

SCHEDULE 2

Article 3(1)

**Amendment of the Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003**

1. Renumber regulation 2 (interpretation) as regulation 2(1) and, before the definition of “enforcement notice” contained therein, insert the following definition—

““electronic communication” (“*cyfathrebu electronig*” and “*cyfathrebiad electronig*”) has the meaning given in section 15(1) of the Electronic Communications Act 2000(1);”.

2. In regulation 4 (explanatory note to accompany copy of enforcement notice), at the end of sub-paragraph (a)(ii), insert—

“; or, where electronic communications are used to send such notice to the National Assembly, by sending the notice to it at such time that, in the ordinary course of transmission, it would be delivered to the National Assembly before that date”.

3. After regulation 9 (notice of receipt of all required documents), insert—

**“Use of electronic communications**

9A.—(1) Paragraphs (2) to (6) of this regulation apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in Part 3 of these Regulations to give or send any statement, notice or other document to any other person (“the recipient”).

(2) The requirement will be taken to be fulfilled where the 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 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; and, for this purpose, “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(5) A requirement 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 a person makes an appeal to the National Assembly under regulation 6 using electronic communications, the person 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 appellant’s statement of appeal;

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(1) 2000 c. 7.

*Status: This is the original version (as it was originally made).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

- (c) that the appellant’s deemed agreement under this paragraph will subsist until the appellant gives notice in accordance with regulation 12A of a wish to revoke the agreement.”.

4. For regulation 12 (transmission of documents), substitute—

**“Transmission of documents**

**12.** Notices or documents required or authorised to be served, sent or supplied under these Regulations may be served, sent or supplied by—

- (a) post; or
- (b) using electronic communications to serve, send or supply the notice or document (as the case may be) to a person at such address as may for the time being be specified by the person for that purpose.”.

5. After regulation 12, insert—

**“Withdrawal of consent to use of electronic communications**

**12A.** Where a person is no longer willing to accept the use of electronic communications for any purpose of these Regulations which is capable of being effected electronically, that person must give notice in writing—

- (a) withdrawing any address notified to the National Assembly or to a local planning authority for that purpose; or
- (b) revoking any agreement entered into with the National Assembly or with a local planning authority for that purpose,

and such withdrawal or revocation will be final and will take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.”.