



Further and Higher Education (Scotland) Act 1992

1992 CHAPTER 37

PART I

FURTHER EDUCATION

CHAPTER V

GENERAL

35 Service of documents etc.

- (1) Any notice or document required or authorised to be given to or served on any person under or by virtue of this Part of this Act may be given or served—
 - (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary of that body; or
 - (c) if the person is a firm, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the firm.
- (2) For the purposes of this section and of section 7 of the ^{M1}Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
 - (a) in the case of service on a body corporate or its secretary, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a firm or a partner or a person having the control or management of a firm it shall be the address of the principal office of the firm,

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and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a firm carrying on business outside the United Kingdom is its principal office within the United Kingdom.

- (3) If the name or address of any owner or occupier of land on whom any notice or document is to be given or served under or by virtue of this Part of this Act cannot, after reasonable inquiry, be ascertained, the notice or document may be given or served—
- (a) by addressing it to him as “the owner” or, as the case may be, “the occupier” of the land (which shall be described on the notice or document); and
 - (b) by leaving it either in the hands of a person who is or appears to be resident or employed on the land or conspicuously affixed to some building or object on or near the land.
- (4) This section shall not apply to any notice or document in relation to the service of which provision is made by rules of court.
- (5) In this section “secretary”, in relation to a local authority within the meaning of the ^{M2}Local Government (Scotland) Act 1973, means the proper officer within the meaning of that Act.

Commencement Information

I1 S. 35 wholly in force at 16.5.1992 see s. 63(2) and S.I. 1992/817, art. 3(2), Sch. 1

Marginal Citations

M1 1978 c. 30.

M2 1973 c. 65.

36 Interpretation of Part I.

- (1) In this Part of this Act and in Part I of Schedule 8 to this Act, unless the context otherwise requires—
- “the 1989 Act” means the ^{M3}Self-Governing Schools etc. (Scotland) Act 1989;
- “board of management” means a body corporate established in pursuance of section 3(2), 11(2), 13(2) or 14(3) of this Act, and references to “board” shall be construed accordingly;
- “college of further education” means an educational establishment by which further education is provided;
- “dispose” includes sell, transfer, grant, vary, create or extinguish any real right in, over or in respect of land; and “disposal” shall be construed accordingly;
- “the first transfer date” has the meaning given by section 11 of this Act;
- “further education” has the meaning given by section 1 of this Act;
- “interest in land” means any estate in land or any right in or over land, including any right to occupy or to use land or to restrict the occupation or use of land; ^{F1}...
- “land” includes, without prejudice to the meaning given to it by Schedule 1 to the Interpretation Act 1978, an interest in land within the meaning of this section.

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[^{F2}“recognised”, in relation to a trade union, has the meaning given by section 178(3) of the Trade Union and Labour Relations (Consolidation) Act 1992, and “recognises” is to be construed accordingly;]

[^{F3} “ regional college ” means a college of further education designated as a regional college by order made under section 7A of the Further and Higher Education (Scotland) Act 2005; and

“ regional strategic body ” has the same meaning as in that Act of 2005.]

- (2) Any reference in this Part of this Act to a person who has a learning difficulty shall be construed in accordance with section 1(4) of this Act.
- (3) Subject to subsection (1) above, expressions used in this Part of this Act and in the 1980 Act or the 1989 Act (or in both of those Acts) shall, unless the context otherwise requires, have the same meaning in this Part of this Act as in that Act.

Textual Amendments

- F1** Word in s. 36(1) omitted (3.3.2014) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(5\)\(a\)](#); S.S.I. 2014/21, art. 2, [Sch. 1](#)
- F2** Definition "recognised" in s. 36(1) inserted (31.3.2015) by [The Post-16 Education \(Scotland\) Act 2013 \(Modification of Legislation\) Order 2015 \(S.S.I. 2015/153\)](#), art. 1, [Sch. para. 2\(2\)](#)
- F3** Definitions "regional college" and "regional strategic body" in s. 36(1) inserted (3.3.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 2\(5\)\(b\)](#); S.S.I. 2014/21, art. 2, [Sch. 1](#)

Commencement Information

- I2** S. 36 wholly in force at 16.5.1992 see s. 63(2) and [S.I. 1992/817](#), art. 3(2), [Sch. 1](#)

Marginal Citations

- M3** [1989 c. 39](#).

Changes to legislation:

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