
STATUTORY INSTRUMENTS

2005 No. 2517

The Plant Health (Forestry) Order 2005

PART 8

NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

Notification of the presence or suspected presence of certain tree pests

40.—(1) The occupier or other person in charge of premises who knows or suspects that any tree pest to which this article applies is present on the premises, or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such tree pest on any premises, shall immediately give notice to the Commissioners or an inspector of the presence or suspected presence of such tree pest and shall as soon as reasonably practicable after giving such notice confirm it in writing.

(2) This article applies to any tree pest—

- (a) which is of a description specified in Schedule 1 or in column 3 of Schedule 2; or
- (b) which, although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain.

Notification of the likely entry into, or presence in, a free zone of tree pests or relevant material

41.—(1) The responsible authority for a free zone who knows or suspects that any of the things to which this article applies is likely to enter, or is present in, such a free zone, shall immediately give notice of that fact to the Commissioners or an inspector and shall as soon as reasonably practicable after giving such notice confirm it in writing.

(2) This article applies to—

- (a) any tree pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
- (b) any tree pest which, although not specified in Schedule 1 or 2, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain; and
- (c) any relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in column 3 of that Schedule opposite the reference to that relevant material,

which has been, or is likely to be, landed in Great Britain, and has not been cleared out of charge under the Customs Act.

(3) In this article “the responsible authority” and “free zone” have the same meaning as in the Customs Act⁽¹⁾.

(1) See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part 1.

Information to be given

42.—(1) An inspector or any other officer of the Commissioners may by notice in writing require any person referred to in paragraph (2) to give the inspector or officer within such reasonable time as may be specified in that notice any information referred to in paragraph (3).

(2) A person to which paragraph (1) refers is 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 under this Order;
- (b) has or has had or is reasonably suspected by an inspector or other officer of the Commissioners to have or have had in his possession or under his charge—
 - (i) any tree pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) any tree pest which, although not specified in Schedule 1 or 2 is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
 - (iii) any relevant material carrying or infected with a tree pest mentioned in sub-paragraph (i) or (ii); or
 - (iv) any relevant material which an inspector or any other officer of the Commissioners knows to have been landed or suspects has been landed in, or exported from, Great Britain; or
- (c) as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of any tree pest or relevant material mentioned in sub-paragraph (b).

(3) The information referred to in paragraph (1) is any information that a person referred to in paragraph (2) may possess—

- (a) as to trees grown or products stored at any time on the premises referred to in paragraph (2) (a);
- (b) as to any tree pest or relevant material referred to in paragraph (2)(b); and
- (c) as to the persons who have had or are likely to have had any tree pest or relevant material referred to in paragraph (2)(b) in their possession or under their charge.

(4) A person who is required to give an inspector or other officer any information under paragraph (1) shall produce for examination by that inspector or other officer any licences, official statements, certificates, plant passports, records, invoices or other documents relating to any tree pest or relevant material to which that information relates.