
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018

PART 6

Measures to control the landing of relevant material and prevent the spread of plant pests

Examination, sampling and marking

32.—(1) An inspector may enter any premises at all reasonable times for the purpose of—

- (a) determining the presence or the distribution of a plant pest on the premises;
- (b) checking compliance with any provision of this Order;
- (c) carrying out an examination of a plant trader's premises (including relevant material, documents or records on the premises) in connection with the plant trader's authorisation or application to issue plant passports under article 30;
- (d) otherwise enforcing the provisions of this Order.

(2) An inspector acting under paragraph (1) must, if requested to do so, show evidence of their authority to act.

(3) Paragraph (1) does not apply in relation to any premises which are used wholly or mainly as a private dwelling, unless 24 hours' notice has been given to the occupier.

(4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a lay magistrate.

(5) An inspector who enters premises for a purpose specified in paragraph (1) or under a warrant issued by a lay magistrate may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) take samples of or from any plant pest or relevant material, or from any container or package, or from any material which has been or may have been in contact with a plant pest or relevant material;
- (c) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of or trade in any relevant material.

(6) An inspector may, for the purpose of exercising a power conferred under paragraph (5), open or authorise any person to open on behalf of the inspector any container or package, or require the owner or any person in charge of any container or package to open it in the manner specified by the inspector.

(7) An inspector may prohibit the movement, treatment or destruction of any plant pest, relevant material, container or package, or any material which may have been in contact with a plant pest or relevant material, where this is necessary to enable the inspector to exercise the powers conferred by paragraph (5).

(8) Where any document or record referred to in paragraph (5)(c) is kept by means of a computer, an inspector may—

- (a) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record or document;
- (b) require any person who is in charge of or is otherwise concerned with the operation of the computer, apparatus or material to give the inspector any assistance which the inspector reasonably requires.

(9) An inspector may destroy or otherwise dispose of any sample taken under paragraph (5)(b) where the sample is no longer required by the inspector under this Order.

(10) An inspector may be accompanied by such other persons and may bring onto the premises such equipment and vehicles, as the inspector considers necessary.

(11) A person accompanying an inspector under paragraph (10)—

- (a) may remain on the premises and from time to time re-enter the premises without the inspector;
- (b) bring onto the premises any equipment or vehicle that the person considers necessary;
- (c) carry out work on the premises in the manner directed by an inspector.

(12) A person accompanying an inspector under paragraph (10) must, if so requested, show evidence of their authority given in that behalf by the Department.