

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Plant Health Act 1967, Section 5 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Plant Health Act 1967

1967 CHAPTER 8

5 Execution of Act by local authorities. **E+W**

- (1) A competent authority may require a local authority to carry into effect any order under this Act, and may, with the consent of the local authority, require a local authority to pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed in pursuance of any such order; but—
- (a) the local authority may withhold compensation in respect of anything removed or destroyed if, in relation thereto, the owner or person having charge thereof has, in their judgement, done anything in contravention of, or failed to do anything in compliance with, any order under this Act; and
 - (b) the value of anything removed or destroyed shall be taken to be the value which it has at the time of removal or destruction and, if the local authority so require, shall be ascertained by their officers or by arbitration.
- (2) Every local authority shall keep, ^{F1} . . . a record relative to proceedings in pursuance of any order made under this Act by the competent authority; 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.
- [^{F2}(3) The local authorities for the purposes of this Act shall be the councils of non-metropolitan counties, metropolitan districts and London boroughs and the Common Council of the City of London [^{F3}but, in relation to Wales, it shall be the councils of counties and county boroughs].]

Extent Information

E1 This version extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

F1 Words repealed (E.W.) by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), s. 35, [Sch. 6 para. 19](#), [Sch. 8](#)

F2 [S. 5\(3\)](#) substituted by [Local Government Act 1972 \(c. 70, SIF 81:1\)](#), s. 251(2), [Sch. 29 para. 34](#)

F3 Words in [s. 5\(3\)](#) added (1.4.1996) by [1994 c. 19, s. 66\(6\)](#), [Sch. 16 para. 28](#) (with ss. [54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 4](#), [Sch. 2](#)

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Plant Health Act 1967, Section 5 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

5 Execution of Act by local authorities. **S**

- (1) A competent authority may require a local authority to carry into effect any order under this Act, and may, with the consent of the local authority, require a local authority to pay compensation in respect of any crop, or any seed, plant or part thereof, which is removed or destroyed in pursuance of any such order; but—
- (a) the local authority may withhold compensation in respect of anything removed or destroyed if, in relation thereto, the owner or person having charge thereof has, in their judgement, done anything in contravention of, or failed to do anything in compliance with, any order under this Act; and
 - (b) the value of anything removed or destroyed shall be taken to be the value which it has at the time of removal or destruction and, if the local authority so require, shall be ascertained by their officers or by arbitration.
- (2) Every local authority shall keep, ^{F4} . . . a record relative to proceedings in pursuance of any order made under this Act by the competent authority; 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.
- [^{F5}(3) The local authorities for the purposes of this Act shall be the councils constituted under section 2 of the Local Government etc. (Scotland) Act 1994]

Extent Information

E2 This version extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F4 Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), ss. 144(3), 237(1), [Sch. 29](#)

F5 [S. 5\(3\)](#) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 68](#); [S.I. 1996/323, art. 4\(1\)\(c\)](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W - England and Wales extent
- S - Scotland extent

Changes to legislation:

Plant Health Act 1967, Section 5 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(4B) inserted by [2003 c. 44 Sch. 27 para. 1\(3\)](#)