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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 456**

**The Fire Safety (Scotland) Regulations 2006**

**PART IV**

**MISCELLANEOUS**

**Service of documents: further provision**

**27.**—(1) Without prejudice to section 76 or any other provision of this regulation, any document required or authorised to be served on a person with duties under section 53 or 54 in respect of any relevant premises (whether a body corporate or not) by virtue of Part 3 of the 2005 Act may be served by sending it by post to that person at those premises, or by addressing it by name to the person on whom it is to be served and delivering it to some responsible individual who is or appears to be resident or employed in the relevant premises.

(2) If the name or the address of the person with duties under section 53 or 54 on whom any such document is to be served cannot after reasonable inquiry be ascertained by the person seeking to serve it, the document may be served by addressing it to the person on whom it is to be served by the description of “person with Chapter 1 duties” for the relevant premises (describing them) to which the document relates, and by delivering it to some responsible individual residing or appearing to be residing in the relevant premises or, if there is no such person to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the relevant premises.

(3) Any document required or authorised to be served on the person with duties under section 53 or 54 or enforcing authority may be transmitted to that person or authority—

- (a) by means of an electronic communications network (within the meaning given by section 32 of the Communications Act 2003<sup>(1)</sup>); or
- (b) by other means but in a form that nevertheless requires the use of apparatus by the recipient to render it intelligible.

(4) Where the recipient of the transmission is the person with duties under section 53 or 54, the transmission has effect as a delivery of the document to that person only if that person has indicated to the enforcing authority on whose behalf the transmission is made his or her willingness to receive a document transmitted in the form and manner used.

(5) An indication to an enforcing authority for the purposes of paragraph (4)—

- (a) must be given to the authority in any manner it requires;
- (b) may be a general indication or one that is limited to documents of a particular description;
- (c) must state the address to be used and must be accompanied by any other information which the authority requires for the making of the transmission;
- (d) may be modified or withdrawn at any time by a notification given to the authority in any manner it requires.

(6) Where the recipient of the transmission is the enforcing authority, the transmission has effect as a delivery of the document only if the enforcing authority has indicated its willingness to receive a document transmitted in the form and manner used.

(7) An indication for the purposes of paragraph (6)–

- (a) may be given in any manner the enforcing authority thinks fit;
- (b) may be a general indication or one that is limited to documents of a particular description;
- (c) must state the address to be used and must be accompanied by any other information which the person with duties under section 53 or 54 requires for the making of the transmission;
- (d) may be modified or withdrawn at any time in any manner the enforcing authority thinks fit.

(8) If the making or receipt of the transmission has been recorded in the computer system of the enforcing authority, it must be presumed, unless the contrary is proved, that the transmission–

- (a) was made to the person recorded in that system as receiving it;
- (b) was made at the time recorded in that system as the time of delivery;
- (c) contained the information recorded on that system in respect of it.

(9) For the purposes of this regulation, “transmission” means the transmission referred to in paragraph (3).