
STATUTORY INSTRUMENTS

2008 No. 316

COUNCIL TAX, ENGLAND

The Council Tax (Electronic Communications) (England) Order 2008

<i>Made</i>	- - - -	<i>12th February 2008</i>
<i>Laid before Parliament</i>		<i>19th February 2008</i>
<i>Coming into force</i>	- -	<i>1st April 2008</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 8 of the Electronic Communications Act 2000(1).

The Secretary of State considers 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.

Citation, commencement and application

1. This Order, which applies to England only, may be cited as the Council Tax (Electronic Communications) (England) Order 2008 and shall come into force on 1st April 2008.

Service of notices

2.—(1) Regulation 35 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (service of notices)(2) shall be amended in relation to England in accordance with the following paragraphs.

(2) At the end of paragraph (1), add—

“; or

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

(3) In paragraph (4), for sub-paragraph (b) substitute—

“(b) (i) delivering it, or sending it by first class or second class post, to the listing officer’s office; or

(1) 2000 c. 7. See section 9(1) for the definition of “the appropriate Minister”. As regards the exercise of the powers conferred by section 8 in relation to Wales see section 10 of the Electronic Communications Act 2000 and paragraphs 30 to 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) S.I. 1993/290, amended by S.I. 2008/315; there are other amending instruments but none is relevant.

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

(4) After paragraph (4), insert—

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

- (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 paragraph (6)—

(a) before the definition of “bank holiday”, insert—

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

(b) after the definition of “business day”, insert—

““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 (meaning of electronic communications networks and services)(3); or
- (b) by other means but while in an electronic form; and

“relevant electronic address” means an address which is notified—

- (a) to the person serving a notice (“the relevant sender”);
- (b) by—
 - (i) the person on whom the notice is to be served (“the recipient”); or
 - (ii) any other person authorised by the recipient to notify the relevant sender of the address; and

(c) for the purpose of enabling the notice to be sent by electronic communication.”.

(6) At the end of paragraph (7), add—

“; and

(d) a notice served by the means described in paragraph (1)(d) or (4)(b)(ii) shall—

- (i) if sent by facsimile transmission on a business day before 4 p.m., be treated as served on that day;
- (ii) if sent by facsimile transmission in any other case, be treated as served on the next business day after the day on which it was sent; and
- (iii) in any other case, be treated as served on the second business day after the day on which it was sent.”.

(7) After paragraph (7), add—

“(8) In these Regulations, any reference to a written notice includes a reference to a notice in electronic form.”.

Signed by authority of the Secretary of State

12th February 2008

Parmjit Dhanda
Parliamentary Under Secretary of State
Department for Communities and Local
Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends regulation 35 of the Council Tax (Alteration of Lists and Appeals) Regulations 1993 (“the 1993 Regulations”) in relation to England. It enables notices, in relation to proposals for the alteration of valuation lists (compiled under Chapter II of Part I of the Local Government and Finance Act 1992 (c. 14)) and connected appeals, to be served by means of electronic communication where the person serving the notice has been notified of an address for that purpose. Notices include proposals and other documents (see regulation 35(5)(a) of the 1993 Regulations).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.