

SCHEDULE 1

Bus user complaints

Sending of documents

9. –

(1) This paragraph has effect in relation to any notice or other document required or authorised by this Schedule to be sent to a party, to the Sub-Committee or Committee or to any other person.

(2) Subject to sub-paragraph (3), any such document shall be regarded as having been sent to the person concerned if it is–

- (a) delivered personally;
- (b) left at the person's proper address;
- (c) sent to that address by post or through a document exchange; or
- (d) transmitted by FAX or other means of electronic data transmission in accordance with sub-paragraphs (3), (4) and (5).

(3) A document may be transmitted to the person concerned by FAX where that person has indicated in writing that the document will be considered to have been duly sent if it is transmitted to a specified FAX number and the document is transmitted to that number.

(4) In the case of the bus operator, an indication under sub-paragraph (3) can be expressed to apply to any appeal to which it is a respondent.

(5) Sub-paragraphs (3) and (4) shall apply with the appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.

(6) Where the proper address includes a numbered box number at a document exchange, a document may be sent by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this sub-paragraph shall, unless the contrary is proved, be deemed to have been delivered on the second business day following the day on which it is left.

(7) For the purposes of this Schedule and 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(1) in its application to this regulation–

- (a) the proper address of the complainant is the address specified in the notice of complaint pursuant to paragraph 2(2)(b) or (if no such address is so specified) the address stated pursuant to paragraph 2(2)(c); and
- (b) the proper address of the bus operator in proceedings in which it is the respondent is such address as the bus operator from time to time specifies in a notice sent to the Sub-Committee as being the proper address in all such proceedings.

(8) If no address has been specified or stated, the proper address for the purposes of this Schedule and 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 shall be the person's usual or last known address.

(9) A complainant may at any time by notice in writing (which, for the purposes of this paragraph shall include communication in electronic form) to the Sub-Committee change the proper address for the purposes of this Schedule and paragraph 4 of Schedule 1 to the Scotland Act 1998 (Transitory

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and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999.

(10) A party may, by notice in writing sent to the Sub-Committee, vary or revoke any indication given by that party under sub-paragraph (3).