
STATUTORY INSTRUMENTS

2006 No. 2695

**The Plant Health (Wood Packaging
Material Marking) (Forestry) Order 2006**

Seizure notices

10.—(1) Where an inspector knows, or has reasonable grounds for suspecting, that a person has applied or intends to apply a mark to wood packaging material other than in accordance with this Order, he may seize from that person or from any premises at which the inspector believes such a mark has been or may be applied, any stencil, template or other item of equipment (referred to in this article as “the seized items”) that appears to him capable of being used for applying an ISPMNo. 15 mark, or any other mark which may be intended to indicate that wood packaging material has been subject to an approved measure.

(2) An inspector shall give to the person appearing to him to be in charge of the seized items a notice (referred to in this article as a “seizure notice”)—

- (a) giving the grounds for seizing such items; and
- (b) informing him of his rights under this article to make a claim, and the address for the service of the claim.

(3) If an inspector is not able to remove the seized items immediately, he may mark the items in any way that he sees fit and serve a notice on the person in charge of the items identifying them and prohibiting their movement or use until they are collected.

(4) Any person claiming that any seized item was not liable to seizure shall, within one month of the seizure, notify his claim to the Commissioners at the address specified in the seizure notice, setting out the grounds in full.

(5) If a notification of a claim is not received within one month, the Commissioners shall destroy the seized items.

(6) If a notification of a claim is received within one month, the Commissioners shall either return the seized items or take proceedings for an order for their destruction by way of a complaint in a magistrates’ court (or, in Scotland, the sheriff court) and, if the court finds that any seized items were used to apply a mark to wood packaging material other than in accordance with this Order, or were intended to be so used, it shall order their destruction.

(7) The Commissioners may recover all reasonable costs incurred by them to secure destruction of the seized items from the person on whom the seizure notice was served.

(8) The Commissioners shall publicise seizure notices in such manner as they see fit.