

STATUTORY INSTRUMENTS

2003 No. 1234

COUNCIL TAX, ENGLAND

RATING AND VALUATION, ENGLAND

The Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2003

<i>Made</i> - - - -	2003
<i>Laid before Parliament</i>	2003
<i>Coming into force</i> - -	2003

The Secretary of State, 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 than in other cases, in exercise of the powers conferred on him by section 8 of the Electronic Communications Act 2000(a), hereby makes the following Order:

Citation, commencement and application

- 1.—(1) This Order may be cited as the Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2002 and shall come into force on 2003.
- (2) This Order applies to England only.

Amendment of the Council Tax (Administration and Enforcement) Regulations 1992

- 2. The Council Tax (Administration and Enforcement) Regulations 1992(b) are amended in accordance with articles 3 and 4 below.
- 3.—(1) Regulation 1 (citation, commencement and interpretation) is amended as follows.
 - (2) In paragraph (2) after the definition of “the Act” insert—
 - “ “address” in relation to electronic communications, includes any number or address used for the purposes of such communications;

(a) 2000 (c.7).
 (b) S.I. 1992/613; relevant amendments are made by SI 1992/3008.

“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 a telecommunications system (within the meaning of the Telecommunications Act 1984)(a); or
- (b) by other means but while in electronic form;”

(3) In paragraph (2) in the definition of “demand notice regulations” after the words “as is mentioned in paragraph (2)(4)(e)” insert “or (2)(4)(j)”.

4.—(1) Regulation 2 (service of notices) is amended as follows.

(2) After paragraph (3) insert the following paragraphs-

“(4) Without prejudice to section 233 of the Local Government Act 1972(b) and paragraphs (1), (2) and (3) above and subject to paragraphs (5) to (8) below, any notice required or authorised to be given to or served by a billing authority on any person by Parts II, III or V of these Regulations, or any information required to be supplied to any person when a demand notice (within the meaning of Part V of these Regulations) is served, by the demand notice regulations:

- (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) shall be regarded as given, served or supplied to that person where-
 - (i) the billing authority and that person have agreed for that purpose that any document containing that 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 him and the billing authority, of —
 - (aa) the publication of the document on a website;
 - (bb) the address of that website; and
 - (cc) the place on the website where the document may be accessed, and how it may be accessed.

(5) Any notice given by the means described in paragraph (4) shall be regarded as served for the purpose of any legal proceedings, on the second day after -

- (a) it was sent in accordance with paragraph (4)(a); or
- (b) notification of its publication was given in accordance with paragraph (4)(b)(iv),

unless the contrary is proved.

(6) A person who is willing to receive such documents given by the means described in paragraph (4)(a) above, shall notify the billing authority of any change in his address given to that person for the purpose of that paragraph, and any such notification shall take effect on a date specified by him being a date no less than 3 days after the date on which he notifies the billing authority of any change in his address.

(7) A person who is no longer willing to receive such documents given by the means described in paragraph (4)(a) above, shall withdraw a notification of an address given to the billing authority for the purpose of that paragraph, and such a withdrawal shall take effect on a date specified by him being a date no less than 3 days after the date on which he informs the billing authority that he wants to withdraw notification of the address given.

(a) 1984 (c.12). See section 4.
(b) 1972 (c.70).

(8) A person who has entered into an agreement with the billing authority under paragraph (4)(b) above may revoke the agreement, and such revocation shall take effect on a date specified by him being a date no less than 3 days after the date on which that person informs the billing authority that he wants to revoke the agreement.”

Amendment of the Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989

5. The Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989(a) are amended in accordance with articles 6 and 7 below.

6. In regulation 1 (citation, commencement and interpretation) insert in paragraph (2)—

(a) after the words “In these Regulations”—

“—”;

(b) after the definition of “the Act”—

“ “address” in relation to electronic communications, includes any number or address used for the purposes of such communications;

“demand notice regulations” means the Council Tax and Non-Domestic Rating (Demand Notices)(England) Regulations 1993(b);

“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 a telecommunications system (within the meaning of the Telecommunications Act 1984); or

(b) by other means but while in electronic form;”

7.—(1) Regulation 2 (service of notices) is amended as follows.

(2) After paragraph (2) insert the following paragraphs-

“(3) Without prejudice to section 233 of the Local Government Act 1972(c) and paragraphs (1) and (2) above and subject to paragraphs (5) to (8) below, any notice required or authorised to be given to or served by a billing authority on any person by Part II of these Regulations, or any information required to be supplied to any person when a demand notice (within the meaning of Part II of these Regulations) is served, by the demand notice regulations:

(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) shall be regarded 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 him and the billing authority, of —

(aa) the publication of the document on a website;

(bb) the address of that website; and

(a) SI 1989/1058, to which there are amendments not relevant to these Regulations.

(b) SI 1993/191, to which there are amendments not relevant to these Regulations.

(c) 1972 (c.70).

(cc) the place on the website where the document may be accessed, and how it may be accessed.

(4) Any notice given by the means described in paragraph (3) shall be regarded as served for the purpose of any legal proceedings, on the second 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),

unless the contrary is proved.

(5) A person who is willing to receive such documents given by the means described in paragraph (3)(a) above, shall notify the billing authority of any change in his address given to that person for the purpose of that paragraph, and any such notification shall take effect on a date specified by him being a date no less than 3 days after the date on which he notifies the billing authority of any change in his address.

(6) A person who is no longer willing to receive such documents given by the means described in paragraph (3)(a) above, shall withdraw a notification of an address given to the billing authority for the purpose of that paragraph, and such a withdrawal shall take effect on a date specified by him being a date no less than 3 days after the date on which he informs the billing authority that he wants to withdraw notification of the address given.

(7) A person who has entered into an agreement with the billing authority under paragraph (3)(b) above may revoke the agreement, and such revocation shall take effect on a date specified by him being a date no less than 3 days after the date on which that person informs the billing authority that he wants to revoke the agreement.”

Signed by authority of the First Secretary of State

Minister of State
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends both the Council Tax (Administration and Enforcement) Regulations 1992 and the Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989 to provide for the service by billing authorities of certain notices and information required to be supplied when demand notices are served, by electronic communication on a person who has agreed to accept electronic service.

Article 4(2) inserts additional paragraphs into regulation 2 of the Council Tax (Administration and Enforcement) Regulations 1992.

Under new paragraph (4) any notice under Parts II, III or V of the Regulations (which cover establishing liability and billing but not enforcement) or any information which is required to be supplied with demand notices by the Council Tax and Non Domestic Rating (Demand Notices) (England) Regulations 1993 may be served electronically on a person who has agreed to accept electronic service of such documents. Alternatively, where the billing authority has agreed with the recipient, these documents may be published on a website and the billing authority may notify the recipient that it has done so, where the notice or information may be found and how they may be accessed.

New paragraph (5) provides that a notice under Parts II, III or V of the Regulations will be deemed to have been served for the purpose of any legal proceedings, on the second day after it was sent or, if published on a website, on the second day after notification is given of its publication.

New paragraph (6) provides that the recipient of such notices or information must notify the billing authority of any change in his electronic address.

New paragraphs (7) and (8) respectively provide for the recipient to withdraw his agreement to accepting electronic service of such documents or to accessing such documents on a website.

The Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989 are similarly amended by article 7 which inserts new paragraphs (3) to (7) into Regulation 2.