
STATUTORY INSTRUMENTS

1987 No. 1758

The Plant Health (Great Britain) Order 1987

PART IV

GENERAL

Licences

42. Notwithstanding the provisions of this Order any plant pest, genetically manipulated material, plant, plant product, soil or growing medium may be landed, kept, released, delivered, sold, planted or otherwise disposed of in Great Britain, and any other thing prohibited by this Order may be done, under the authority of a licence, whether general or specific, granted by the appropriate Minister and in accordance with the conditions, if any, of that licence.

The Customs Act

43. The provisions of this Order shall apply without prejudice to the Customs Act.

Powers of an officer of Customs and Excise

44.—(1) An inspector may request an officer of Customs and Excise (either orally or in writing) to prohibit the removal of any plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium which has not been cleared from Customs charge until it has been examined by an inspector and such request may identify the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium in any way. A request made orally under this paragraph shall be confirmed in writing.

(2) Where a request has been made under paragraph (1) of this article, the officer of Customs and Excise shall, by notice in writing served upon the importer, require that, until the plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium has been examined by an inspector, it shall not be removed from the place specified in the notice and he shall at the same time inform an inspector of the contents of the notice.

(3) An inspector shall, without undue delay, examine any plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium in respect of which a notice has been served by an officer of Customs and Excise under this article and shall advise that officer in writing of the terms of any notice issued and of any other action taken by the inspector in accordance with this Order.

(4) Where an officer of Customs and Excise has served a notice under paragraph (2) of this article prohibiting removal of any plant pest, genetically manipulated material, plant, plant product, agricultural machinery, soil or growing medium, nothing to which the notice relates shall be removed by any person except with the written authority of either the said officer or an inspector.

Information to be given

45.—(1) Any person who—

- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served or which has effect as if it has been served under paragraph (4) or (5) of article 15, or on which an inspector knows or has reason to suspect that hop plants, hop plant products or hop poles are or have been present; or
- (b) has or has had, or is reasonably suspected by an inspector or any other officer of the appropriate Minister to have or have had in his possession or under his charge,
 - (i) any potatoes, hop plants, hop plant products or hop poles, or
 - (ii) any plant pest which is of a description specified in Part I or column 2 of Part II of Schedule 1 or which is mentioned in column 3 of Schedule 3, or
 - (iii) any plant pest which is not normally present in Great Britain and which is injurious to plants in Great Britain, or
 - (iv) any plant, plant product, soil or growing medium carrying or infected with a plant pest mentioned in paragraph (1)(b)(ii) or (iii) of this article, or
 - (v) any plant, plant product, agricultural machinery, soil or growing medium which an inspector or any other officer of the appropriate Minister knows to have been landed or suspects has been landed in, or exported from, Great Britain, or
 - (vi) any genetically manipulated material; or
- (c) as auctioneer, salesman or otherwise, has sold or offered for sale any of the things mentioned in sub-paragraph (b) of this article;

shall, if so required by an inspector or any other officer of the appropriate Minister by notice in writing, give to the said inspector or officer within such reasonable time as may be specified in that notice, any information he may possess as to crops grown at any time on the premises mentioned in sub-paragraph (a) of this article, as to any of the things mentioned in sub-paragraphs (a) or (b) of this article and as to the persons who have or have had or are likely to have or have had any of the last mentioned things in their possession or under their charge, and shall produce for examination by the inspector any licences, declarations, certificates, records, invoices or other documents relating to such things.

(2) Any information given under this article shall not be used as evidence against the person giving the information in any prosecution, except in respect of an alleged failure to comply with this article.

Offences

46.—(1) Subject to paragraph (4) of this article, no person shall contravene, or fail to comply with, a provision of this Order or a provision or condition of a notice served or having effect as if served or a licence granted or having effect as if granted in accordance with the provisions of this Order.

(2) No person shall for the purpose of procuring the issue of a phytosanitary certificate or a reforwarding phytosanitary certificate under article 4 or of a licence under article 42—

- (a) make a statement which he knows to be false in a material particular;
- (b) recklessly make a statement which is false in a material particular; or
- (c) intentionally fail to disclose any material particular.

(3) No person shall intentionally obstruct an inspector or any person authorised by an inspector in the exercise of his powers given by or under this Order.

(4) Paragraph (1) of this article shall not apply to the landing in Great Britain of articles of any description in contravention of a prohibition imposed by or under this Order.

47. A person shall be guilty of an offence who, without reasonable excuse, proof of which shall lie on him, contravenes or fails to comply with any provision of article 46 and shall be liable on summary conviction to a fine not exceeding £2,000.