
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 184

The Plant Health Order (Northern Ireland) 2018

PART 9

Notifications, provision and exchange of information

Notification of the presence or suspected presence of certain plant pests

44.—(1) The occupier or other person in charge of premises who becomes aware of or suspects that any notifiable plant pest is present on the premises, or any other person who in the course of their duties or business becomes aware of or suspects that a notifiable plant pest is present on any premises, must immediately notify the Department or an inspector of its presence or suspected presence.

(2) A notice under paragraph (1) may first be given orally, but must be confirmed in writing as soon as reasonably practicable.

(3) In this article, “notifiable plant pest” means—

- (a) a plant pest, other than a plant pest of a description specified in Schedule 17, which—
 - (i) is of a description specified in Schedule 1;
 - (ii) is of a description specified in column 3 of Part A of Schedule 2;
 - (iii) is of a description specified in column 3 of Part B of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part B of Schedule 2; or
 - (iv) although not of a description specified in Schedule 1 or 2, is not normally present in Northern Ireland and is likely to be injurious to plants in Northern Ireland;
- (b) a plant pest of a description specified in Schedule 17 which—
 - (i) is a sub-species or strain normally present in Northern Ireland and which has been found on the premises of a registered plant trader;
 - (ii) is a sub-species or strain not normally present in Northern Ireland and which has been found on any premises; or
 - (iii) is also specified in column 3 of Part A of Schedule 2 and which is present on, or appears to an inspector to have been in contact with, relevant material of a description specified in the entry in respect of that plant pest in column 2 of Part A of Schedule 2.

(4) If the Department becomes aware of the presence or suspected presence of *Xylella fastidiosa* (Wells et al.) in any place or area in Northern Ireland, the Department must ensure that any person having under their control plants which may be infected by *Xylella fastidiosa* (Wells et al.) is immediately informed of—

- (a) its presence or suspected presence;
- (b) the possible consequences arising from its presence or suspected presence; and
- (c) the measures to be taken as a result.

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

45.—(1) The responsible authority for a free zone in Northern Ireland must immediately notify the Department of any notifiable item which it knows or suspects—

- (a) is likely to enter the free zone; or
- (b) is present in the free zone and has not been cleared out of charge under the Customs Act.

(2) A notice under paragraph (1) may first be given orally, but must be confirmed in writing as soon as reasonably practicable.

(3) In this article—

- (a) “free zone” has the same meaning as in the Customs Act;
- (b) “notifiable item” means—
 - (i) a plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) a plant pest which, although not specified in Schedule 1 or 2 is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland; or
 - (iii) relevant material of a description specified in column 2 of Schedule 3 which originates in a country specified in the entry in respect of that description of relevant material in column 3 of that Schedule;
- (c) “the responsible authority” has the same meaning as in the Customs Act.

Information to be given

46.—(1) An inspector or any other officer of the Department may by notice in writing require an appropriate person to give to the inspector or officer, within the time specified in the notice, any information which the person may possess as to—

- (a) the plants grown or products stored at any time on the premises in respect of which a notice has been served under this Order;
- (b) any plant pest or relevant material referred to in paragraph (4)(b); and
- (c) the persons who have had or are likely to have had any plant pest or relevant material referred to in paragraph (4)(b) in their possession or under their charge.

(2) The time within which the information to be given to the inspector or other officer must be reasonable.

(3) An appropriate person must produce for examination by the inspector or other officer any licence, official statement, certificate, plant passport, record, invoice or other document relating to a plant pest or any relevant material specified in the notice.

(4) In this article, “appropriate person” means—

- (a) a person who is the owner, occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) a person who has, has had, or is reasonably suspected by the inspector or officer to have or have had, possession or charge of—
 - (i) a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2;
 - (ii) a plant pest which, although not specified in Schedule 1 or 2, is not normally present in Northern Ireland and which is likely to be injurious to plants in Northern Ireland;

- (iii) any relevant material carrying or infected with a plant pest referred to in paragraph (i) or (ii); or
- (iv) any relevant material which the inspector or officer knows or suspects to have been landed in or exported from Northern Ireland; or
- (c) a person who, as auctioneer, salesman or otherwise, has sold, offered or exposed for sale or otherwise disposed of a plant pest referred to in sub-paragraph (b)(i) or (ii).

Power to share information for the purposes of the Order

47.—(1) The Commissioners for Her Majesty’s Revenue and Customs may disclose any information in their possession to the Department for the purpose of this Order.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners under paragraph (1) if—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in paragraph (1); and
- (c) the Commissioners have not given their prior consent to the disclosure.