Animal Health Act 1981

1981 CHAPTER 22

PART VI

SUPPLEMENTAL

Notices, fees, and exemption from stamp duty

83 Form and service of instruments.

(1) Every notice under this Act or under any order or regulation made under this Act must be in writing.

(2) The Ministers may make such orders as they think fit for prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(3) Any notice or other instrument under this Act or under an order of the Minister or a regulation of a local authority may be served on the person to be affected by it, either—

(a) by its delivery to him personally; or

(b) by the leaving of it for him at his last known place of abode or business; or

(c) by the sending of it through the post in a letter addressed to him at his last known place of abode or business.

(4) A notice or other instrument—

(a) to be served on the occupier of any building, land or place, may, except when sent by post, be addressed to him by the designation of the occupier of that building, land or place, without naming or further describing him; and

(b) where it is to be served on the several occupiers of several buildings, lands or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands or places, without further naming or describing them, but separate copies of it being served on them severally.

[F1 83A Electronic communication: Scotland

(1) Any requirement in the provisions mentioned in subsection (3) for something to be done in writing may be met by doing that thing as described in subsection (2).

(2) That is, by using a document—

(a) transmitted by electronic means; and

(b) capable of being reproduced in legible form.

(3) Those provisions are—

(a) sections 3(2), 30(1), 36Q(1) and (6), F2... 60(9), 63(4) and 65(1) of, and paragraph 2(4) of Schedule 3 to, this Act;

(b) sections 17(3), 22(7)(a), 62G(5) and 81 (each as read with section 83(1)) of this Act.

(4) But subsection (1) applies in relation to section 17(3), 22(7)(a), 30(1), 36Q(1) or (6) or 62G(5) only if—

(a) the recipient has consented to receive electronic communication for the purpose; and

(b) transmission is to an email address provided by the recipient.

(5) For the purposes of sections 17(3), 22(7)(a), 30(1) and 36Q(1), a document transmitted under subsection (1) shall be taken to be received on the day after the day of its transmission.

(6) The Scottish Ministers may, for the purposes of this Act, by order make further provision for the purposes of or in connection with—

(a) using electronic communication (including the use of electronic signatures);

(b) using documents in electronic form.

(7) An order under subsection (6)—

(a) may make provision by amending this Act or otherwise;

(b) shall be made by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

(8) In this section—

"electronic communication" is to be construed in accordance with section 15(1) of the Electronic Communications Act 2000 (c. 7);

"electronic signature" is to be construed in accordance with section 7(2) of that Act.]

Textual Amendments

F1 S. 83A inserted (S.) (6.10.2006) by Animal Health and Welfare (Scotland) Act 2006 (asp 11), **ss. 15**, 55(1) (with s. 54); S.S.I. 2006/482, art. 2

F2 Words in s. 83A(3)(a) omitted (22.7.2024) by virtue of Animal Welfare (Livestock Exports) Act 2024 (c. 11), **ss. 5(b)**, 7(2); S.S.I. 2024/170, reg. 2

84 Fees.

(1) The Ministers may by order made with the Treasury's approval prescribe fees to be paid with respect to such business transacted or to be transacted under this Act as may be specified in the Order.

A Statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(2) Where—

(a) an order under subsection (1) above provides for the payment of a fee before the transaction of the business with respect to which it is payable, and

(b) the business is not transacted or not wholly transacted,

the Minister to whom the fee was paid may, if he thinks fit, repay the whole or part of the fee.

(3) Where—

(a) an order under subsection (1) provides for any fee to be paid on the making of an application in a case where previously a fee was payable only if the application was granted, then,

(b) as respects anything done in pursuance of an application made before the coming into operation of the order, the same fee shall be payable as before the coming into operation of the order and shall be so payable at the time at which it would then have been payable.

85 Exemption from stamp duty.

No stamp duty shall be payable on any appointment, certificate, declaration, licence or thing under this Act, or an order of the Minister, or a regulation of a local authority.

Changes to legislation:
There are currently no known outstanding effects for the Animal Health Act 1981, Cross Heading: Notices, fees, and exemption from stamp duty.