

## SCHEDULE 2

### **Amendment of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003**

3. After regulation 9 (notice of receipt of all required documents), insert—

#### **“Use of electronic communications**

**9A.—**(1) Paragraphs (2) to (6) of this regulation apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in Part 3 of these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(2) The requirement will be taken to be fulfilled where the document transmitted by means of the electronic communication is—

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

(3) In paragraph (2), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(4) Where the electronic communication is received by the recipient outside the recipient’s business hours, it will be taken to have been received on the next working day; and, for this purpose, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(5) A requirement that any notice or other document should be in writing is fulfilled where that document meets the criteria in paragraph (2); and “written” and cognate expressions are to be construed accordingly.

(6) Where a person makes an appeal to the National Assembly under regulation 6 using electronic communications, the person will be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically;
- (b) that the appellant’s address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, the appellant’s statement of appeal;
- (c) that the appellant’s deemed agreement under this paragraph will subsist until the appellant gives notice in accordance with regulation 12A of a wish to revoke the agreement.”.