



Environment Act 1995

1995 CHAPTER 25

PART V

MISCELLANEOUS, GENERAL AND SUPPLEMENTAL PROVISIONS

Miscellaneous and supplemental

123 Service of documents.

- (1) Without prejudice to paragraph 17(2)(d) of Schedule 7 to this Act, any notice required or authorised by or under this Act to be served (whether the expression “serve” or the expression “give” or “send” or any other expression is used) on any person may be served by delivering it to him, or by leaving it at his proper address, or by sending it by post to him at that address.
- (2) Any such notice may—
 - (a) in the case of a body corporate, be served on the secretary or clerk of that body;
 - (b) in the case of a partnership, be served on a partner or a person having the control or management of the partnership business.
- (3) 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 any such notice is to be served shall be his last known address, except that—
 - (a) in the case of a body corporate or their secretary or clerk, it shall be the address of the registered or principal office of that body;
 - (b) in the case of a partnership or person having the control or the management of the partnership business, it shall be the principal office of the partnership;and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom shall be their principal office within the United Kingdom.
- (4) If the person to be served with any such notice has specified an address in the United Kingdom other than his proper address within the meaning of subsection (3) above

Status: Point in time view as at 06/04/2010. This version of this provision has been superseded.

Changes to legislation: Environment Act 1995, Section 123 is up to date with all changes known to be in force on or before 23 June 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)

as the one at which he or someone on his behalf will accept notices of the same description as that notice, that address shall also be treated for the purposes of this section and section 7 of the ^{M2}Interpretation Act 1978 as his proper address.

- (5) Where under any provision of this Act any notice is required to be served on a person who is, or appears to be, in occupation of any premises then—
- (a) if the name or address of such a person cannot after reasonable inquiry be ascertained, or
 - (b) if the premises appear to be or are unoccupied,
- that notice may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the premises or by leaving it conspicuously affixed to some building or object on the premises.
- (6) This section shall not apply to any notice in relation to the service of which provision is made by rules of court.
- (7) The preceding provisions of this section shall apply to the service of a document as they apply to the service of a notice.
- (8) In this section—
- “premises” includes any land, vehicle, vessel or mobile plant;
- “serve” shall be construed in accordance with subsection (1) above.

Modifications etc. (not altering text)

- C1** S. 123 applied (with modifications) (1.4.1999) by [S.I. 1998/2746, reg. 16\(2\)](#)
S. 123 applied (E.W.) (4.5.2000) by [S.I. 2000/1043, reg. 2\(3\)](#)
- C2** S. 123 applied by [The Rural Stewardship Scheme \(Scotland\) Regulations 2001 \(S.S.I. 2001/300\), reg. 14\(6\)](#) (as substituted (S.) (1.4.2003) by [S.S.I. 2003/177, regs. 1, 2\(4\)](#))
- C3** S. 123 applied (S.) (1.5.2004) by [Organic Aid \(Scotland\) Regulations 2004 \(S.S.I. 2004/143\), regs. 1\(1\), 24](#) (with [reg. 3](#))
- C4** S. 123 applied by [Reservoirs Act 1975 \(c. 23\), s. 22A](#) (as inserted (1.10.2004) by [Water Act 2003 \(c. 37\), ss. 76\(2\), 105\(3\)](#); [S.I. 2004/2528, art. 2\(1\)](#) (with [Sch. para. 8](#)))
- C5** S. 123(1)-(5) applied (E.W.) (1.10.2008 for E.) by [Commons Act 2006 \(c. 26\), ss. 46\(10\), 56](#) (with [s. 60](#)); [S.I. 2008/1960, art. 2\(2\)](#)
- C6** S. 123(1)-(4) applied (6.4.2010) by [The Environment Agency \(Inland Waterways\) Order 2010 \(S.I. 2010/699\), arts. 1\(2\), 16\(4\)](#) (with [art. 3](#))

Marginal Citations

- M1** 1978 c.30.
M2 1978 c. 30.

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