



# Local Government (Scotland) Act 1947

## 1947 CHAPTER 43

### PART XX

#### GENERAL.

##### *Legal Proceedings, Notices, &c.*

#### **349 Service of notices, and &c. by local authority or officer.**

(1) Without prejudice to the provisions of any local Act, any notice, order, demand, requisition or other such document by a local authority or by an officer of a local authority required or authorised by this Act or any other enactment or any statutory order or byelaw (other than a notice with respect to the compulsory purchase of land) may (except in so far as any such other enactment or statutory order otherwise specifically provides) 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; of
- (c) where the notice or other document relates to premises and the owner thereof resides beyond the area of the 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 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;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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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.

- (2) Service of a copy of any such notice, order, demand, requisition or other document shall be deemed to be service of the principal document.
- (3) Service of any such notice, order, demand, requisition or other document 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 such notice, order, demand, requisition or other document authorised or required by this Act or any other enactment or any statutory order or byelaw relates to premises and the 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 notice or other 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.