



Local Government (Scotland) Act 1973

1973 CHAPTER 65

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal Proceedings, Notices, etc.

192 Service of notices, etc., by local authority.

- (1) Any documents to which this section applies may be served—
- (a) by being sent by post in a prepaid letter or delivered to or at the residence or place of business of the person to whom it is addressed:

Provided that in the case of a person employed on any ship or vessel it shall be delivered to some person on board thereof and connected therewith; or

- (b) in the case of an incorporated company or body by being sent by post in a prepaid letter addressed to the secretary or clerk of the company or body at their registered or principal office or by delivering it to him at that office; or
- (c) where the notice or other document relates to premises and the owner thereof resides beyond the area of the local authority, by being sent by post in a prepaid letter or delivered to or at the place of business of his known factor or agent or the person drawing the rents of the premises; or
- (d) where the notice or other document relates to premises and the local authority are unable after reasonable inquiry to ascertain the address of the person upon whom it should be served, by addressing it to him—
 - (i) by name, if his name is known; or
 - (ii) if his name is not known, by the description of “owner” or “occupier” of the premises (naming them) to which it relates;

and by delivering it to some person on the premises, or if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

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- (2) Service of a copy of a document to which this section applies shall be deemed to be service of the principal document.
- (3) Service of any document to which this section applies may be proved by a certificate under the hand of the person who posted or delivered or affixed the same attested by one witness who was present at such posting, delivery or affixing.
- (4) Where any document to which this section applies relates to premises and the local authority are unable after reasonable inquiry to ascertain the name and address of the owner of the premises, then if there is no known factor, agent or person drawing the rents, such document may be addressed to the occupier or any of the occupiers of the premises, and such occupier shall in all respects take burden for the owner, so however that he shall not be liable to make payment under this section of any sum in excess of the sum which he is liable to pay in respect of rent of the premises nor shall he be required to make payment of any sum before the sum in respect of rent is due and payable, and any sum so paid by the occupier shall be deemed to be a payment to account of rent.
- (5) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully mis-states the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding [^{F1}level 1 on the standard scale].
- (6) This section applies to any notice, order or other document which is required or authorised by an enactment (including any enactment in this Act) or any instrument made under an enactment to be served by or on behalf of a local authority, or by an officer of a local authority, not being a document to the service of which the provisions of some enactment other than this section or some instrument made under an enactment are applicable.
- [^{F2}(7) Without prejudice to subsections (1) to (6) above, a rating authority may use the method specified in subsection (8) below or that specified in subsection (9) below in order to—
 - (a) issue a demand note under section 237 of the 1947 Act ^{F3};
 - (b) supply information which requires to be supplied when such a demand note is issued.
- (8) The method specified in this subsection is to send the demand note or information by electronic communication to an address notified to the authority for the purposes of this subsection by the recipient of the demand note or information, and an electronic communication under this subsection must be—
 - (a) capable of being accessed by the recipient;
 - (b) legible in all other material respects; and
 - (c) sufficiently permanent to be used for subsequent reference.
- (9) The method specified in this subsection is to publish the demand note or information on a website in a case where—
 - (a) the rating authority have agreed with a person that demand notes or information will be issued or supplied to that person by this method;
 - (b) the demand note or information falls within the terms of that agreement; and

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- (c) the authority notify that person, in a manner agreed between them of—
- (i) the address of the website on which the demand note or information has been published; and
 - (ii) the place on the website where the demand note or information may be accessed and how it may be accessed.
- (10) In subsection (8)(b) above, “legible in all other material respects” means that the information contained in the electronic communication shall be available to the recipient to no lesser extent than it would be if that information had been contained in a document in printed form.
- (11) Unless the contrary is proved—
- (a) a demand note issued under subsection (8) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which the electronic communication containing it was sent;
 - (b) a demand note issued under subsection (9) above shall be regarded for the purposes of any legal proceedings as having been issued on the second working day after the day on which notification was given under paragraph (c) of that subsection.
- (12) A person who has notified an address for the purposes of subsection (8) above may subsequently give notice to the rating authority of a different address for those purposes and such a notice shall take effect from the date specified in it, being a date not less than three working days after the date on which the notice is given.
- (13) Where a person has agreed to receive demand notes or information by a method specified in subsection (8) or (9) above, that person may at any time withdraw from that agreement by giving notice to the rating authority and such a notice shall take effect from the date specified in it, being a date not less than seven working days after the date on which the notice is given.
- (14) In this section—
- “address”, in relation to electronic communications, means any number or address used for the purposes of such communications;
 - “electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000; and
 - “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971^{F4}, a day appointed for public thanksgiving or mourning or any other day which is a local or public holiday in an area in which the electronic communication is received.]

Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, 289G (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), **s. 54**)
- F2** [S. 192\(7\)-\(14\)](#) inserted (1.4.2006) by [The Non-Domestic Rating \(Electronic Communications\) \(Scotland\) Order 2006 \(S.S.I. 2006/201\)](#), **art. 2**
- F3** [The Local Government \(Scotland\) Act 1947 \(c. 43\)](#).
- F4** 1971 c. 80.

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Modifications etc. (not altering text)

- C1** S. 192 extended by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), **s. 137**
S. 192 extended (with modifications) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 83(1), **Sch. 6 para. 3**
- C2** S. 192 applied (19.12.1991) by [City of Edinburgh District Council Order Confirmation Act 1991 \(c. xix\)](#), s. 1, **Sch. Pt. XII**, s. 47
S. 192 applied (1.4.2002) by [Water \(Scotland\) Act 1980 \(c. 45\)](#), s. 23(1ZA) (as inserted by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), ss. 71(1), 72, **Sch. 6 para. 18(3)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**)
S. 192 applied (10.10.2005) by [Transport \(Scotland\) Act 2005 \(asp 12\)](#), ss. 4, 54(2), **Sch. 1 para. 13(1)**; S.S.I. 2005/454, **art. 2**, Sch. 2
- C3** S. 192(1)-(4) applied (with modifications) (1.5.2005) by [Building \(Scotland\) Act 2003 \(asp 8\)](#), **ss. 37(2)**, 59; S.S.I. 2004/404, **art. 2(1)** (with arts. 3, 4)

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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. 7 para. 7(3) inserted by [1989 c. 42 Sch. 11 para. 36](#)