



# Transport and Works (Scotland) Act 2007

## 2007 asp 8

### PART 1

#### ORDERS AUTHORISING WORKS ETC.

##### *Miscellaneous*

#### **20 Service of notices and other documents**

- (1) A notice or other document required or authorised to be served for the purposes of this Act—
- (a) may be served by post,
  - (b) may be delivered, or
  - (c) in a case where an address for service of a notice or document of the kind in question (or of notices or documents generally) using electronic means has been given by the person on whom the notice or document is to be served, may be transmitted by electronic means in accordance with the conditions set out in subsection (2).
- (2) The conditions are that the notice or other document is—
- (a) capable of being accessed by the person mentioned in subsection (1)(c),
  - (b) legible in all material respects, and
  - (c) in a form sufficiently permanent to be used for subsequent reference,
- and for the purposes of paragraph (b), “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served as a notice or document in printed form.
- (3) Where the person on whom a notice or other document to be served for the purposes of this Act is—
- (a) a body corporate other than a limited liability partnership, the notice or document is duly served if it is served on the secretary or clerk of that body,
  - (b) a limited liability partnership, the notice or document is duly served if it is served on a member of the partnership,

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*Status: This is the original version (as it was originally enacted).*

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- (c) a partnership other than a limited liability partnership, the notice or document is duly served if it is served on a member of the partnership or on a person having the control or management of the partnership business.
- (4) For the purposes of paragraph 4 of Schedule 1 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379) (references to service by post) as it applies for the purposes of this section, the proper address of any person in relation to the service on the person of a notice or document under subsection (1) is, if an address for service has been given by the person, that address and otherwise—
- (a) in the case of service by virtue of—
    - (i) paragraph (a) of subsection (3), the registered or principal office of the body corporate,
    - (ii) paragraph (b) of that subsection, the registered or principal office of the partnership,
    - (iii) paragraph (c) of that subsection, the principal office of the partnership, and
  - (b) in any other case, the person’s last known address at the time of service.
- (5) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having an interest in, or as the occupier of, land and the person’s name or address cannot be ascertained after reasonable inquiry, the notice may be served by—
- (a) addressing it to the person by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
  - (b) leaving it either—
    - (i) in the hands of a person who is, or appears to be, resident or employed on the land, or
    - (ii) conspicuously affixed to some building or object on the land.
- (6) This section—
- (a) is not to be taken to exclude the employment of any method of service not expressly provided for by it, and
  - (b) in particular, is without prejudice to any provision made by virtue of section 4(2)(c) or 6(3)(c) in relation to service of notice on such persons as are mentioned in sub-paragraphs (ii) to (iv) of paragraph 3(b) of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42) (service of notice on holder of personal real burden, on owner of benefited property or on owners' association).