
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 201

The Non-Domestic Rating (Electronic Communications) (Scotland) Order 2006

Amendment of the Local Government (Scotland) Act 1973

2. In section 192 of the Local Government (Scotland) Act 1973⁽¹⁾ (service of notices), insert after subsection (6)—

“(7) Without prejudice to subsections (1) to (6) above, a rating authority may use the method specified in subsection (8) below or that specified in subsection (9) below in order to—

- (a) issue a demand note under section 237 of the 1947 Act⁽²⁾;
- (b) supply information which requires to be supplied when such a demand note is issued.

(8) The method specified in this subsection is to send the demand note or information by electronic communication to an address notified to the authority for the purposes of this subsection by the recipient of the demand note or information, and an electronic communication under this subsection must be—

- (a) capable of being accessed by the recipient;
- (b) legible in all other material respects; and
- (c) sufficiently permanent to be used for subsequent reference.

(9) The method specified in this subsection is to publish the demand note or information on a website in a case where—

- (a) the rating authority have agreed with a person that demand notes or information will be issued or supplied to that person by this method;
- (b) the demand note or information falls within the terms of that agreement; and
- (c) the authority notify that person, in a manner agreed between them of—
 - (i) the address of the website on which the demand note or information has been published; and
 - (ii) the place on the website where the demand note or information may be accessed and how it may be accessed.

(10) In subsection (8)(b) above, “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.

(11) Unless the contrary is proved—

(1) 1973 c. 65. Section 192 was amended by virtue of the Criminal Procedure (Scotland) Act 1975 (c. 21), sections 289F-G (as inserted by the Criminal Justice Act 1982 (c. 48), section 54) and extended by Roads (Scotland) Act 1984 (c. 54), section 137.

(2) The Local Government (Scotland) Act 1947 (c. 43).

- (a) a demand note issued under subsection (8) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which the electronic communication containing it was sent;
- (b) a demand note issued under subsection (9) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which notification was given under paragraph (c) of that subsection.

(12) A person who has notified an address for the purposes of subsection (8) above may subsequently give notice to the rating authority of a different address for those purposes and such a notice shall take effect from the date specified in it, being a date not less than three working days after the date on which the notice is given.

(13) Where a person has agreed to receive demand notes or information by a method specified in subsection (8) or (9) above, that person may at any time withdraw from that agreement by giving notice to the rating authority and such a notice shall take effect from the date specified in it, being a date not less than seven working days after the date on which the notice is given.

(14) In this section—

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

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

“working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971⁽³⁾, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.”