
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Great Britain, revokes and supersedes the Plant Health (Great Britain) Order 1987 and implements Council Directive [77/93/EEC](#) (as amended and supplemented by the instruments listed in Schedule 16) on protective measures against the introduction into Member States of the European Community of organisms harmful to plants and plant products and against their spread within the Community.

The Order—

- (a) prohibits the landing of certain plant pests and specifies the conditions under which landing of various plants, plant products and other objects may be permitted (article 3);
- (b) makes provision against the spread of plant pests within the European Community (article 4);
- (c) prohibits the introduction into protected zones of certain plant pests, plants, plant products and other objects and specifies the conditions under which other such items may be introduced (article 5);
- (d) prohibits the keeping, sale, planting, movement or other disposal of certain plants, plant products and other objects in protected zones and specifies the conditions under which other such items may be kept, sold, planted, moved or otherwise disposed of in protected zones (articles 6 and 7);
- (e) requires that certain plants, plant products and other objects being moved within the European Community be accompanied by a plant passport or phytosanitary certificate (articles 9 to 14);
- (f) provides for the establishment of a register of those involved in activities associated with plants, plant products and other objects (articles 15 to 17);
- (g) lays down various provisions relating to potatoes and certain citrus fruit (articles 18 and 19);
- (h) requires the notification of the presence of certain plant pests (articles 20 and 21);
- (i) enables an inspector to take precautionary or remedial action where items are or are likely to be landed in contravention of the Order or are likely to be present on premises (article 22);
- (j) enables an inspector to enter premises, to carry out examination and take samples, and to take remedial action where the requirements of a notice served under the Order have not been complied with (articles 23, 25 and 27);
- (k) requires an inspector to obtain a warrant from a justice of the peace or sheriff before entering a dwelling house (article 28);
- (l) provides that anything that is otherwise prohibited under the Order may be done under authority of a licence granted in exercise of any derogation permitted by Directive [77/93/EEC](#) (article 30);
- (m) provides that officers of Customs and Excise may detain plant pests, plants, plant products and other objects for examination by an inspector (article 31);
- (n) enables an inspector or other officer to require information in respect of certain plant pests, plants, plant products and other objects (article 32);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (o) provides that the contravention of, or failure to comply with, any provisions of the Order (other than those relating to landing) shall be an offence punishable by a fine not exceeding £5,000 (article 33). (Any person who lands articles in contravention of a prohibition imposed by this Order with intent to evade such prohibition is guilty of an offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) and may be arrested. A person guilty of such an offence is liable, on summary conviction, to a penalty of £5,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; and, on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 7 years, or to both).