
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**

Power to enter premises used wholly or mainly as a dwelling

37.—(1) The power to enter premises conferred by articles 30, 32 and 36 may be exercised by an inspector to enter premises used wholly or mainly as a dwelling only if he has been granted a warrant by—

- (a) in England and Wales, a justice of the peace; or
- (b) in Scotland, a sheriff or a justice of the peace.

(2) A justice of the peace or sheriff may grant a warrant under paragraph (1) only if he is satisfied—

- (a) that admission to any premises has been refused, or is likely to be refused, or that the case is one of urgency, or that a request for admission might prejudice the purpose of the entry; and
- (b) that there are reasonable grounds for entry under article 30, 32 or 36 as the case may be.

(3) A warrant granted under paragraph (1) shall remain in force—

- (a) for one month; or
- (b) until the purpose for which the warrant is granted has been fulfilled,

whichever period is the shorter.