



# Plant Health Act 1967

## 1967 CHAPTER 8

### 1 **Objects of Act and competent authorities under it.** **E+W+S**

- (1) This Act shall have effect for the control . . . <sup>F1</sup>of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes, and in the following provisions of this Act—
- (a) references to pests are to be taken as references to insects, bacteria, fungi and other vegetable or animal organisms, viruses and all other agents causative of any transmissible disease of agricultural or horticultural crops or of trees or bushes, and also as including references to pests in any stage of existence;
  - (b) references to a crop are to be taken as including references to trees and bushes.
- (2) The competent authorities for purposes of this Act shall be—
- (a) as regards the protection of forest trees and timber from attack by pests, the Forestry Commissioners (“timber” for this purpose including all forest products); and
  - (b) otherwise, for England and Wales the Minister of Agriculture, Fisheries and Food and for Scotland the Secretary of State.

#### **Subordinate Legislation Made**

- P1** For exercises of power see Index to Government Orders.  
**P2** [Ss. 2, 3\(1\)\(2\)](#) (with s. 1(2)(b)): power exercised by [S.I. 1991/240](#)  
**P3** [S. 1\(2\)\(b\)](#): s. 1(2)(b) (with s. 4A) power exercised by [S.I. 1991/1640](#)  
**P4** [S. 1\(2\)\(b\)](#): s. 2 (with ss. 1(2)(b) and 3(1)) power exercised by [S.I. 1991/1777](#).  
**P5** [S. 1\(2\)\(b\)](#): s. 3(1) (with ss. 1(2)(b), 3(2)(4) and 4(1)) power exercised (S.) by [S.I.1991/1905](#).

#### **Textual Amendments**

- F1** Words repealed by [European Communities Act 1972](#) (c. 68, SIF 29:5), s. 4, [Sch. 4 para. 8\(1\)\(2\)](#)

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## 2 Control of introduction of pests into Great Britain. **E+W+S**

- (1) A competent authority may from time to time make such orders as the authority thinks expedient [<sup>F2</sup>or called for by any Community obligation]for preventing the introduction of pests into Great Britain.
- (2) Where it appears to the competent authority that the landing in Great Britain of articles of any description (and in particular plants, trees or bushes or any part or produce thereof) is likely to introduce a pest into Great Britain, the orders may prohibit or regulate the landing of those articles, and may direct or authorise their destruction if landed (without prejudice to provisions of [<sup>F3</sup>the Customs and Excise Management Act 1979]imposing penalties or liability to forfeiture).
- [<sup>F4</sup>(3) In subsection (2) above references to the landing of any article include references to its importation through the tunnel system as defined in the <sup>M1</sup> Channel Tunnel Act 1987.]

### Subordinate Legislation Made

- P6** For exercises of power see Index to Government Orders
- P7** [Ss. 2, 3\(1\)\(2\)](#) (with s. 1(2)(b)): power exercised by [S.I. 1991/240](#)
- P8** [S. 2: s. 2](#) (with ss. 1(2)(b) and 3(1)) power exercised by [S.I.1991/1777](#).

### Textual Amendments

- F2** Words inserted by [European Communities Act 1972 \(c. 68, SIF 29:5\)](#), s. 4, [Sch. 4 para. 8](#)
- F3** Words substituted by [Customs and Excise Management Act 1979 \(c. 2, SIF 40:1\)](#), s. 117(1), [Sch. 4 para. 12](#) Table Pt. I
- F4** [S. 2\(3\)](#) inserted by [S.I. 1990/2371](#), art. 2, [Sch. 1](#)

### Marginal Citations

- M1** [1987 c. 53](#)

## 3 Control of spread of pests in Great Britain. **E+W+S**

- (1) A competent authority may from time to time make such orders as the authority thinks expedient [<sup>F5</sup>or called for by any Community obligation]for preventing the spread of pests in Great Britain [<sup>F6</sup>or the conveyance of pests by articles exported from Great Britain].
- (2) The orders may direct or authorise—
- (a) the removal [<sup>F7</sup>treatment]or destruction of any crop, or any seed, plant or part thereof [<sup>F8</sup>or any container, wrapping or other article], or any substance, which has on it, or is infected with, a pest, or to or by means of which a pest is in the opinion of the competent authority likely to spread;
  - (b) the entering on any land [<sup>F8</sup>or elsewhere]for the purpose of any removal [<sup>F7</sup>treatment]or destruction authorised by the orders, or any examination or inquiry so authorised, or for any other purpose of the orders.
- (3) The orders may prohibit the selling or exposing or offering for sale, or the keeping, of living specimens of a pest, or the distribution in any manner of such specimens.
- [<sup>F9</sup>(4) An order made by a competent authority under this section may provide that a person guilty of an offence against the order be liable on summary conviction to a fine of an

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amount not exceeding level 5 on the standard scale, as defined in section 75 of the Criminal Justice Act 1982, or not exceeding a lesser amount.

(4A) An order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide that a person guilty of an offence against the order relating to the keeping of living specimens of the beetle (in any stage of existence), or to the distribution in any manner of such specimens, shall be liable on summary conviction to imprisonment for not more than three months, as well as, or as an alternative to, a fine under subsection (4) above.]

(5) Proceedings for an offence against an order under this section may, . . . <sup>F10</sup>be instituted at any time within twelve months from the day on which the alleged offence was committed.

#### Subordinate Legislation Made

**P9** For exercises of power see Table to Government Orders

**P10** *Ss. 2, 3(1)(2)* (with s. 1(2)(b)): power exercised by *S.I. 1991/240*

**P11** *S. 3(1): s. 2* (with ss. 1(2)(b) and 3(1)) power exercised by *S.I. 1991/1777*.

**P12** *S. 3(1)(2)(4): s. 3(1)* (with ss. 1(2)(b), 3(2)(4) and 4(1)) power exercised (S.) by *S.I.1991/1905*.

#### Textual Amendments

**F5** Words inserted by *European Communities Act 1972 (c. 68, SIF 29:5)*, s. 4, **Sch. 4 para. 8**

**F6** Words added by *European Communities Act 1972 (c. 68, SIF 29:5)*, s. 4, **Sch. 4 para. 8**

**F7** Word inserted by *European Communities Act 1972 (c. 68, SIF 29:5)*, s. 4, **Sch. 4 para. 8(3)**

**F8** Words inserted by *European Communities Act 1972 (c. 68, SIF 29:5)*, s. 4, **Sch. 4 para. 8(3)**

**F9** *S. 3(4)(4A)* substituted by *Criminal Justice Act 1982 (c. 48, SIF 39:1)*, **s. 42**

**F10** Words repealed by *European Communities Act 1972 (c. 68, SIF 29:5)*, s. 4, **Sch. 4 para. 8(2)**

## 4 Execution of Act by government departments. **E+W+S**

(1) Orders under this Act may enable inspectors authorised by the Minister of Agriculture, Fisheries and Food or, in Scotland, the Secretary of State—

(a) in the case of any specified pest which has been introduced into Great Britain, to take the following action, that is to say—

(i) to remove or destroy, or cause to be removed or destroyed, any crop, or any seed, plant or part thereof, which has on it, or is infected with, the pest, or to or by means of which the pest is likely to spread; and

(ii) generally to take such steps as he may think expedient in connection with any crop, or any seed, plant or part thereof, for preventing the spread of the pest;

(b) to enter on any land [<sup>F11</sup>or elsewhere]for the said purposes, or for the purpose of any examination or inquiry authorised by the orders, or for any other purpose of the orders;

and may impose in respect of any certificate given in pursuance of the order after an inspection such fee or other charge as, with the consent of the Treasury, may be prescribed by the Minister or Secretary of State.

(2) The Minister or Secretary of State may pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed by or under the instructions of an inspector authorised by him; and its value shall be taken to be the value which it

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has at the time of the removal or destruction and, if the Minister or Secretary of State so requires, shall be ascertained by his officers or by arbitration.

- (3) The expenses of the Minister and Secretary of State in the execution of this Act, including any compensation under subsection (2) above, shall be paid out of moneys provided by Parliament, but shall not without the consent of the Treasury exceed two thousand pounds in any year.

#### Subordinate Legislation Made

**P13** S. 4(1): s. 3(1) (with ss. 1(2)(b), 3(2)(4) and 4(1)) power exercised (S.) by [S.I.1991/1905](#).

#### Textual Amendments

**F11** Words inserted by [European Communities Act 1972 \(c. 68, SIF 29:5\)](#), s. 4, [Sch. 4 para. 8\(3\)](#)

#### Modifications etc. (not altering text)

**C1** S. 4 continued (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

### [<sup>F12</sup>4A **Charges in connection with import and export licences and certificates.** **E+W** **+S**]

Without prejudice to section 4(1) above, an order under this Act may impose such reasonable fees or other charges as the competent authority may, with the consent of the Treasury, prescribe—

- (a) in connection with applications for and the issue of any licence or certificate which may be issued in pursuance of such an order in connection with the import or export of any article; and
- (b) in respect of the performance by the authority of any service without the performance of which any requirement for the issue of such a licence or certificate would not be met.]

#### Subordinate Legislation Made

**P14** S. 4A: s. 1(2)(b) (with s. 4A) power exercised by [S.I.1991/1640](#).

#### Textual Amendments

**F12** S. 4A inserted by [Agriculture Act 1986 \(c. 49, SIF 2:1\)](#), s. 3

### 5 **Execution of Act by local authorities.** **E+W+S**

- (1) A competent authority may require a local authority to carry into effect any order under this Act, and may, with the consent of the local authority, require a local authority to pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed in pursuance of any such order; but—
- (a) the local authority may withhold compensation in respect of anything removed or destroyed if, in relation thereto, the owner or person having charge thereof has, in their judgement, done anything in contravention of, or failed to do anything in compliance with, any order under this Act; and

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- (b) the value of anything removed or destroyed shall be taken to be the value which it has at the time of removal or destruction and, if the local authority so require, shall be ascertained by their officers or by arbitration.
- (2) Every local authority shall keep, . . . <sup>F13F14</sup> a record relative to proceedings in pursuance of any order made under this Act by the competent authority; and the record shall state the date of any removal or destruction in pursuance of the order, and other proper particulars, and shall be admitted in evidence.
- [<sup>F15</sup>(3) The local authorities for the purposes of this Act shall be the councils of non-metropolitan counties, metropolitan districts and London boroughs and the Common Council of the City of London.]

#### Textual Amendments

- F13** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), ss. 144(3), 237(1), [Sch. 29](#)
- F14** Words repealed (E.W.) by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), s. 35, [Sch. 6 para. 19](#), [Sch. 8](#)
- F15** [S. 5\(3\)](#) substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 251(2), [Sch. 29 para. 34](#)

## 6 Publication of orders. **E+W+S**

- (1) Orders under this Act shall be made by statutory instrument and shall be laid before Parliament after being made [<sup>F16</sup>or in the case of an order prohibiting or regulating the landing in or exportation from Great Britain of any articles [<sup>F17</sup>or the importation of any articles into Great Britain through the tunnel system as defined in the Channel Tunnel Act <sup>M2</sup>1987], shall be subject to annulment in pursuance of a resolution of either House of Parliament]
- (2) When an order under this Act has been made, notice of it shall be published, if it relates to England and Wales, in the London Gazette and, if it relates to Scotland, in the Edinburgh Gazette.
- (3) If, having made an order under this Act, a competent authority sends the order to a local authority for publication, the local authority shall publish it <sup>F18F19</sup> . . . , in such manner as the local authority think sufficient and proper to ensure publicity.

#### Textual Amendments

- F16** Words added by [European Communities Act 1972 \(c. 68, SIF 29:5\)](#), s. 4, [Sch. 4 para. 8\(4\)](#)
- F17** Words inserted by [S.I. 1990/2371](#), art. 2, [Sch. 1](#)
- F18** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), ss. 144(3), 237(1), [Sch. 29](#)
- F19** Words repealed (E.W.) by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), s. 35, [Sch. 6 para. 19](#)

#### Marginal Citations

- M2** [1987 c. 53 \(SIF 102\)](#).

## 7 Repeal. **E+W+S**

The enactments specified in the second column of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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#### **Modifications etc. (not altering text)**

- C2** The text of s. 7 and Sch. is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **8 Transitional provisions. E+W+S**

- (1) In so far as any order made or other thing done under an enactment repealed by this Act could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal but, without prejudice to the operation of section 38 of the <sup>M3</sup>Interpretation Act 1889, it shall have effect, and this Act shall apply in relation to it, as if it had been made or done under that corresponding provision.
- (2) A power under this Act to pay compensation in respect of things removed or destroyed shall be exercisable in relation to any removal or destruction carried out before the commencement of this Act under powers conferred by orders under the Destructive Insects and Pests Acts 1877 to 1927; and—
  - (a) nothing in this Act shall be construed as taking away any entitlement to compensation;
  - (b) the references in section 4(3) above to this Act and to section 4(2) of it shall be construed as including respectively references to the said Acts of 1877 to 1927 and the provision in those Acts corresponding to the said section 4(2).
- (3) Any power under any enactment to amend or repeal an enactment repealed by this Act includes power to amend or repeal the corresponding provision of this Act.

#### **Marginal Citations**

- M3** 1889 c. 63.

## **9 Short title and extent. E+W+S**

- (1) This Act may be cited as the Plant Health Act 1967.
- (2) This Act shall not extend to Northern Ireland.

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