WELSH STATUTORY INSTRUMENTS

2010 No. 613 (W.59)

RATING AND VALUATION, WALES

The Council Tax (Electronic Communications) (Wales) Order 2010

Made - - - -	*3 March 2010*
Laid before the National Assembly for Wales - -	*5 March 2010*
Coming into force - -	*1 April 2010*

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 or electronic storage 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.

Title, commencement and application

1.—(1) The title of this Order is the Council Tax (Electronic Communications) (Wales) Order 2010 and it comes into force on 1 April 2010.

(2) This Order applies in relation to Wales.

Service of notices

2.—(1) The Council Tax (Alteration of Lists and Appeals) Regulations 1993(**4**) are amended in relation to Wales in accordance with the following paragraph.

(2) For regulation 35 (service of notices) substitute:

(**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 (Alteration of Lists and Appeals) Regulations 1993 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.
(**4**) S.I. 1993/290.

"**35.**—(1) Without prejudice to section 233 of the Local Government Act 1972(**5**) and paragraph (2) below, any notice required or authorised to be served may be served either—

(a) by delivering it—

(i) to the person on whom it is to be served; or

(ii) to any other person authorised by him to act as his agent for the purpose;

(b) by leaving it at or forwarding it by sending it by first class or second class post to—

(i) the usual or last-known address of that person, or

(ii) in the case of a company, its registered office, or

(ii) the usual or last known address, place of business or registered office of any other person authorised as mentioned in paragraph (a)(ii);

(c) by delivering it to some person in the dwelling to which it relates or, if there is no person to whom it can so be delivered, then by fixing it to some conspicuous part of the dwelling; or

(d) by sending it by electronic communication to a relevant electronic address.

(2) If the name of any taxpayer on whom a notice is required or authorised to be served cannot after reasonable inquiry be ascertained, the notice may be served by addressing it to "The Council Tax Payer" of the dwelling concerned (naming the dwelling), without further name or description.

(3) Any notice required or authorised to be served on a listing officer may be served by—

(a) addressing the notice to the listing officer for the area in question, without further description, and

(i) delivering it, or sending it by first class or second class post, to his office;

(ii) delivering it, or sending it by first class or second class post, to the listing officer's office; or

(iii) sending it by electronic communication to a relevant electronic address.

(4) a person who has notified a relevant electronic address for the purpose of paragraph (1)(d) or (3)(b)(iii)—

(a) shall notify any change of that address; and

(b) may withdraw the notification of that address,

by serving a written notice on the relevant sender; and the change of address or the withdrawal, as the case may be, shall take effect on the third business day after the day on which the notice is received by the relevant sender.

(5) In this regulation—

(a) any reference to a notice includes a reference to a proposal and any other document required or authorised to be served; and

(b) any reference to such requirement or authorisation is to a requirement or authorisation under these Regulations; and

(c) any reference to first class post includes a reference to an alternative service which provides for delivery on the next business day.

(6) In this regulation—

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

(**5**) 1972 c. 70.