



Housing (Scotland) Act 2006

2006 asp 1

PART 10

GENERAL AND SUPPLEMENTARY

187 Formal communications

- (1) A “formal communication” means any—
- (a) notice,
 - (b) notification,
 - (c) direction,
 - (d) consent,
 - (e) confirmation,
 - (f) requirement,
 - (g) request,
 - (h) order,
 - (i) application (other than an application to a court),
 - (j) licence,
 - (k) acknowledgment, or
 - (l) decision,
- used under or for the purposes of this Act.
- (2) A formal communication must be in writing.
- (3) A formal communication is served on or, as the case may be, submitted, given, made or issued to, a person if it is—
- (a) delivered to the person at the place mentioned in subsection (4),
 - (b) sent, by post in a prepaid registered letter or by the recorded delivery service, to the person at that place, or
 - (c) sent to the person in some other manner (including by electronic means) which the sender reasonably considers likely to cause it to be delivered to the person on the same or next day.
- (4) The place referred to in subsection (3) is—

Status: This is the original version (as it was originally enacted).

- (a) where the person is an individual, to the person at that person's place of business or usual or last known place of abode,
 - (b) where the person is an incorporated company or body, to the secretary, chief clerk or chief executive of the company or body at its registered or principal office, or
 - (c) where the person is a public office-holder, to the office-holder at the office-holder's principal office.
- (5) Where the person to which a formal communication is to be delivered or sent is an incorporated company or body, the sender complies with subsection (3) by delivering or sending it to the secretary, chief clerk or chief executive of the company or body.
- (6) 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.
- (7) A formal communication sent under subsection (3)(c) is, unless the contrary is proved, to be treated as having been delivered on the next working day after the day on which it was sent.
- (8) In subsection (7), "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.
- (9) Subsection (10) applies where a person is unable to deliver or send a formal communication to the owner or occupier of any house or other premises or other living accommodation because that person is not (having made reasonable inquiries) aware of the name or address of that owner or occupier.
- (10) Where this subsection applies, the formal communication may be served on or, as the case may be, submitted, given, made or issued to the owner or occupier concerned by addressing a copy of it to "The Owner" or, as the case may be, "The Occupier" of the house or other premises or other living accommodation (describing it or them) and causing a copy of it to be displayed on or near the house or other premises or other living accommodation.