



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART XIV

MISCELLANEOUS AND GENERAL PROVISIONS

Miscellaneous and general provisions

271 Service of notices.

- (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given—
- (a) by delivering it to the person on whom it is to be served or to whom it is to be given,
 - (b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address,
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address,
 - [^{F1}(cc) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in subsection (4), to that person at that address (subject to subsection (5)); or]
 - (d) in the case of a person on whom the notice is required to be served as being a person appearing from the valuation roll to have an interest in land, by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his address as entered in the valuation roll, or
 - (e) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office,

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or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

- (a) being addressed to him either by name or by the description of “the owner”, “the lessee” or “the occupier”, as the case may be, of the premises (describing them) it is delivered or sent in the manner specified in subsection (1)(a), (b) or (c), or
- (b) it is so addressed and is marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, and—
 - (i) it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or
 - (ii) is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where—

- (a) the notice or other document is required to be served on or given to all persons who have interests in or are occupiers of premises comprised in any land, and
- (b) it appears to the authority required or authorised to serve or give the notice or other document that any part of that land is unoccupied,

the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has given to that authority an address for the service of the notice or document on him) if it is addressed to “the owners and any lessees and occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

[^{F2}(4) The condition mentioned in subsection (1)(cc) is that the notice or other document shall be—

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference;

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

(5) Subsection (1)(cc) shall not apply to—

- (a) serving a planning contravention notice;
- (b) serving or giving notice to parties who must be notified of applications for planning permission and other matters in accordance with regulations made under sections 34 and 35;
- (c) serving any notice, or withdrawal of any such notice under section 61;
- (d) serving a notice under section 66(2);
- (e) serving a notice under section 72(2) or a copy of an order under section 72(5);
- (f) serving a purchase notice under section 88(2);

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- (g) serving any notice under section 90;
- (h) serving a counter-notice under section 96(2) or 96(5)
- (i) serving a counter-notice under 102;
- (j) serving a blight notice under section 101(1);
- (k) serving a copy of any enforcement notice by a planning authority;
- (l) giving any notice under section 129 of the exercise of powers conferred by subsection (1) of that section;
- (m) serving an enforcement notice issued by the Scottish Ministers;
- (n) serving a stop notice, or of notice of withdrawal of a stop notice, by a planning authority;
- (o) serving a stop notice by the Scottish Ministers;
- (p) serving a breach of condition notice or of notice of withdrawal of a breach of condition notice;
- (q) giving notice of the making of a tree preservation order, or service of a copy of such an order, in accordance with regulations under section 161;
- (r) serving notice by a planning authority under section 179 requiring steps to be taken to abate the adverse effect on the amenity of any part of its district by reason of condition of any land within that district or an adjoining district;
- (s) serving a notice under section 272 requiring information as to interests in land;
- (t) serving a copy of a discontinuance, prohibition, suspension or supplementary suspension order made under Schedule 8; and
- (u) serving a reminder under paragraph 4 of Schedule 10.]

Textual Amendments

- F1** S. 271(1)(cc) inserted (28.7.2004) by [Town and Country Planning \(Electronic Communications\) \(Scotland\) Order 2004 \(S.S.I. 2004/332\)](#), arts. 1(1), **4(1)(2)**
- F2** S. 271(4)(5) inserted (28.7.2004) by [Town and Country Planning \(Electronic Communications\) \(Scotland\) Order 2004 \(S.S.I. 2004/332\)](#), arts. 1(1), **4(1)(3)**

Modifications etc. (not altering text)

- C1** S. 271 extended (27.5.1997) by [1997 c. 9, ss. 79\(1\), 83\(2\)](#) (with s. 45(4))
S. 271 applied (27.5.1997) by [1997 c. 10, ss. 36, 40\(2\)](#) (with ss. 9(3), 10(5), 38(6))
- C2** S. 271 applied (with application in accordance with reg. 2 of the amending S.S.I.) by [Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2008 \(S.S.I. 2008/432\)](#), regs. 1(2), **44**
- C3** S. 271 applied (30.6.2013) by [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013 \(S.S.I. 2013/155\)](#), regs. 1, **48** (with reg. 2)
- C4** S. 271 applied (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), regs. 1, **59**

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