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any application or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the authority any information.

(5) The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes of this Part.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.

(7) Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.

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(8) In this paragraph “approved” (“*cymeradwy*”) means approved by means of a direction given by the Chief Executive of the authority for the purposes of this Part.

Use of intermediaries

14. An authority may use intermediaries in connection with—

- (a) the delivery of any information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

15.—(1) Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme, on the day the conditions imposed—

- (a) by this Part; and
- (b) by or under an enactment,

are satisfied.

(2) An authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

16. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such information delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

17.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is to be presumed to have been the case where—

- (a) any such information has been delivered to the authority, if the delivery of that information has been recorded on an official computer system; or
- (b) any such information has been delivered by the authority, if the delivery of that information has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is to be presumed not to be the case, if that information delivered to the authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is to be presumed to be that recorded on an official computer system.

Proof of content of information

18. If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is to be presumed to be that recorded on an official computer system.