



Plant Health Act 1967

CHAPTER 8

ARRANGEMENT OF SECTIONS

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ELIZABETH II



1967 CHAPTER 8

An Act to consolidate the Destructive Insects and Pests Acts 1877 to 1927, together with section 11 of the Agriculture (Miscellaneous Provisions) Act 1949.
[22nd March 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) This Act shall have effect for the control in Great Britain of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes, and in the following provisions of this Act — Objects of Act, and competent authorities under it.

- (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.

2.—(1) A competent authority may from time to time make such orders as the authority thinks expedient for preventing the introduction of pests into Great Britain. Control of 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 the Customs and Excise Act 1952 imposing penalties or liability to forfeiture).

1952 c. 44.

Control of spread of pests in Great Britain.

3.—(1) A competent authority may from time to time make such orders as the authority thinks expedient for preventing the spread of pests in Great Britain.

(2) The orders may direct or authorise—

- (a) the removal or destruction of any crop, or any seed, plant or part thereof, 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 for the purpose of any removal 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.

(4) An order made by a competent authority under this section may provide for offences against it to be punishable on summary conviction, and—

(a) an order so made for preventing the spread in Great Britain of the Colorado beetle (*Leptinotarsa decemlineata* (Say)) may provide for the punishment being—

(i) for 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, a fine of not more than £100 or imprisonment for not more than three months, or both ;

(ii) for any other offence against the order a fine of not more than £50 ; and

(b) any other order so made may provide for the punishment being a fine of not more than £10 for any offence or £50 when it is committed after a previous conviction of an offence against the order.

(5) Proceedings for an offence against an order under this section may, where the offence is one in connection with the movement, sale, consignment or planting of potatoes, be instituted at any time within twelve months from the day on which the alleged offence was committed.

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

Execution of Act by government departments.

(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 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 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.

5.—(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—

Execution of Act by local authorities.

(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 judgment, done anything in contravention

of, or failed to do anything in compliance with, any order under this Act ; and

- (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, in such manner and form as a competent authority may from time to time by order direct, 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.

1950 c. 36.

(3) The authorities who for the time being have, under section 59 of the Diseases of Animals Act 1950, the duty of executing and enforcing that Act as local authority in any area shall be in like manner local authorities for the purposes of this Act.

Publication of orders.

6.—(1) Orders under this Act shall be made by statutory instrument and shall be laid before Parliament after being made.

(2) When an order under this Act has been made, notice of it shall be published, if it relates to England or 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 in such manner as the competent authority directs and, subject to or in the absence of any such direction, in such manner as the local authority think sufficient and proper to ensure publicity.

Repeal.

7. 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.

Transitional provisions.

8.—(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 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.

1889 c. 63.

(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.

9.—(1) This Act may be cited as the Plant Health Act 1967. Short title
and extent.

(2) This Act shall not extend to Northern Ireland.

Section 7.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
40 & 41 Vict. c. 68.	The Destructive Insects Act 1877.	The whole Act.
52 & 53 Vict. c. 30.	The Board of Agriculture Act 1889.	In section 2(1), paragraph (a). In section 9(1), the words " the Privy Council or ", the word " other " and the words " Privy Council or ".
7 Edw. 7 c. 4.	The Destructive Insects and Pests Act 1907.	Schedule 1, Part I. The whole Act.
1 & 2 Geo. 5 c. 49.	The Small Landholders (Scotland) Act 1911.	In Schedule 1, the reference to the Destructive Insects and Pests Acts 1877 and 1907.
9 & 10 Geo. 5 c. 58.	The Forestry Act 1919.	Section 3(2), so far as it transfers the power of making orders under the Destructive Insects and Pests Acts 1877 to 1927.
17 & 18 Geo. 5 c. 32.	The Destructive Insects and Pests Act 1927.	The whole Act.
12 & 13 Geo. 6 c. 37.	The Agriculture (Miscel- laneous Provisions) Act 1949.	Section 11.

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