
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 66

**The Plant Health (Wood and Bark)
Order (Northern Ireland) 2006**

PART 8

NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

Notification of the presence or suspected presence of certain pests

37.—(1) The occupier or other person in charge of premises who knows or suspects that any pest to which this Article applies is present on the premises, or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such pest on any premises, shall immediately give notice, either orally or in writing, to the Department or an inspector of the presence or suspected presence of such pest. Notification under this paragraph which is given orally shall be confirmed in writing as soon as reasonably practicable.

(2) This Article applies to any pest—

- (a) which is of a description specified in Schedule 1 or in column 3 of Schedule 2; or
- (b) which, although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland.

Notification of the likely entry into, or presence in, a free zone of pests or relevant material

38.—(1) The responsible authority for a free zone who knows or suspects that any of the things to which this Article applies is likely to enter, or is present in, such a free zone, shall immediately give notice, either orally or in writing, of that fact to the Department or an inspector. Notification under this paragraph which is given orally shall be confirmed in writing as soon as reasonably practicable.

(2) This Article applies to—

- (a) any pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any pest which, although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland; and
- (c) any relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in column 3 of that Schedule opposite the reference to that relevant material,

which has been, or is likely to be, landed in Northern Ireland, and has not been cleared out of charge under the Customs Act.

(3) In this Article “the responsible authority” and “free zone” have the same meaning as in the Customs Act⁽¹⁾.

(1) See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part 1.

Information to be given

39.—(1) An inspector or any other officer of the Department may by notice in writing require any person referred to in paragraph (2) to give the inspector or officer within such reasonable time as may be specified in that notice any information referred to in paragraph (3).

(2) A person to which paragraph (1) refers is any person who—

- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) has or has had or is reasonably suspected by an inspector or other officer of the Department to have or have had in his possession or under his charge—
 - (i) any pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) any pest which, although not specified in Schedule 1 or 2 is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland ;
 - (iii) any relevant material carrying or infected with a pest mentioned in sub-paragraph (i) or (ii); or
 - (iv) any relevant material which an inspector or any other officer of the Department knows to have been landed or suspects has been landed in, or exported from, Northern Ireland; or
- (c) as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of any of the things mentioned in sub-paragraph (b).

(3) The information referred to in paragraph (1) is any information that a person referred to in paragraph (2) may possess—

- (a) as to products stored at any time on the premises referred to in paragraph (2)(a);
- (b) as to any pest or relevant material referred to in paragraph (2)(b); and
- (c) as to the persons who have had or are likely to have had any pest or relevant material referred to in paragraph (2)(b) in their possession or under their charge.

(4) A person who is required to give an inspector or other officer any information under paragraph (1) shall produce for examination by that inspector or other officer any licences, official statements, certificates, plant passports, records, invoices or other documents relating to any pest or relevant material to which that information relates.