
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 613

The Plant Health (Scotland) Order 2005

PART 6

**MEASURES TO CONTROL THE LANDING OF RELEVANT
MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS**

Miscellaneous provisions as to notices

34.—(1) A notice served under paragraph (1) or (2) of article 32 may specify one or more requirements or alternative requirements.

(2) Any treatment, re export, destruction or disposal required by a notice served under article 32 shall be carried out or arranged to be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the written authority of an inspector, no plant pest or relevant material to which the notice relates shall be moved otherwise than directly from or to such a place.

(3) An inspector may amend or withdraw a notice served by an inspector under this Order by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served.

(4) A notice under paragraph (3) may be subject to such conditions, if any, as the inspector considers expedient to impose for the purpose of preventing the introduction or spread of any plant pest or re infection or re infestation by the plant pest to which the original notice relates.

(5) Any notice served under this Part may define by reference to a map or plan or otherwise the extent of the premises referred to in the notice.

(6) Where a notice is served under paragraph (2) or (4) of article 32 (“an article 32 notice”), an inspector may, either in that notice or in a separate notice served on the owner or on such other person as appears to the inspector to be in charge of the premises to which the article 32 notice relates, require the person on whom the notice is served to inform—

- (a) the Scottish Ministers of any change in the occupation of the premises to which the article 32 notice relates together with the date of such change and the name of the new occupier;
and
- (b) the new occupier of the premises of the contents of the article 32 notice.