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**Changes to legislation:** There are currently no known outstanding effects for the Scottish Parliamentary Pensions Act 2009, Cross Heading: Formal communications. (See end of Document for details)

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SCHEDULE 1  
SCOTTISH PARLIAMENTARY PENSION SCHEME

PART T

MISCELLANEOUS

*Formal communications*

- 108 (1) A “formal communication” means any—
- (a) notice,
  - (b) application,
  - (c) request, or
  - (d) certification,
- made or given under or for the purposes of this Act.
- (2) A formal communication must be in writing.
- (3) A formal communication is made or given to a person if it is—
- (a) delivered, or sent by post, to—
    - (i) where the formal communication is being delivered to the Fund trustees or an MSP, the Scottish Parliament,
    - (ii) where the formal communication is being sent to the holder of a pensionable office (who is not an MSP), the office-holder's principal office, or
    - (iii) in any other case, the usual or last known abode of the person to whom the formal communication is delivered or sent, or
  - (b) sent in some other way (including by electronic means) which the sender reasonably considers likely to cause it to be delivered on the same or next day.
- (4) 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.
- (5) A formal communication sent in the way described in rule 108(3)(b) is, unless the contrary is proved, to be treated as having been delivered on the day after it is sent (or, if that day falls on a weekend or a bank holiday, on the next weekday which is not a bank holiday).

“bank holiday” means a day which is a bank holiday in Scotland by virtue of the Banking and Financial Dealings Act 1971 (c. 80).

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