
STATUTORY INSTRUMENTS

2005 No. 2517

The Plant Health (Forestry) Order 2005

PART 6

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

Actions which may be taken by an inspector

32.—(1) Without prejudice to article 31, and subject to article 37, if an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any tree pest referred to in paragraph (2) or any relevant material referred to in paragraph (3), he may, after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production if so required of his authority, enter such premises and either on those premises or elsewhere take steps—

- (a) to destroy any tree pest referred to in paragraph (2) and to prevent the spread of any such tree pest; or
- (b) to destroy or treat any relevant material referred to in paragraph (3).

(2) The tree pests referred to in paragraph (1) are—

- (a) a tree pest of a description specified in Schedule 1 or column 3 of Schedule 2; and
- (b) any tree pest not normally present in Great Britain and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Great Britain.

(3) The relevant material referred to in paragraph (1) is—

- (a) any relevant material which is carrying or is infected with, or which may be carrying or infected with, a tree pest referred to in paragraph (2); and
- (b) any relevant material not carrying or infected with a tree pest referred to in paragraph (2) but in respect of which there is, in the opinion of the inspector, an imminent danger of such a tree pest spreading or being spread.

(4) An inspector on entering any premises under paragraph (1) may take with him such persons, including representatives of the European Commission, and such equipment and vehicles as he considers necessary for the purposes of facilitating the exercise of his powers under that paragraph.

(5) Any person whom an inspector takes with him on to premises in accordance with paragraph (4) may, whether or not accompanied by an inspector, upon production if so required of his authority given in that behalf by the Commissioners, remain on the premises 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.