



Infrastructure (Wales) Act 2024

2024 asc 3

PART 9

GENERAL PROVISIONS

Giving notices and other documents

136 Giving notices and other documents

- (1) This section applies where a provision in or made under this Act requires or authorises a person to—
- (a) notify another person of something, or
 - (b) give a document to another person (whether the provision uses the word “serve” or “give” or other term).
- (2) The notification or other document may be given to the person in question—
- (a) by handing it to the person, or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;
 - (b) by leaving it at the person’s usual or last known place of residence or, if the person has given an address for service, at that address,
 - (c) by sending it by post in a pre-paid letter—
 - (i) addressed to the person at the person’s usual or last known place of residence, or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office;
 - (ii) if the person has given an address for service, addressed to the person at that address;
 - (d) if the person has given an address for service using electronic communications, by sending it to the person at that address using an electronic communication which complies with the conditions in subsection (3);
 - (e) by any other way specified in regulations.

Status: This is the original version (as it was originally enacted).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

- (3) The conditions are that the document is—
 - (a) capable of being accessed by the person to whom it is sent,
 - (b) legible in all material respects, and
 - (c) capable of being used for subsequent reference.
- (4) A requirement to give more than one copy of a document to a person is complied with by sending only one copy of the document to the person electronically, unless the provision requires the copies to be given in hard copy.
- (5) For the purposes of this section the principal office of a company registered outside the United Kingdom is their principal office within the United Kingdom.
- (6) A notification or other document given to a person by leaving it at the person’s address under subsection (2)(b) is to be treated for the purposes of this Act as having been given at the time at which it was left at that address.
- (7) A notification or other document given to a person by sending it electronically in accordance with this section is to be treated for the purposes of this Act as having been given, unless the contrary is proved, on the day on which the electronic communication was sent.
- (8) Subsection (2)(c) and (d) do not apply to the giving of—
 - (a) notice under section 106(4) (notice to enter land without warrant);
 - (b) notice under section 111 (information notices);
 - (c) notice under section 113 (notice of unauthorised development).
- (9) See section 233 of the Local Government Act 1972 (c. 70) for additional provision about the methods by which local authorities may serve documents.

137 Giving notices etc. to persons occupying or with an interest in land

- (1) This section (in addition to section 136) applies where a provision contained in or made under this Act requires or authorises notification or a document to be given—
 - (a) to a person as having an interest in land, or
 - (b) to a person as an occupier of land.
- (2) Where the notification or other document is to be given to a person as having an interest in land, and the name of the person cannot be discovered after making reasonable inquiries, the notification or document may be addressed to the person as “the owner” of the land, describing the land.
- (3) Where the notification or other document is to be given to a person as an occupier of land it may be addressed to the person by name or as “the occupier” of the land, describing the land.
- (4) Subsection (5) applies—
 - (a) where—
 - (i) a notification or other document is to be given to a person as having an interest in land,
 - (ii) the person’s usual or last known place of residence cannot be discovered after making reasonable inquiries, and
 - (iii) the person has not given an address for the service of the document, or
 - (b) where a document is to be given to a person as an occupier of land.

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- (5) The notification or other document is given for the purpose of this Act if it is addressed to the person, clearly marked as an important communication affecting the person's property, and is—
- (a) sent to the land by post and not returned as undelivered,
 - (b) handed to a person who is, or appears to be, resident or employed in or on the land, or
 - (c) attached conspicuously to the land or to an object on or near the land.

138 Giving documents to the Crown

- (1) This section applies where a provision contained in or made under this Act requires a notification or other document to be given to the Crown.
- (2) The notification or other document must be given to the appropriate Crown authority.
- (3) Sections 136 and 137 (general provisions about methods of service) do not apply.
- (4) In this section, “the Crown” includes—
- (a) the Duchy of Lancaster;
 - (b) the Duchy of Cornwall.