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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 85**

**The Aquatic Animal Health (Scotland) Regulations 2009**

**PART 6**

**ENFORCEMENT, APPEALS AND PENALTIES**

**Enforcement notices**

**39.**—(1) Where the competent authority considers that any person has not complied with, is not complying with, or is not likely to comply with, the conditions of an authorisation under Part 2 or a requirement under these Regulations, it may serve that person with an enforcement notice.

(2) An enforcement notice must state—

- (a) the steps which the relevant person must take or is prohibited from taking;
- (b) the date by which the steps must be taken;
- (c) the reasons for the service of the notice and for the requirements in it;
- (d) that there is a right of appeal under regulation 40.

(3) Where an inspector considers that a requirement in an enforcement notice has not been complied with, the inspector may—

- (a) take such steps as the inspector considers necessary—
  - (i) to ensure compliance with the requirements of the notice; or
  - (ii) to remedy the consequences of the failure to carry them out;
- (b) recover any expenses reasonably incurred in so doing from any person who has failed to comply with the notice.

(4) It is an offence not to comply with an enforcement notice.