
WELSH STATUTORY INSTRUMENTS

2020 No. 206

The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020

PART 9

General powers of plant health inspectors and enforcement

Powers of entry

28.—(1) A plant health inspector may enter any premises at a reasonable time for the purpose of—

- (a) performing official controls to verify that—
 - (i) an operator is complying with the Official Controls Regulation,
 - (ii) a professional operator is complying with the ^{F1}... Plant Health Regulation,
 - (iii) a person is complying with these Regulations, ^{F2}...
 - (iv) any plants, plant products or other objects which are subject to [^{F3}a plant health rule comply with that rule]; [^{F4}or]
 - [^{F5}(v) an authorised operator, professional operator or registered operator is complying with the Windsor Framework (Plant Health) Regulations 2023]
- (b) carrying out other official activities which are to be performed by the appropriate authority pursuant to the Official Controls Regulation, the ^{F6}... Plant Health Regulation [^{F7}, the Windsor Framework (Plant Health) Regulations 2023] or these Regulations;
- (c) enforcing the Official Controls Regulation, the ^{F8}... Plant Health Regulation [^{F9}, the Windsor Framework (Plant Health) Regulations 2023] or these Regulations;
- (d) verifying information supplied by a person in connection with an application for registration or for an authorisation or permit granted, or to be granted, under these Regulations;
- (e) ascertaining whether a condition of an authorisation or permit granted by an appropriate authority under these Regulations or for the purpose of the ^{F10}... Plant Health Regulation or the Official Controls Regulation is being or has been complied with.

(2) A plant health inspector must, if requested to do so, produce evidence of his or her authority before entering any premises for the purposes specified in paragraph (1).

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

(4) A plant health inspector who enters premises for a purpose specified in paragraph (1) or under a warrant issued by a justice of the peace may—

- (a) examine, photograph or mark any part of the premises, any object on the premises or anything that is attached to or otherwise forms part of the premises;

- (b) in the case of premises being used to manufacture wood packaging material, examine or test any treatment facility, machinery, tools or other equipment used for the manufacture of wood packaging material or observe and monitor the manufacture of wood packaging material;
 - (c) take samples of or from—
 - (i) any plant pest,
 - (ii) any plant, plant product or other object, or
 - (iii) any container, package or item which has been or may have been in contact with a plant pest or plant, plant product or other object;
 - (d) open any container or package or require the owner or person in charge of any container or package to open the container or package;
 - (e) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of, or any activities relating to, any plant, plant product or other object.
- (5) A plant health inspector may destroy or otherwise dispose of any sample taken under this regulation when the sample is no longer required.
- (6) A plant health inspector may—
- ^{F11}(a) be accompanied by such persons as the inspector considers necessary; and]
 - (b) bring onto the premises such equipment and vehicles as the inspector considers necessary.
- ^{F12}(7)
- (8) A person accompanying a plant health inspector under paragraph (6)(a)^{F13}... may—
- (a) remain on the premises and from time to time re-enter the premises without a plant health inspector,
 - (b) bring onto the premises any equipment or vehicles that the person considers necessary, and
 - (c) carry out work on the premises in a manner directed by a plant health inspector.

Textual Amendments

- F1** Word in reg. 28(1)(a)(ii) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(a)(i)(aa)**
- F2** Word in reg. 28(1)(a)(iii) omitted (1.10.2023) by virtue of [The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(S.I. 2023/1056\)](#), regs. 1(2), **5(3)(a)(i)**
- F3** Words in reg. 28(1)(a)(iv) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(a)(i)(bb)**
- F4** Word in reg. 28(1)(a)(iv) inserted (1.10.2023) by [The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(S.I. 2023/1056\)](#), regs. 1(2), **5(3)(a)(ii)**
- F5** Reg. 28(1)(a)(v) inserted (1.10.2023) by [The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(S.I. 2023/1056\)](#), regs. 1(2), **5(3)(a)(iii)**
- F6** Word in reg. 28(1)(b) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(a)(ii)**
- F7** Words in reg. 28(1)(b) inserted (1.10.2023) by [The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(S.I. 2023/1056\)](#), regs. 1(2), **5(3)(b)**
- F8** Word in reg. 28(1)(c) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(a)(ii)**
- F9** Words in reg. 28(1)(c) inserted (1.10.2023) by [The Windsor Framework \(Enforcement etc.\) Regulations 2023 \(S.I. 2023/1056\)](#), regs. 1(2), **5(3)(c)**

Changes to legislation: There are currently no known outstanding effects for the *The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, Section 28.* (See end of Document for details)

- F10** Word in reg. 28(1)(e) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(a)(ii)**
- F11** Reg. 28(6)(a) substituted (31.12.2020) by [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(b)**
- F12** Reg. 28(7) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(c)**
- F13** Word in reg. 28(8) omitted (31.12.2020) by virtue of [The Plant Health \(Amendment etc.\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1628\)](#), regs. 1(2)(b), **11(3)(d)**

Commencement Information

- I1** Reg. 28 in force at 27.3.2020, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020, Section 28.