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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 82**

**The Plant Health Order (Northern Ireland) 2006**

**PART 9**

**NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION**

**Notification of the presence or suspected presence of certain plant pests**

**41.**—(1) The occupier or other person in charge of premises who knows or suspects that any plant 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 plant 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 plant 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 plant pest which—

- (a) is of a description specified in Part A of Schedule 1;
- (b) subject to paragraph (3), is of a description specified in Part B of Schedule 1;
- (c) subject to paragraphs (3), is of a description specified in Part A of Schedule 2;
- (d) subject to paragraph (3), is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material specified in column 2 of that Schedule opposite the reference to that plant pest; or
- (e) although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland.

(3) Where any plant pest referred to in paragraph (2)(b), (c) or (d) is specified in Schedule 18, it shall be notifiable under paragraph (1) only where it is a subspecies or strain normally present in Northern Ireland and is found at the premises of a registered plant trader.

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

**42.**—(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 is reasonably practicable.

(2) This Article applies to—

- (a) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any plant 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 plants 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<sup>(1)</sup>.

### **Information to be given**

**43.**—(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 to 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 plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
  - (ii) any plant 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 plants and trees in Northern Ireland;
  - (iii) any relevant material carrying or infected with a plant 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 plant pest or relevant material 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 plants grown or products stored at any time on the premises referred to in paragraph (2)(a);
- (b) as to any plant 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 plant 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 plant pest or relevant material to which that information relates.

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(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.