



Forth Crossing Act 2011

2011 asp 2

PART 10

MISCELLANEOUS

76 Formal communications

- (1) A “formal communication” means any notice (or counter-notice) or objection served or given under this Act.
- (2) A formal communication must be in writing (and, if sent by email, fax or other electronic means, is to be treated as being in writing only if it is legible and capable of being used for subsequent reference).
- (3) A formal communication is served or given if it is—
 - (a) hand delivered to the person concerned,
 - (b) sent, by first class post or by using a registered or recorded delivery postal service, in an envelope or package addressed—
 - (i) where sent to an individual, to the individual at the individual’s principal place of business or usual or last known abode, and
 - (ii) where sent to a body, to the body at its registered or principal office,
 - (c) sent to the person concerned in any other way (including by email, fax or other electronic means) which the sender reasonably considers likely to cause it to be delivered on the same or next day, or
 - (d) served or given in accordance with subsection (5).
- (4) A formal communication may be served or given in a way described in subsection (3)
 - (c) only if the person to whom it is sent has previously agreed to it being sent in that way (such agreement to be given by notifying the sender to that effect).
- (5) Where a person, having made reasonable inquiries, is unable to ascertain the name or address of a person in respect of whom a formal communication relating to land is to be served or given, the formal communication may be served or given by—
 - (a) addressing it to the person concerned by name or by a description of the person’s interest in the land (for example: “the owner” or “the occupier”), and

Status: This is the original version (as it was originally enacted).

- (b) fixing to a building or object on, or to a conspicuous part of, the land to which the formal communication relates (or, where that is not practical, to a building or object near that land).
- (6) A formal communication is, unless the contrary is proved, to be treated as having been served or given—
- (a) where hand delivered, on the day of delivery,
 - (b) where posted, on the day on which it would be delivered in the ordinary course of post,
 - (c) where sent in a way described in subsection (3)(c), on the day after it is sent, or
 - (d) where served or given in accordance with subsection (5), on the day on which it is fixed on or near the land to which it relates.