

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 421

The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019

PART 10

General and supplemental provisions relating to notices

Interpretation

34. In this Part, “premises” includes any place, including land, building, vehicle, vessel, aircraft, hovercraft, freight container, railway wagon, trailer or movable building or structure.

Commencement Information

II Reg. 34 in force at 14.12.2019, see [reg. 1\(1\)](#)

Miscellaneous provisions as to notices

35.—(1) This regulation applies to any notice given by a plant health inspector under these Regulations [^{F1}other than a notice given under regulation 32B(4)].

(2) The notice may—

(a) specify—

(i) one or more requirements or alternative requirements,

(ii) the manner in which and the period in which any requirement or condition specified in the notice must be carried out or fulfilled,

(b) require the owner or any other person who appears to be in charge of the premises to which the notice relates to—

(i) notify the Scottish Ministers of any change in occupation of the premises, the date of the change and the name of the new occupier, and

(ii) inform the new occupier of the premises of the contents of the notice.

(3) Any destruction, disposal, re-export or treatment of a plant, plant product or other object or a plant pest which is required to be carried out under the notice must be carried out, or arranged to be carried out, to the satisfaction of a plant health inspector by the person on whom the notice has been served from or at the place specified in the notice.

(4) A plant health inspector may amend or withdraw the notice by a further notice.

(5) The notice may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

Textual Amendments

- F1** Words in [reg. 35\(1\)](#) inserted (27.6.2020) by [The Plant Health \(Official Controls and Miscellaneous Provisions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/176\)](#), regs. 1(1), 17

Commencement Information

- I2** Reg. 35 in force at 14.12.2019, see reg. 1(1)

Service of notices

36.—(1) A notice may be served on a registered operator by—

- (a) delivering it personally,
- (b) leaving it at, or sending it by post to, the contact address of the registered operator,
- (c) sending it to the email address that the operator has given to the Scottish Ministers for the service of notices.

(2) A notice may be served on any other person by—

- (a) delivering it personally,
- (b) leaving it at, or sending it by post to, the person's last known place of abode or business, or
- (c) sending it to any email address that the person has given to the Scottish Ministers for the service of notices.

(3) If a notice is to be given by a plant health inspector to an occupier or other person in charge of premises and the last known place of abode or address of that person cannot be ascertained after reasonable enquiry, the notice may be served on that person by addressing it to “the occupier” and leaving it conspicuously affixed to an object on the premises for a period of seven days.

(4) A notice may—

- (a) in the case of a body corporate (other than a limited liability partnership), be served on the secretary or clerk of that body at the address of the registered or principal office of that body,
- (b) in the case of a partnership (other than a limited liability partnership), be served on a partner or a person having the control or management of the partnership business at the address of the principal office of the partnership,
- (c) in the case of a limited liability partnership, be served on a member of the partnership at the address of the registered or principal office of the partnership.

(5) For the purposes of paragraph (4), the principal office of a company registered outside the United Kingdom or a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(6) In this regulation—

“notice” means a notice to be given by a plant health inspector under these Regulations,

“contact address”, in relation to a registered operator, means—

- (a) the address of the operator's principal place of business in the United Kingdom, or
- (b) any other postal address in Scotland that the operator has given to the Scottish Ministers as a contact address for the service of notices.

Commencement Information

I3 Reg. 36 in force at 14.12.2019, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health (Official Controls and Miscellaneous Provisions) (Scotland) Regulations 2019, PART 10.