



Housing (Scotland) Act 2010

2010 asp 17

PART 17

SUPPLEMENTARY AND FINAL PROVISIONS

160 Formal communications

- (1) A “formal communication” means—
- (a) any approval, application, certificate, consent, direction, notice, offer to sell, requirement or submission, or
 - (b) any copy of such a thing,
- which is made, served or given under or for the purposes of this Act.
- (2) A formal communication must be in writing.
- (3) A formal communication is made, served or given if it is—
- (a) hand delivered to the person concerned,
 - (b) sent, by first class post or by using a registered or recorded delivery postal service, in an envelope or package addressed—
 - (i) where sent to the Regulator, to the “Scottish Housing Regulator” at the Regulator’s principal office,
 - (ii) where sent to a registered social landlord, to the landlord at the address set out in the register,
 - (iii) where sent to a local authority, to the local authority at its principal office,
 - (iv) where sent to a body other than a registered social landlord or local authority, to the body at its registered or principal office,
 - (v) where sent to an individual, to the individual at the individual’s principal place of business or usual or last known abode,
 - (vi) in any case, to the person concerned at a postal address designated for the purpose by that person (such designation to be made by giving notice to the person making, serving or giving the formal communication), or

Status: This is the original version (as it was originally enacted).

- (c) sent to the person concerned in some other way (including by email, fax or other electronic means) which the sender reasonably considers likely to cause it to be delivered on the same or next day.
- (4) A formal communication which is sent by email, fax or other electronic means is to be treated as being in writing only if it is legible and capable of being used for subsequent reference.
- (5) A formal communication is, unless the contrary is proved, to be treated as having been made, served or given—
 - (a) where hand delivered, on the day of delivery,
 - (b) where posted, on the day on which it would be delivered in the ordinary course of post, or
 - (c) where sent in a way described in subsection (3)(c), on the day after it is sent.
- (6) This section does not apply in relation to—
 - (a) an application, direction, notice or other thing which is made, served or given for the purposes of legal proceedings, or
 - (b) an approval by the Scottish Parliament.