
STATUTORY INSTRUMENTS

2005 No. 2530

The Plant Health (England) Order 2005

PART 6

MEASURES TO CONTROL THE LANDING OF RELEVANT
MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS

Power to enter premises used wholly or mainly as a dwelling

38.—(1) The power to enter premises conferred by articles 31, 33 and 37 may be exercised by an inspector to enter premises used wholly or mainly as a dwelling only if he has been granted a warrant by a justice of the peace.

(2) A justice of the peace may grant a warrant under paragraph (1) only if he is satisfied—

- (a) that admission to any premises has been refused, or is likely to be refused, or that the case is one of urgency, or that a request for admission might prejudice the purpose of the entry; and
- (b) that there are reasonable grounds for entry under article 31, 33 or 37 as the case may be.

(3) A warrant granted under paragraph (1) shall remain in force—

- (a) for one month; or
- (b) until the purpose for which the warrant is granted has been fulfilled,

whichever period is the shorter.

Commencement Information

II Art. 38 in force at 3.10.2005, see [art. 1\(1\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Plant Health (England) Order 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [art. 38 substituted by S.I. 2010/1510 art. 5](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- [Order revoked by S.I. 2015/610 art. 49\(1\)](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Pt. 7A inserted by S.I. 2008/2411 art. 2\(5\)](#)
- [Pt. 7A omitted by S.I. 2014/979 art. 4\(1\)](#)
- [Sch. 1 Pt. C inserted by S.I. 2014/2385 art. 14\(3\)](#)
- [Sch. 5 Pt. A para. 2A inserted by S.I. 2013/2687 art. 11](#)
- [Sch. 5 Pt. A para. 2A substituted by S.I. 2014/2385 art. 17\(1\)\(c\)](#)
- [Sch. 5 Pt. A para. 2\(e\)-\(j\) substituted for 2\(e\)-\(f\) by S.I. 2014/2385 art. 17\(1\)\(b\)](#)
- [Sch. 6 Pt. A para. 7\(ca\) inserted by S.I. 2009/587 art. 2\(10\)](#)
- [Sch. 6 Pt. A para. 3B inserted by S.I. 2013/1477 art. 11\(a\)](#)
- [Sch. 6 Pt. A para. 1011 inserted by S.I. 2013/1477 art. 11\(c\)](#)
- [Sch. 6 Pt. B para. A1-A3 inserted by S.I. 2014/2385 art. 18\(2\)](#)
- [Sch. 6 Pt. A para. 8 substituted by S.I. 2013/1477 art. 11\(b\)](#)
- [Sch. 6 Pt. A para. 8 word substituted by S.I. 2014/2385 art. 18\(1\)\(c\)](#)
- [Sch. 7 Pt. A para. 3B inserted by S.I. 2013/1477 art. 12\(a\)](#)
- [Sch. 7 Pt. A para. 1011 inserted by S.I. 2013/1477 art. 12\(c\)](#)
- [Sch. 8 Pt. A para. 5\(ea\) inserted by S.I. 2012/697 reg. 4\(2\)\(b\)](#)
- [Sch. 16 para. 10\(b\)\(c\) substituted by S.I. 2007/1893 art. 2\(6\)\(g\)](#)
- [Sch. 16 para. 12\(b\)-\(d\) substituted for Sch. 16 para. \(b\)\(c\) by S.I. 2007/1893 art. 2\(6\)\(i\)\(ii\)](#)
- [Sch. 17 Pt. A para. 14\(aa\) inserted by S.I. 2007/1893 art. 2\(7\)\(i\)](#)
- [Sch. 17 Pt. B para. 6\(a\)\(iv\) inserted by S.I. 2007/1893 art. 2\(8\)\(d\)](#)
- [Sch. 17 Pt. A para. 10\(b\)\(c\) substituted by S.I. 2007/1893 art. 2\(7\)\(f\)\(ii\)](#)
- [Sch. 17 Pt. A para. 10\(a\)\(ii\)\(aa\) words substituted by S.I. 2007/1893 art. 2\(7\)\(f\)\(i\)](#)
- [art. 5\(1A\) inserted by S.I. 2014/2385 art. 4\(b\)](#)
- [art. 12\(2\)\(aa\) inserted by S.I. 2006/2307 art. 2\(4\)\(a\)](#)
- [art. 12\(2\)\(aa\) substituted by S.I. 2013/1477 art. 5\(a\)](#)
- [art. 12\(2\)\(cc\) inserted by S.I. 2006/2307 art. 2\(4\)\(b\)](#)
- [art. 12\(2\)\(cc\) substituted by S.I. 2013/1477 art. 5\(c\)](#)
- [art. 12\(2\)\(cc\) word substituted by S.I. 2014/2385 art. 6\(b\)](#)
- [art. 19\(1A\) inserted by S.I. 2014/2385 art. 7\(b\)](#)
- [art. 19\(3\) inserted by S.I. 2008/2411 art. 2\(3\)](#)
- [art. 19\(3\)-\(5\) substituted for art. 19\(3\) by S.I. 2012/3033 art. 2\(2\)](#)
- [art. 19\(5\) substituted by S.I. 2013/23 art. 2\(2\)](#)
- [art. 19\(6\)-\(8\) inserted by S.I. 2013/23 art. 2\(3\)](#)
- [art. 19\(6\) substituted by S.I. 2014/979 art. 3\(1\)](#)
- [art. 19\(6\)\(a\) words inserted by S.I. 2013/2687 art. 5\(a\)](#)
- [art. 19\(6\)\(b\) words inserted by S.I. 2013/2687 art. 5\(b\)](#)
- [art. 19\(8\) substituted by S.I. 2014/979 art. 3\(2\)](#)
- [art. 20\(1\)\(a\)\(aa\) substituted for art. 20\(1\)\(a\) by S.I. 2014/2385 art. 8](#)
- [art. 21\(8\)\(9\) inserted by S.I. 2013/2687 art. 6](#)
- [art. 21\(8\) substituted for art. 21\(8\)\(9\) by S.I. 2014/2385 art. 9](#)
- [art. 22\(1\)\(1A\) substituted for art. 22\(1\) by S.I. 2013/2687 art. 7](#)

- art. 22(3)(4) inserted by S.I. 2013/1477 art. 6
- art. 22(4) substituted by S.I. 2014/2385 art. 10(b)
- art. 24(5) added by S.I. 2006/2307 art. 2(6)
- art. 24(5) words inserted by S.I. 2013/2687 art. 8
- art. 42(1A) inserted by S.I. 2006/2307 art. 2(8)(b)
- art. 42(2)(bb) inserted by S.I. 2014/2385 art. 13
- art. 43(1A) inserted by S.I. 2006/2307 art. 2(9)(b)
- art. 44A inserted by S.I. 2012/697 reg. 3(1)
- art. 45(1)(a)(viA) inserted by S.I. 2006/2307 art. 2(10)(a)
- art. 45(1)(a)(xiB) inserted by S.I. 2008/2411 art. 2(7)
- art. 45(1)(a)(xiva) inserted by S.I. 2012/697 reg. 3(2)(a)(ii)
- art. 45(1)(a)(xiA) words inserted by S.I. 2006/2307 art. 2(10)(b)
- art. 45(1)(a)(xiii)-(xv) substituted for art. 45(1)(a)(xiii)(xiv) by S.I. 2010/1510 art. 6
- art. 45(4A) inserted by S.I. 2012/697 reg. 3(2)(b)