



# Natural Heritage (Scotland) Act 1991

## 1991 CHAPTER 28

### PART IV

#### GENERAL

#### 23 Finance.

There shall be defrayed out of money provided by Parliament—

- (a) any expenses of the Secretary of State incurred under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other enactment.

#### Commencement Information

**II** S. 23 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

#### <sup>F1</sup>24 Rights of entry and inspection under Parts II and III.

#### Textual Amendments

**F1** S. 24 repealed (10.6.2013) by Water Resources (Scotland) Act 2013 (asp 5), s. 56(1)(2), Sch. 4 para. 1(2)(b); S.S.I. 2013/163, art. 3, Sch.

#### Commencement Information

**I2** S. 24 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

#### 25 Service of documents.

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—

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- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
  - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body; or
  - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purpose of this section and section 7 of the <sup>M1</sup>Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body;
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of 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 is its principal office within the United Kingdom.
- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purpose of this section and for the purpose of the said section 7 in its application to this section.
- (4) Where under any provision of this Act any document is required to be served on the owner or on the occupier of any land then—
- (a) if the name or address of the owner or, as the case may be, of the occupier of the land cannot after reasonable inquiry be ascertained; or
  - (b) in the case of service on the occupier, if the land appears to be or is unoccupied, that document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

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**Commencement Information**

**I3** S. 25 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

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**Marginal Citations**

**M1** 1978 c. 30.

## 26 Offences by persons other than natural persons.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable

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to the negligence of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

- (2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (3) Where an offence under this Act is committed by a partnership or by an unincorporated association (other than a partnership) and is proved to have been committed with the consent or connivance of, or to be attributable to the negligence of, a partner in the partnership or, as the case may be, a person concerned in the management or control of the association, he (as well as the partnership or association) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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**Commencement Information**

**I4** S. 26 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

**[<sup>F2</sup>26A Meaning of SEPA.**

In this Act “SEPA” means the Scottish Environment Protection Agency.]

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**Textual Amendments**

**F2** S. 26A inserted (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 96(6) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3

**27 Consequential and miscellaneous amendments and repeals.**

- (1) The enactments specified in Schedule 10 to this Act shall have effect subject to the amendments specified in that Schedule.
- (2) The enactments specified in Schedule 11 of this Act are hereby repealed to the extent specified in the third column of that Schedule.

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**Commencement Information**

**I5** S. 27 wholly in force at 1.4.1992; S. 27 not in force at Royal Assent see s. 28(2); S. 27 in force for certain purposes at 1.10.1991 by S.I. 1991/2187, art. 3, Sch. and in force for certain purposes at 27.11.1991 and at 1.4.1992 (insofar as not already in force) by S.I. 1991/2633, arts. 3, 4, Sch.

**28 Short title, commencement and extent.**

- (1) This Act may be cited as the Natural Heritage (Scotland) Act 1991.
- (2) This Act shall come into force on such date as the Secretary of State may, by order made by statutory instrument appoint and different days may be so appointed for different provisions or for different purposes.

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- (3) An order under subsection (2) above may make such transitional provision as appears to the Secretary of State necessary or expedient in connection with the provision brought into force by the order.
- (4) Subject to subsection (5) below, this Act extends to Scotland only.
- (5) Section 4(2) and (4) of this Act and so much of sections 4(10) and 27 of and Schedules 2, 10 and 11 to this Act as relates to enactments extending to England and Wales shall extend also to England and Wales.

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**Subordinate Legislation Made**

- P1** [S. 28\(2\)](#):S. 28(2) power exercised by [S.I. 1991/2187](#)  
[S. 28\(2\)](#):S. 28(2) power exercised by [S.I. 1991/2633](#)
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**Commencement Information**

- I6** [S. 28](#) wholly in force at 27.11.1991 see [s. 28\(2\)](#) and [S.I. 1991/2633](#), [art. 3](#), [Sch.](#)

**Changes to legislation:**

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