
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 613

The Plant Health (Scotland) Order 2005

PART 6

**MEASURES TO CONTROL THE LANDING OF RELEVANT
MATERIAL AND PREVENT THE SPREAD OF PLANT PESTS**

Examination, sampling and marking

31.—(1) Subject to article 38, inspectors shall have a right on producing their authority, if so requested, at all reasonable times to enter any premises for the purpose of enforcing the provisions of this Order and in particular—

- (a) checking compliance with any provision of this Order; or
- (b) carrying out an examination of a plant trader's premises or of relevant material or documents or records on such premises for any purpose in connection with the granting or suspending of any authority to issue a plant passport under article 29.

(2) An inspector entering premises by virtue of paragraph (1) or of a warrant granted under article 38 may—

- (a) examine, photograph or mark any part of the premises or any object on the premises;
- (b) take samples of or from any plant pest or relevant material or from any container or package, or any material which has been or may have been in contact with such pest or relevant material; and
- (c) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of or trade in any relevant material.

(3) An inspector may, for the purpose of exercising any of the powers under paragraph (2), open, or authorise any person to open on the inspector's behalf any container or package or require the owner or any person in charge of any container or package to open it, in such manner as the inspector may specify.

(4) Inspectors may, so far as is necessary to enable them to exercise any of the powers conferred by paragraph (2), prohibit entirely or to such extent as they may specify the movement, treatment or destruction of any plant pest or relevant material, container or package, or any material which may have been in contact with such pest or relevant material.

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

- (a) have 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 record or document; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the inspector such assistance as the inspector 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.

(6) An inspector may destroy or otherwise dispose of any sample taken under paragraph (2)(b) where that sample is no longer required in connection with this Order.

(7) An inspector entering premises by virtue of paragraph (1), or of a warrant granted under article 38, may be accompanied by such other persons, including representatives of the European Commission, and such equipment and vehicles as the inspector considers necessary, and any such other persons may, whether or not accompanied by the inspector and on production, if so requested, of their authority given in that behalf by the Scottish Ministers, remain on and from time to time re enter the premises with any equipment or vehicles that person considers necessary, and carry out such work in such manner as the inspector may direct.