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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 613**

**The Plant Health (Scotland) Order 2005**

**PART 9**

**NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION**

**Information to be given**

**44.**—(1) An inspector or any other officer of the Scottish Ministers may by notice in writing require any person referred to in paragraph (2) to give to the inspector or officer within such reasonable time as may be specified in that notice any information referred to in paragraph (3).

(2) A person to whom paragraph (1) refers is any person who—

- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served under this Order;
- (b) has or has had or is reasonably suspected by an inspector or other officer of the Scottish Ministers to have or have had in their possession or under their charge—
  - (i) any plant pest which is of a description specified in Schedule 1 or in column 3 of Schedule 2;
  - (ii) any plant pest which, although not specified in Schedule 1 or 2 is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
  - (iii) any relevant material carrying or infected with a plant pest mentioned in sub paragraph (i) or (ii); or
  - (iv) any relevant material which an inspector or any other officer of the Scottish Ministers knows to have been landed or suspects has been landed in, or exported from, Scotland; or
- (c) as auctioneer, salesperson or otherwise, has sold, offered for sale or otherwise disposed of any plant pest or relevant material mentioned in sub paragraph (b).

(3) The information referred to in paragraph (1) is any information that a person referred to in paragraph (2) may possess—

- (a) as to plants grown or products stored at any time on the premises referred to in paragraph (2)(a);
- (b) as to any plant pest or relevant material referred to in paragraph (2)(b); and
- (c) as to the persons who have had or are likely to have had any plant pest or relevant material referred to in paragraph (2)(b) in their possession or under their charge.

(4) A person who is required to give an inspector or other officer any information under paragraph (1) shall produce for examination by that inspector or other officer any licences, official statements, certificates, plant passports, records, invoices or other documents relating to any plant pest or relevant material to which that information relates.