



# Legal Profession and Legal Aid (Scotland) Act 2007

2007 asp 5

## PART 1

### THE SCOTTISH LEGAL COMPLAINTS COMMISSION

#### *Miscellaneous*

#### **45 Giving of notices etc. under Part 1**

- (1) Any notice which is required under this Part to be given in writing is to be treated as being in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (2) Any notice which is required under this Part to be given to any person—
  - (a) is duly given—
    - (i) where the person is not an incorporated practice, if it is left at, or delivered or sent by post to, the person's last known place of business or residence;
    - (ii) where the person is an incorporated practice, if it is left at or delivered or sent by post to the practice's registered office;
    - (iii) where the person is a practitioner who is a firm of solicitors or an incorporated practice, if it is sent to the person by electronic means but only if the practitioner agrees to that means of sending;
    - (iv) where the person is an individual, if it is sent to the person by electronic means but only if the individual agrees to that means of sending;
    - (v) to any person, if it is given in such other manner as may be prescribed by regulations by the Scottish Ministers;
  - (b) if permitted by paragraph (a) to be sent, and sent, by electronic means is, unless the contrary is proved, deemed to be delivered on the next working day which follows the day on which the notice is sent.
- (3) Regulations under subsection (2)(a)(v) may—

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**Changes to legislation:** *Legal Profession and Legal Aid (Scotland) Act 2007, Section 45 is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) in particular provide that notice required to be given to a person who is not an individual may be given by addressing or sending it to such person appointed by the person for that purpose or to such person falling within such other categories prescribed in the regulations as appear to the Scottish Ministers to be appropriate;
  - (b) make different provision for different purposes.
- (4) In subsection (2)(b), “working day” means any day other than a Saturday, a Sunday or a day which, under the Banking and Financial Dealings Act 1971 (c. 80), is a bank holiday in Scotland.

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 2(6)(ba) inserted by [2010 asp 16 s. 118\(4\)](#)