
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 66

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

PART 9
OFFENCES

Offences

40.—(1) A person shall be guilty of an offence if without reasonable excuse, proof of which shall lie with him—

- (a) subject to paragraph (2), he contravenes or fails to comply with—
 - (i) Article 5(1);
 - (ii) Article 8;
 - (iii) Article 9(1) or (4);
 - (iv) Article 15(2) or (3);
 - (v) Article 18(1);
 - (vi) Article 19;
 - (vii) Article 22(3) or (4);
 - (viii) Article 24 (3), (4) or (7);
 - (ix) Article 25(1);
 - (x) Article 33;
 - (xi) Article 36(4);
 - (xii) Article 37(1); and
 - (xiii) Article 38(1);
- (b) he contravenes or fails to comply with a provision or condition of a notice served, or licence granted, under this Order; or
- (c) he intentionally obstructs an inspector or any person authorised by an inspector in exercise of his powers given by or under this Order.

(2) Paragraph 1(a) shall not apply where an article of any description is landed in Northern Ireland in contravention of a prohibition in this Order⁽¹⁾ other than the prohibition in Article 5(1).

(3) A person shall be guilty of an offence if, for the purpose of procuring the issue of a plant passport or a replacement plant passport, a phytosanitary certificate, a phytosanitary certificate for re-export or a licence under this Order, he—

(1) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c. 2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

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- (a) knowingly or recklessly makes a statement which is false in a material particular, or
 - (b) intentionally fails to disclose any material information.
- (4) A person shall be guilty of an offence if he—
- (a) dishonestly issues a plant passport; or
 - (b) dishonestly alters a plant passport, or re-uses a plant passport.
- (5) Where an offence under this Order is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, a partner, he, as well as the partnership, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.
- (6) Where the commission by any person of an offence under this Order is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this paragraph whether or not proceedings for the offence are taken against the first-mentioned person.

Penalties

41. A person guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.