



# Plant Health Act (Northern Ireland) 1967

## 1967 CHAPTER 28

**N.I.**

An Act to consolidate the Destructive Insects and Pests Acts (Northern Ireland) 1877 to 1934. [14th December 1967]

### 1 **Objects of Act.** **N.I.**

This Act shall have effect for the control ...<sup>F1</sup> of pests and diseases injurious to agricultural or horticultural crops, or to trees or bushes, and in the following provisions of this Act—

- (a) references to pests are to be taken as references to insects, bacteria, fungi and other vegetable or animal organisms, viruses and all other agents causative of any transmissible disease of agricultural or horticultural crops or of trees or bushes, and also as including references to pests in any stage of existence;
- (b) references to a crop are to be taken as including references to trees and bushes.

**F1** SRO (NI) 1972/351

### 2 **Control of introduction of pests into Northern Ireland.** **N.I.**

- (1) The Ministry of Agriculture (in this Act referred to as “the Ministry”) may from time to time make such orders as it thinks expedient [<sup>F2</sup> or called for by any [<sup>F3</sup> [<sup>F4</sup> assimilated] law or relevant Protocol] obligation] for preventing the introduction of pests into Northern Ireland.
- (2) Where it appears to the Ministry that the landing in Northern Ireland of articles of any description (and in particular plants, trees or bushes or any part or produce thereof) is likely to introduce a pest into Northern Ireland, the orders may prohibit or regulate the landing of those articles, and may direct or authorise their destruction if landed (without prejudice to provisions of [<sup>F5</sup> the Customs and Excise Management Act 1979] imposing penalties or liability to forfeiture).

[<sup>F6</sup>(2A) In this section—

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“relevant Protocol obligation” means any obligation created or arising by or under the relevant part of the Northern Ireland Protocol, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies;

“the relevant part of the Northern Ireland Protocol” means article 5(4) of the Northern Ireland Protocol so far as relating to sections 41 and 42 of Annex 2 to that Protocol;

“the Northern Ireland Protocol” means the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.]

*Subs. 3 rep. by 1984 NI 2*

- F2** SRO (NI) 1972/351
- F3** Words in s. 2(1) substituted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/327), regs. 1(3), **2(2)**
- F4** Word in s. 2(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023](#) (S.I. 2023/1424), reg. 1(2), **Sch. para. 4(2)(a)**
- F5** 1979 c.2
- F6** S. 2(2A) inserted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/327), regs. 1(3), **2(3)**

### **3 Control of spread of pests in Northern Ireland. N.I.**

- (1) The Ministry may from time to time make such orders as it thinks expedient [<sup>F7</sup> or called for by any [<sup>F8</sup>[<sup>F9</sup>assimilated] law or relevant Protocol] obligation] for preventing the spread of pests in Northern Ireland [<sup>F10</sup> or the conveyance of pests by articles exported from Northern Ireland].

[<sup>F11</sup>(1A) In this section, “relevant Protocol obligation” has the meaning given by section 2(2A).]

*Subs. (2)—(5) rep. by 1984 NI 2*

- F7** SRO (NI) 1972/351
- F8** Words in s. 3(1) substituted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/327), regs. 1(3), **2(4)**
- F9** Word in s. 3(1) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023](#) (S.I. 2023/1424), reg. 1(2), **Sch. para. 4(2)(b)**
- F10** SRO (NI) 1972/351
- F11** S. 3(1A) inserted (31.12.2020) by [The Plant Health and Diseases of Animals \(Amendment\) \(EU Exit\) Regulations \(Northern Ireland\) 2020](#) (S.R. 2020/327), regs. 1(3), **2(5)**

### **[<sup>F12</sup>3A Recovery of expenses incurred exercising default powers under orders made under this Act. N.I.**

An order made or having effect under this Act may contain provisions for requiring a person to pay to a government department or local authority the cost to the department or authority of doing anything which that person has, in breach of a requirement imposed on him by or under the order, failed to do.]

- F12** 1975 NI 8

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**[<sup>F13</sup>3B Matters which may be included in orders under this Act. N.I.]**

- (1) Without prejudice to the generality of sections 2 and 3, an order under this Act may—
- (a) direct or authorise the removal, treatment or destruction of any crop, or any seed, plant or part of a seed or plant or any container, wrapping or other article or any substance which has on it, or is infected with, a pest or to or by means of which a pest is in the opinion of the Department likely to spread;
  - (b) direct or authorise the entry on any land or elsewhere for the purpose of any removal, treatment or destruction authorised by the order, or any examination or inquiry so authorised, or for any other purpose of the order;
  - (c) create offences and in particular may—
    - (i) prohibit the selling or exposing or offering for sale or the keeping of living specimens of a pest or the distribution in any manner of such specimens;
    - (ii) make it an offence to contravene a condition specified in a licence granted by the Department for the purpose of exempting a person from any prohibition or restriction imposed by the order;
  - (d) provide for offences against the order to be punishable on summary conviction by a fine not exceeding<sup>[F14]</sup> level 5 on the standard scale].

- <sup>F15</sup> [ An order under this Act which contains a statement that it is made for the purpose (1A) of protecting forest trees, timber and other forest products from attack by pests, may impose such reasonable fees or other charges as the Department may, with the consent of the Department of Finance and Personnel, prescribe—
- (a) in connection with applications for and the issue of any licence or certificate which may be issued in pursuance of such an order in connection with the import or export of any article;
  - (b) in respect of the performance by the Department of any service without the performance of which any requirement for the issue of such a licence or certificate would not be met.]

- (2) Proceedings for an offence against an order under this Act may be instituted at any time within twelve months from the day on which the alleged offence was committed.]

**F13** 1984 NI 2

**F14** 1984 NI 3

**F15** S. 3B(1A) inserted (13.9.2010) by [Forestry Act \(Northern Ireland\) 2010 \(c. 10\)](#), **ss. 14(2)**, 39(1) (with s. 37); S.R. 2010/309, **art. 2**, Sch.

**4 Execution of Act by Government departments. N.I.**

- (1) Orders under this Act may empower any inspector authorised by the Ministry—
- (a) in the case of any specified pest which has been introduced into Northern Ireland, to take the following action, that is to say—

*Head (i) rep. by 1984 NI 2*

    - (ii) generally to take such steps as he may think expedient in connection with any crop, or any seed, plant or part of a seed or plant, for preventing the spread of the pest;

*Para. (b) rep. by 1984 NI 2*

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and may impose in respect of any certificate given in pursuance of the order after an inspection such fee or other charge as the Ministry, with the consent of the Ministry of Finance, may prescribe.

- (2) The Ministry may pay compensation to be ascertained in accordance with subsection (3) in respect of any crop, or any seed, plant or part of a seed or plant, which is removed or destroyed by or under the instructions of an inspector authorised by the Ministry.
- (3) For the purpose of ascertaining the compensation payable under subsection (2), the value of the crop or of the seed, plant or part of a seed or plant shall in each case be taken to be its estimated value if harvested and marketed under normal conditions in an average year after deducting the estimated cost of such harvesting and marketing to the owner, and the Ministry may, if it thinks fit, require such value to be ascertained by its officers or by arbitration.
- (4) The Ministry may, if it thinks fit, withhold compensation if, in relation to the crop or the seed, plant or any part of a seed or plant, the owner or the person having charge thereof has, in the opinion of the Ministry, done anything in contravention of, or failed to do anything in compliance with, any order under this Act.
- (5) The expenses of the Ministry in the execution of this Act, including any compensation under subsection (2), shall be paid out of moneys provided by Parliament, but shall not without the consent of the Ministry of Finance exceed<sup>[F16]</sup> £3,000 in any year.

**F16** 1984 NI 2

## **5 Execution of Act by district councils. N.I.**

- (1) The Ministry may require a <sup>[F17]</sup> district council to carry into effect any order under this Act, and may, with the consent of the <sup>[F17]</sup> district council, require a <sup>[F17]</sup> district council to pay compensation in respect of any crop, or any seed, plant or part of a seed or plant, which is removed or destroyed in pursuance of any such order; and subsections (3) and (4) of section 4 shall, with the substitution of references to the <sup>[F17]</sup> district council for references to the Ministry, apply to compensation payable by a <sup>[F17]</sup> district council under this section in like manner as it applies to compensation payable by the Ministry under that section.
- (2) Every <sup>[F17]</sup> district council shall keep, in such manner and form as the Ministry may from time to time by order direct, a record relative to proceedings in pursuance of any order made under this Act by the Ministry; and the record shall state the date of any removal or destruction in pursuance of the order, and other proper particulars, and shall be admitted in evidence.

*Subs.(3) rep. by SRO (NI) 1973/343*

**F17** SRO (NI) 1973/343

## **6 Publication of orders. N.I.**

- (1) Orders under this Act shall be laid before Parliament within ten days after being made <sup>[F18]</sup> or, in the case of an order prohibiting or regulating the landing in or exportation from Northern Ireland of any articles, shall be subject to negative resolution].

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- (2) When an order under this Act has been made, notice of it shall be published in the Belfast Gazette.
- (3) If, having made an order under this Act, the Ministry sends the order to a [<sup>F19</sup> district council] for publication, the [<sup>F19</sup> district council] shall publish it in such manner as the Ministry directs and, subject to or in the absence of any such direction, in such manner as the [<sup>F19</sup> district council] think sufficient and proper to ensure publicity.

**F18** SRO (NI) 1972/351

**F19** SRO (NI) 1973/343

*S.7, with Schedule, effects repeals*

## **8 Transitional provisions. N.I.**

Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 , a power under this Act to pay compensation in respect of things removed or destroyed shall be exercisable in relation to any removal or destruction carried out before the commencement of this Act under powers conferred by orders under the Destructive Insects and Pests Acts (Northern Ireland) 1877 to 1934; and—

- (a) nothing in this Act shall be construed as taking away any entitlement to compensation;
- (b) the references in section 4(5) to this Act and to section 4(2) of it shall be construed as including respectively references to the said Acts of 1877 to 1934 and the provision in those Acts corresponding to the said section 4(2).

## **9 Short title. N.I.**

This Act may be cited as the Plant Health Act (Northern Ireland) 1967.

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N.I.

*Schedule—Repeals*

**Changes to legislation:**

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