

SCHEDULE

PROCEDURE IN ADJUDICATION PROCEEDINGS

PART 3

SERVICE OF DOCUMENTS AND NOTICES

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 sent to a party to an appeal.

(2) Any document is to be regarded as having been sent to 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 data transmission in accordance with sub-paragraph (3).

(3) A document may be transmitted to a party by fax or by other means of electronic data 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; and
- (b) the document is transmitted to that number or address.

(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 delivery 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 unless the contrary is proved, any such document so left is to be taken to have been delivered 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 pursuant to paragraph 2(2)(b) or, if no address is so specified, the address specified pursuant to paragraph 2(2)(c), and
- (b) the proper address of an authority in proceedings in which it is the respondent is such address as the authority may from time to time specify in a notice delivered to the proper officer as being the 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—

- (a) in the case of an individual, their usual or last known address;

(1) 1978 c.30.

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- (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 delivered to 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 delivered to 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) left at the proper address of a party is to be taken to have been delivered on the first working day after the day on which it was left;
- (b) sent by fax or other means of electronic transmission is to be taken to have been delivered on the first working day after the day on which it was transmitted.

Delivery 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 Part to be delivered to the proper officer.

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

(3) Unless the contrary is proved, any notice or document so transmitted 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 delivery 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 to have been delivered 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 fax, 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 data transmission.