

This Statutory Instrument has been made in consequence of a defect in SI 2003/2604 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2003 No. 3052

COUNCIL TAX, ENGLAND

RATING AND VALUATION, ENGLAND

The Council Tax and Non-Domestic Rating (Electronic Communications) (England) (No. 2) Order 2003

<i>Made</i> - - - -	<i>26th November 2003</i>
<i>Laid before Parliament</i>	<i>3rd December 2003</i>
<i>Coming into force</i> - -	<i>24th December 2003</i>

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) (No 2) Order 2003 and shall come into force on 24th December 2003.

(2) This Order applies to billing authorities in England only that is to say, a district or London borough council, the Common Council or the Council of the Isles of Scilly or a county council exercising the functions of a district council in its area pursuant to an order made under section 17 of the Local Government Act 1992(b).

Amendment of the Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2003

2. The Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2003(c) is amended in accordance with article 3 below.

(a) 2000 (c. 7).

(b) 1992 (c. 19). For the definition of billing authority see section 1(2) of the Local Government Finance Act 1992 c.14. Regulation 3 of the Local Government Changes for England (Finance) Regulations 1994 (S.I. 1994/2825) provided that references to a billing authority in any enactment included for any financial year an authority which by virtue of section 18(1) (consequences of structural change etc) of the Local Government Act 1992 is a billing authority for that year for the purposes of Part 1 of the Local Government Act 1992. [ODPM 2825]

(c) S.I. 2003/2604

3. In paragraph (2) of article 1 (citation, commencement and application) after the words “the Isles of Scilly” add “or a county council exercising the functions of a district council in its area pursuant to an order made under section 17 of the Local Government Act 1992.”

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

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

5. In regulation 1 (citation, commencement and interpretation) in paragraph (2) in the definition of “demand notice regulations” after the words “Regulations 1993” add “or, as the case may be, the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003”(b).

Signed by authority of the First Secretary of State

26th November 2003

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

(a) SI 1989/1058, relevant amendments are made by S.I. 2003/2604. The powers under which the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (S.I. 1989/1058) are made, are devolved 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 in Schedule 1.

(b) SI 2003/2613.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3 of this Order amends the Council Tax and Non-Domestic Rating (Electronic Communications)(England) Order 2003 (S.I. 2003/2604) to extend the application of that order to any billing authority that is a county council exercising the functions of a district council in its area pursuant to an order made under section 17 of the Local Government Act 1992. At present, this includes the Isle of Wight.

Article 5 of this Order amends the Non-Domestic Rating (Collection and Enforcement)(Local Lists) Regulations 1989 in relation to England, to include in the definition of “demand notices” a reference to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 (S.I. 2003/2613).

That will provide for the electronic service by billing authorities on a person who has agreed to accept electronic service, of information required to be supplied when demand notices are served in accordance with the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003. Such provision already exists in relation to information required to be supplied when demand notices are served in accordance with the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 1993 (S.I. 1993/191) by virtue of the definition of “demand notice regulations” in Article 6(b) of the Council Tax and Non-Domestic Rating (Electronic Communications) (England) Order 2003. That definition ought to have included a reference to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003.

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