OFFERYNNAU STATUDOL CYMRU

2009 Rhif 2706 (Cy.225)

Y DRETH GYNGOR, CYMRU

ARDRETHU A PHRISIO, CYMRU

Gorchymyn y Dreth Gyngor ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009

Gwnaed - - - -	*1 Hydref 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*6 Hydref 2009*
Yn dod i rym - -	*31 Hydref 2009*

Mae Gweinidogion Cymru, (a) gan ystyried fod awdurdodi defnyddio cyfathrebiadau electronig gan y Gorchymyn hwn at unrhyw ddiben yn gyfryw ag na fyddai'r rhychwant (os oes un) y bydd cofnodion o bethau a wnaed at y diben hwnnw ar gael yn llai boddhaol mewn achosion lle defnyddir cyfathrebiadau electronig nac mewn achosion eraill; (b) gyda chydsyniad yr Ysgrifennydd Gwladol(**1**); ac (c) drwy 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 ac Ardrethu Annomestig (Cyfathrebiadau Electronig) (Cymru) 2009 a daw i rym ar 31 Hydref 2009.

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

(**1**) *Gweler* adran 10(5) o Ddeddf Cyfathrebiadau Electronig 2000 (p.7).
(**2**) 2000 p.7.
(**3**) Trosglwyddwyd y swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 8 a 10 o Ddeddf Cyfathrebiadau Electronig 2000 i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi. Trosglwyddwyd y pwerau y gwnaed Rheoliadau'r Dreth Gyngor (Gweinyddu a Gorfodi) 1992 (O.S. 1992/613), Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989 (O.S. 1989/1058) a Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989 (O.S. 1989/2260) oddi tanynt, o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); gweler y cyfeiriad at Ddeddf Cyllid Llywodraeth Leol 1988 a Deddf Cyllid Llywodraeth Leol 1992 yn Atodlen 1. Yn ddiweddarach breiniwyd y swyddogaethau yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 30 o Atodlen 11 iddi.

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989

2. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Lleol) 1989(**4**) yn unol ag erthyglau 3 a 4 isod.

3. Yn rheoliad 1 (enwi, cychwyn a dehongli) ym mharagraff (2)—

(a) ar ôl y geiriau "In these Regulations" mewnosoder "–";

(b) ar ôl y diffiniad o "the Act" mewnosoder—

> ""address" in relation to electronic communications, includes any number or address used for the purposes of such communications;
>
> "business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**5**) in England and Wales;
>
> "demand notice regulations" means the Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(**6**);
>
> "electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
>
> (a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(**7**);
>
> (b) by other means but while in an electronic form.".

4.—(1) Diwygir rheoliad 2 (cyflwyno hysbysiadau) fel a ganlyn.

(2) Ar ôl paragraff (2) mewnosoder—

> "(3) Without prejudice to section 233 of the Local Government Act 1972(**8**) and paragraphs (1) and (2) above and subject to paragraphs (4) to (7) below, any notice required or authorised to be given to or served by a billing authority on any person by a provision of Part II of these Regulations or by Regulation 11, or any information required by the demand notice regulations to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served:
>
> (a) may be so given, served or supplied by sending the notice or information to that person by electronic communication to such address as may be notified by that person for that purpose; or
>
> (b) is treated as given, served or supplied to that person where—
>
> (i) the billing authority and that person have agreed for that purpose that any documents containing the notice or information may be accessed by that person on a website;
>
> (ii) the document is a document to which that agreement applies;
>
> (iii) the billing authority has published the document on a website; and
>
> (iv) that person is notified, in a manner for the time being agreed for those purposes between that person and the billing authority, of—
>
> (aa) the publication of the document on a website;
>
> (bb) the address of that website; and

(**4**) O.S. 1989/1058 y mae iddynt ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.
(**5**) 1971 p.80.
(**6**) O.S. 1993/252.
(**7**) 2003 p.21.
(**8**) 1972 p.70.

(cc) the place on the website where the document may be accessed.

(4) For the purpose of any legal proceedings, a notice given by a means described in paragraph (3), unless the contrary is proved, is treated as served on the second business day after—

(a) it was sent in accordance with paragraph (3)(a); or

(b) notification of its publication was given in accordance with paragraph (3)(b)(iv).

(5) A person who has notified an address for the purpose of paragraph (3)(a) must, by notice in writing to the billing authority, advise the billing authority of any change in that address; and the change takes effect on the third business day after the date on which the notice is received by the billing authority.

(6) A person who has notified an address for the purpose of paragraph (3)(a) may, by notice in writing to the billing authority, withdraw that notification; and the withdrawal takes effect on the third business day after the date on which the notice is received by the billing authority.

(7) A person who has entered into an agreement with the billing authority under paragraph (3)(b)(i) may, by notice in writing to the billing authority, inform the authority that they no longer wish to be a party to the agreement; and where such notice is given, the agreement is treated as revoked on the third business day after the date on which the notice is received by the billing authority.".

Diwygio Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989

5. Diwygir Rheoliadau Ardrethu Annomestig (Casglu a Gorfodi) (Rhestri Canolog) 1989(**9**) yn unol ag erthyglau 6 a 7.

6. Yn rheoliad 2(1), mewnosoder y diffiniadau canlynol yn y mannau priodol—

"(a) "address" in relation to electronic communications includes any number or address used for the purposes of such communications;";

"(b) "business day" means any day except a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**10**) in England and Wales;"; and

"(c) "electronic communication" means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of an electronic communications network within the meaning of section 32(1) of the Communications Act 2003(**11**);

(b) by other means but while in an electronic form;".

7. Yn lle rheoliad 3 rhodder—

"**Service of notices**

3.—(1) Any notice required or authorised by these Regulations to be served on a person by the Welsh Ministers may be served—

(a) in the case of a body corporate, by addressing the notice or information to the secretary of the body and—

(**9**) O.S. 1989/2260.
(**10**) 1971 p.80.
(**11**) 2003 p.21.