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STATUTORY RULES OF NORTHERN IRELAND

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**2019 No. 230**

**The Plant Health (Official Controls and Miscellaneous Provisions) Regulations (Northern Ireland) 2019**

**PART 4**

Official activities to prevent the establishment or spread of plant pests

**Notices in relation to controlled plant pests or prohibited material**

**14.**—(1) A plant health inspector may serve a notice on the appropriate person—

- (a) requiring the appropriate person to treat, destroy or otherwise dispose of the controlled plant pest or prohibited material;
- (b) prohibiting for the period specified in the notice—
  - (i) the removal of any controlled plant pest or prohibited material from the premises; or
  - (ii) any activity which the inspector considers necessary to prohibit in order to prevent the establishment or spread of a controlled plant pest;
- (c) requiring the removal of any controlled plant pest or prohibited material from the premises;
- (d) in the case of wood packaging material, requiring the appropriate person to remove any mark which has been applied to any wood packaging material in northern Ireland in contravention of Article 96(1) of the EU Plant Health Regulation, as read with Article 97(1) of that Regulation; or
- (e) requiring the taking of any other steps, as specified in the notice, which the inspector considers necessary to eradicate the controlled plant pest or prevent its establishment or spread.

(2) If a plant health inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of, or ensuring the eradication of, any controlled plant pest from any premises, the inspector may serve a notice on the occupier imposing any prohibition or requiring any reasonable step to be taken for that purpose.

(3) In paragraph (1)—

“appropriate person” means—

- (a) in the case of premises used by a professional operator, the professional operator;
- (b) in the case of any other premises—
  - (i) the occupier or any other person in charge of the premises;
  - (ii) any other person who is in charge of the controlled plant pest or the prohibited material at those premises;

“prohibited material” means—

- (c) a plant, plant product or other object which is carrying or infected with a controlled plant pest or may be carrying or infected with a controlled plant pest;

- (d) a plant, plant product or other object whose entry into the Union territory or Northern Ireland is prohibited under an EU plant health rule;
- (e) a plant, plant product or other object the movement of which within the Union territory or into, within or from Northern Ireland, is prohibited under an EU plant health rule.