
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

Actions which may be taken by an inspector

34.—(1) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any controlled plant pest or infected material, the inspector may, on serving reasonable notice, enter the premises and on the premises or elsewhere take steps to—

- (a) destroy any controlled plant pest;
- (b) prevent the spread of any controlled plant pest;
- (c) destroy any infected material; or
- (d) treat any infected material.

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

(6) A person accompanying an inspector under paragraph (5)—

- (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 which the person considers necessary;
- (c) carry out work on the premises in the manner directed by an inspector.

(7) A person accompanying an inspector under paragraph (5) must, if so requested, show evidence of their authority given in that behalf by the Department.

(8) In this article—

- (a) “controlled plant pest” means—
 - (i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2; or
 - (ii) a plant pest which is not normally present in Northern Ireland, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread in Northern Ireland;
- (b) “infected material” means—

- (i) relevant material which is carrying or is infected with, or which may be carrying or infected with, a controlled plant pest; or
- (ii) relevant material which is not carrying or infected with a plant pest, but in respect of which the inspector considers that there is an imminent danger of the plant pest spreading or being spread.