STATUTORY INSTRUMENTS

1979 No. 638

PLANT HEALTH

The Dutch Elm Disease (Local Authorities) (Amendment) Order 1979

Made - - - -	11*th June* 1979
Laid before Parliament	19*th June* 1979
Coming into Operation	11*th July* 1979

The Forestry Commissioners, by virtue and in exercise of the powers vested in them by sections 3(1), (2) and (4) and 5(1) of the Plant Health Act 1967(a), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b), and of every other power enabling them in that behalf, hereby make the following Order:—

Citation and commencement

1. This Order, which may be cited as the Dutch Elm Disease (Local Authorities) (Amendment) Order 1979, shall come into operation on 11th July 1979.

Amendment of the Dutch Elm Disease (Local Authorities) Order 1977

2. The Dutch Elm Disease (Local Authorities) Order 1977(c) shall be amended as follows:—

(*a*) there shall be substituted for Article 7 (Service of Notices) the following Article—

"7.—(1) For the purposes of this Order, a notice shall be deemed to be duly served on or given to any person if it is delivered to him personally, or left for him at his last known place of abode or business, or sent through the post in a letter addressed to him there.

(2) Any notice may,—

(*a*) in the case of a body corporate, be served on or given to 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, be served on or given to a partner or a person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

(3) If the name or address of the occupier of any premises on or to whom a notice is required or authorised by this Order to be served or given cannot after reasonable inquiry be ascertained, the notice may

(a) 1967 c. 8; sections 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8(1) and (3); section 3(4) was amended by the Criminal Justice Act 1967 (c. 80), section 92(2) and Schedule 3, Part II.

(b) 1972 c. 62.

(c) S.I. 1977/1074.

be served or given by addressing it to the person on or to whom it is to be served or given by the description of "occupier" of the premises (describing them) to which, or to any elm on which, the notice relates and by leaving it in the hands of a person who is, or appears to be, resident or employed on the premises or by affixing it or a copy of it to some building on, or to some conspicuous part of, or to some object on, the premises."

(*b*) Article 9 (Offences) shall be re-numbered as 9(1) and there shall be added at the end of that Article (as re-numbered) the following paragraph:—

"(2) Sub-paragraph (i) of paragraph (1) of this Article shall not have effect in relation to failure by any person to comply with any requirement of a notice mentioned in that sub-paragraph where the notice was served in accordance with Article 7(3) of this Order."

(*c*) there shall be deleted from the First Schedule (Local Authorities to which this Order applies) the references to Berkshire, Devon, Dorset, Isle of Wight, Leicestershire, Nottinghamshire, West Glamorgan and Wirral.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 11th June 1979.

(L.S.)

P. J. Clarke,
Secretary to the Forestry Commissioners.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Dutch Elm Disease (Local Authorities) Order 1977 by—

(1) adding provisions governing the procedure for serving notices under that Order in the case of a body corporate or partnership, or in cases where the occupier of premises is unknown;

(2) modifying the effect of Article 9 (Offences) so that, where a notice is served in a case where the occupier of premises is unknown (as now provided for), failure to comply with that notice will not constitute an offence under that Order;

(3) removing Berkshire, Devon, Dorset, the Isle of Wight, Leicestershire, Nottinghamshire, West Glamorgan and Wirral from the list of local authorities empowered to take steps under that Order to prevent the spread of Dutch elm disease.

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