
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 252

The Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005

Actions which may be taken by an inspector

9.—(1) Without prejudice to the provisions in Article 8, if an inspector has reasonable grounds for suspecting that *Phytophthora ramorum* is present or likely to be present on any premises he may, after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production if so required of his authority, enter such premises and either on those premises or elsewhere take steps –

- (a) to destroy or treat in some other way any susceptible material found on those premises; or
- (b) to destroy and to prevent the spread of *Phytophthora ramorum* found on those premises.

(2) An inspector may, on production if so required of his authority, at all reasonable times for the purpose of ascertaining whether *Phytophthora ramorum* exists on any premises, or for any other purpose of this Order, including checking compliance with it, enter any premises to –

- (a) examine, photograph or mark any part of the premises or any susceptible material or other object on the premises;
- (b) take samples of any susceptible material or other object and anything which has been or may have been in contact with *Phytophthora ramorum*; or
- (c) require production of any documents or records (in whatever form they may be held) relating to the production of or trade in any susceptible material and may examine and copy such documents or records.

(3) For the purposes of the examinations referred to in paragraph (2), an inspector may open any container, bundle or other package, authorise any person to open on his behalf any container, bundle or other package or require the owner or any person in charge of any container, bundle or other package to open it in such manner as the inspector may specify.

(4) An inspector may, so far as it is necessary for the purposes of the examinations referred to in paragraph (2), prohibit entirely or to such extent as he may indicate the movement of any susceptible material, container, bundle, other package or object by means of which in his opinion *Phytophthora ramorum* may spread.

(5) For the purposes of the examinations referred to in paragraph (2), an inspector may require the occupier or other person in charge of the premises in which the examination is taking place to provide adequate lighting and, where appropriate, suitable areas for inspection.

(6) Where any such document or record as is mentioned in paragraph (2)(c) is kept by means of a computer, an inspector may –

- (a) require access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documentation or records; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such assistance as he may reasonably require.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) An inspector on entering any premises under paragraphs (1) or (2) may take with him such other persons including, but not limited to, representatives of the European Commission, and such equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under those paragraphs, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by an inspector, may remain on the land and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.