
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018 (revoked)

PART 6

Measures to control the landing of relevant material and prevent the spread of plant pests

Failure to comply with a notice

38.—(1) If a person fails to comply with a notice served on that person under this Order, an inspector may enter any affected premises at all reasonable times to take or cause any steps to be taken which the inspector considers necessary to ensure compliance with the notice or to remedy the consequences of the failure to carry them out.

(2) An inspector acting under paragraph (1) must, if requested to do so, show evidence of their authority to act.

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

(4) Paragraph (1) does not affect any right of entry conferred by a warrant issued by a lay magistrate.

(5) An inspector acting under paragraph (1) may be accompanied by such other persons and may bring onto the premises such equipment and vehicles, as the inspector considers necessary.

(6) A person accompanying an inspector under paragraph (5)—

- (a) may remain on the premises and from time to time re-enter the premises without the inspector;
- (b) bring onto the premises any equipment or vehicle which the person considers necessary;
- (c) carry out work on the premises in the manner directed by the inspector.

(7) A person accompanying an inspector under paragraph (5) must, if so requested, show evidence of their authority given in that behalf by the Department.

(8) Where an inspector takes any steps under paragraph (1), the Department may recover, as a debt from the person on whom the notice was served, all reasonable costs incurred in taking those steps.

(9) In this article, “affected premises” means any premises in or on which any plant pest or relevant material to which the notice relates may be present.

Status:

Point in time view as at 01/12/2018. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Plant Health Order (Northern Ireland) 2018 (revoked), Section 38.