
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 243

**The Roads (Scotland) Act 1984
(Fixed Penalty) Regulations 2008**

Manner of service of a fixed penalty notice or a notice withdrawing a fixed penalty notice

4.—(1) Subject to paragraph (5), where a person—

- (a) has provided a roads authority with an address for service on that person of any notice under Schedule 8B to the 1984 Act (fixed penalties for certain offences) by using a particular method for transmitting an electronic communication; and
- (b) has not notified the authority that the address is withdrawn for that purpose,

such notice shall be given by sending it to that person at that address by that method, in accordance with the conditions set out in paragraph (3).

(2) In any other case, a notice under that Schedule shall be given by—

- (a) sending it by first class post to the person to whom it is to be given at that person's proper address;
- (b) delivering it to that person;
- (c) leaving it at that person's proper address; or
- (d) any other means agreed with that person.

(3) The conditions referred to in paragraph (1) are that the notice shall be—

- (a) capable of being accessed by the person to whom it is being sent;
- (b) legible in all material respects; and
- (c) in a form which permits the notice to be retained for subsequent reference,

and for this purpose “legible in all material respects” means that the information contained in the notice is available to that person to no lesser extent than it would be if given by means of a notice in printed form.

(4) Where an electronic communication is used for the purpose of serving a notice under Schedule 8B to the 1984 Act, then, unless the contrary is proved, the notice shall be deemed to be given on the day and at the time recorded by the transmitting apparatus as being the day and time of satisfactory completion of the transmission.

(5) Where, after 3 attempts (duly recorded by the person serving the notice) to effect service by using one particular method for transmitting an electronic communication, service cannot be effected, the notice may be given by serving it upon the person to whom it is to be given by any other such method for which an address is available by virtue of paragraph (1) or by any of the other means referred to in paragraph (2).

(6) For the purposes of this regulation, the proper address of any person to whom a notice under Schedule 8B to the 1984 Act is to be given shall be—

- (a) where such person has provided the roads authority giving the notice with an address for postal service of such notices, that address; and
- (b) otherwise—

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- (i) in the case of a corporation, the registered or principal office of the corporation; and
- (ii) in any other case, the last known address of such person.