



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 4

GENERAL AND SUPPLEMENTARY

100 Notices, applications etc.

- (1) In this section, “formal communication” means—
 - (a) any notice, notification, direction or consent given, or
 - (b) any request for review, proposal, application (other than an application to a court), report or decision made,
under or for the purposes of this Act.
- (2) A formal communication must be made in writing.
- (3) A formal communication which is sent by electronic means is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (4) A formal communication is given to or made to a person if it is—
 - (a) delivered to the person,
 - (b) sent by post in a prepaid registered letter, or by the recorded delivery service, addressed—
 - (i) where the person is a charity, to the charity at the principal office set out in its entry in the Register or to the charity trustee whose name is so set out at the address so set out,
 - (ii) where the person is an incorporated company or body (other than a charity), to the secretary, chief clerk or chief executive of the company or body at its registered or principal office,
 - (iii) where the person is a public office-holder, to the office-holder at the office-holder's principal office,
 - (iv) in any other case, to the person at that person's usual or last known place of abode, or

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- (c) sent to the person in some other manner (including by electronic means) which the sender considers likely to cause it to be delivered on the same or next day.
- (5) Where a charity's entry in the Register does not, because of subsection (4) of section 3, include the information specified in subsection (3)(b) of that section, a formal communication may also be given to or made to the charity if it is sent by post in a prepaid registered letter, or by the recorded delivery service, addressed—
 - (a) to the charity care of OSCR, or
 - (b) where OSCR is the sender—
 - (i) to the charity at its principal office, or
 - (ii) to the charity trustee whose name is, because of section 3(4), excluded from the Register at the address which is so excluded.
- (6) A formal communication sent under subsection (4)(c) is, unless the contrary is proved, to be deemed to be delivered on the next working day which follows the day on which it is sent.
- (7) In subsection (6), “working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971 (c. 80), is a bank holiday in Scotland.

Commencement Information

II [S. 100](#) in force at 24.4.2006 by [S.S.I. 2006/189](#), art. 2(2), [Sch. Pt. 2](#)

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