

SCHEDULE

PROCEDURE IN ADJUDICATION PROCEEDINGS

PART 3

SERVICE OF DOCUMENTS AND NOTICES IN ADJUDICATION PROCEEDINGS

Service of documents on the parties

17.—(1) This paragraph has effect in relation to any notice or other document required or authorised by these Regulations to be served on a party to an appeal.

(2) A document is to be regarded as having been served on that party if it is—

- (a) delivered to that party;
- (b) left at that party's proper address
- (c) sent by first class post to that party at that address; or
- (d) transmitted to that party by fax or other means of electronic transmission in accordance with sub-paragraph (3).

(3) A document may be transmitted to a party by fax or by other means of electronic transmission where—

- (a) the party has indicated in writing to the party sending the notice or document that this form of communication is acceptable if it is transmitted to a specified fax telephone number or, as the case may be, a specified electronic address or website; and
- (b) the document is transmitted to that number, address or website.

(4) In the case of an enforcement authority, an indication under sub-paragraph 3(a) may be expressed to apply in relation to any appeal to which it is the respondent.

(5) Where the proper address includes a box number at a document exchange the service of such a document may be effected by leaving the document addressed to that box number—

- (a) at that document exchange; or
- (b) at a document exchange which transmits documents every working day to that exchange,

and any such document so left is to be taken, unless the contrary is proven, to have been served on the second working day after the day on which it was left.

(6) For the purposes of this Schedule, and of section 7 (references to service by post) of the Interpretation Act 1978⁽¹⁾ ("the 1978 Act") in its application to this paragraph—

- (a) the proper address of the appellant is the address for service specified under paragraph 2(2)(b) or, if such an address is so specified, the address specified under paragraph 2(2)(c) or ascertained in accordance with sub-paragraph (7), and
- (b) the proper address of a charging authority in proceedings in which it is the respondent is such address as the charging authority may from time to time specify in a notice delivered to the proper officer as being the charging authority's address for service in all such proceedings.

(7) If no address for service has been specified, the proper address for the purposes of this Schedule, and section 7 of the 1978 Act, is—

(1) 1978 c.30.

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- (a) in the case of an individual, their usual or last known address;
 - (b) in the case of a partnership, the principal or last known place of business of the firm within the United Kingdom;
 - (c) in the case of an incorporated or unincorporated body, the registered or principal office of the body.
- (8) A party may at any time, by notice in writing served on the proper officer, change their proper address for the purposes of this Schedule and section 7 of the 1978 Act.
- (9) A party may, by notice in writing served on the proper officer, vary or revoke any indication given under sub-paragraph (3)(a).
- (10) Unless the contrary is proved, a notice or document—
- (a) delivered to a party or left at the proper address of a party is to be taken to have been served on the first working day after the day on which it was delivered or left;
 - (b) sent by first class post is taken to have been served at the time at which the notice or document would be delivered in the ordinary course of post;
 - (c) sent by fax or other means of electronic transmission is to be taken to have been served on the first working day after the day on which it was transmitted.

Service of notices or documents to the proper officer

18.—(1) This paragraph has effect in relation to any notice or other document required or authorised by or under this Schedule to be served on the proper officer.

(2) Any such notice or document may be served on the proper officer by being transmitted to the proper officer by fax or other means of electronic transmission, but only to a telephone number or, as the case may be, electronic address or website for the time being published by the proper officer for the purpose of accepting service of such notices or documents.

(3) Unless the contrary is proved, any notice or document transmitted to the proper office in accordance with sub-paragraph (2) is to be taken to have been delivered on the second working day after the day on which it was transmitted.

(4) Where the address of the proper officer includes a box number at a document exchange the service of such a document may be effected by leaving the document addressed to that box number—

- (a) at that document exchange; or
- (b) at a document exchange which transmits documents every working day to that exchange, and any such document so left is to be taken, unless the contrary is proved, to have been served on the second working day after the day on which it was left.

(5) Paragraphs 2(2)(a) and 4(4)—

- (a) are satisfied, in the case of a document transmitted by facsimile copy, if a copy of the signature of the relevant person appears on the transmitted copy; and
- (b) do not apply in relation to a document transmitted by other means of electronic transmission.