
EXPLANATORY NOTE

(This note is not part of the Order)

Section 8 of the Electronic Communications Act 2000 empowers the Scottish Ministers, with the consent of the Secretary of State (required by section 9 of that Act) by order to modify any enactment or subordinate legislation for the purpose of authorising or facilitating the use of electronic communications. This Order modifies legislation relating to service by rating authorities of certain demand notes and information.

Article 2 amends section 192 of the Local Government (Scotland) Act 1973 Act to enable the use of electronic communications for the purpose of issuing demand notes or other information required to be supplied by the methods set out in new subsections (8) and (9).

Subsection (8) as inserted provides that a demand note or information may be sent by electronic communication where a person has notified an address for that purpose to the rating authority, subject to certain specified conditions.

Subsection (9) as inserted specifies that where the rating authority has so agreed with the recipient, demand notes and information may be published on a website and the rating authority may notify the recipient that it has done so, where the note or information may be found and how it may be accessed.

Subsection (10) as inserted defines the meaning for “legible in all material respects” for the purposes of service of demand notes or information by electronic communication.

Subsection (11) as inserted provides that a demand note shall be regarded as having been issued for the purpose of any legal proceedings, on the second working day after it was sent or, if published on a website, on the second day after notification is given of its publication.

Subsection (12) as inserted provides that the recipient of such demand notes or information may notify the rating authority of any change in the recipient's electronic address.

Subsection (13) as inserted provides for a person to withdraw agreement to accepting electronic service of such notes or information or to accessing such documents on a website.

Subsection (14) as inserted defines the meaning of “address”, “electronic communication” and “working day” within the section.