OFFERYNNAU STATUDOL CYMRU

2010 Rhif 613 (Cy.59)

ARDRETHU A PHRISIO, CYMRU

Gorchymyn y Dreth Gyngor (Cyfathrebiadau Electronig) (Cymru) 2010

Gwnaed - - - -	*3 Mawrth 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*5 Mawrth 2010*
Yn dod i rym - -	*1 Ebrill 2010*

Mae Gweinidogion Cymru, (a) gan dybio nad fydd awdurdodi defnyddio cyfathrebiadau electronig, at unrhyw ddiben o dan y Gorchymyn hwn, yn peri y bydd argaeledd cofnodion (os bydd rhai) o bethau a wneir at y diben hwnnw yn llai boddhaol yn yr achosion pan ddefnyddir cyfathrebiadau neu ddulliau storio electronig, nag y bydd mewn achosion eraill; (b) gyda chydsyniad yr Ysgrifennydd Gwladol(**1**); ac (c) gan arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000(**2**) ac a freiniwyd bellach ynddynt hwy(**3**), drwy hyn yn gwneud y Gorchymyn a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn y Dreth Gyngor (Cyfathrebiadau Electronig) (Cymru) 2010 a daw i rym ar 1 Ebrill 2010.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Cyflwyno hysbysiadau

2.—(1) Diwygir Rheoliadau'r Dreth Gyngor (Newid Rhestri ac Apelau) 1993(**4**) mewn perthynas â Chymru yn unol â'r paragraff canlynol.

(2) Yn lle rheoliad 35 (cyflwyno hysbysiadau) rhodder:

(**1**) *Gweler* adran 10(5) o Ddeddf Cyfathrebiadau Electronig 2000 (p.7).
(**2**) 2000 p.7.
(**3**) Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000 wedi eu trosglwyddo i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno. Mae'r pwerau y gwnaed Rheoliadau'r Dreth Gyngor (Newid Rhestri ac Apelau) 1993 odanynt wedi eu trosglwyddo, mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cyfeiriad yn Atodlen 1 at Ddeddf Cyllid Llywodraeth Leol 1988 a Deddf Cyllid Llywodraeth Leol 1992. Yn ddiweddarach breiniwyd y swyddogaethau yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.
(**4**) O.S. 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 p.70.