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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1181**

**The Sustainable Drainage (Appeals) (Wales) Regulations 2018**

**PART 2**

**Appeals against decisions**

**Use of electronic communication**

7.—(1) Paragraphs (2) to (6) of this regulation apply where an electronic communication is used by an appellant for the purpose of fulfilling any requirement in regulation 6 to give or send any notice or other document to any other person (“the recipient”).

(2) The requirement is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(3) In paragraph (2) “legible in all material respects” means that the information contained in the notice or other document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(4) Where the electronic communication is received by the recipient outside the recipient’s business hours it will be taken to have been received on the next working day.

(5) A requirement in regulation 6 that any notice or other document should be in writing is fulfilled where that document meets the criteria in paragraph (2) and “written” and cognate expressions are to be construed accordingly.

(6) Where an appellant sends any notice or other document to the Welsh Ministers using electronic communications they will be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the appeal which are capable of being carried out electronically,
- (b) that the appellant’s address for the purpose of such communications is the address incorporated into or otherwise logically associated with, the notice or other document, and
- (c) that the appellant’s deemed agreement under this paragraph will subsist until the appellant gives notice in accordance with regulation 8, of a wish to revoke the agreement.