



**Isle of Man**

*Ellan Vannin*

**AT 15 of 1983**

# **PLANT HEALTH ACT 1983**





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## PLANT HEALTH ACT 1983

<i>Received Royal Assent:</i>	<i>11 July 1983</i>
<i>Passed:</i>	<i>12 July 1983</i>
<i>Commenced:</i>	<i>12 July 1983</i>

**AN ACT** to amend the law relating to destructive insects and pests and for connected purposes.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### **1 Objects of Act and competent authorities under it**

[P1967/8/1]

- (1) This Act shall have effect for the control of pests and diseases injurious to agricultural or horticultural crops, or to trees, bushes or shrubs, and in the following provisions of this Act —
  - (a) references to pests are to be taken as references to insects, bacteria, fungi and other vegetable or animal organisms, viruses and all other agents causative of any transmissible disease of agricultural or horticultural crops or of trees, bushes or shrubs, and also as including references to pests in any stage of existence;
  - (b) references to a crop are to be taken as including references to trees, bushes and shrubs.
- (2) [Repealed]<sup>1</sup>

### **2 Control of introduction of pests into the Island**

[P1967/8/2]

- (1) The Department may from time to time make such orders as the Department thinks expedient or called for by any retained EU obligation for preventing the introduction of pests into the Island.<sup>2</sup>
- (2) Where it appears to the Department that the landing in the Island of articles of any description (and in particular plants, trees, bushes or shrubs or any part or produce thereof) is likely to introduce a pest into the Island, the orders may prohibit or regulate the landing of those articles, and may

direct or authorise their destruction if landed (without prejudice to the provisions of the Customs and Excise Management Act 1979, an Act of Parliament, as that Act has effect in the Island, which impose penalties or liability to forfeiture).<sup>3</sup>

- (3) An order under subsection (1) or (2) may provide for offences against it to be punishable on summary conviction, and may prescribe penalties for any offence not exceeding a fine of £5,000 or imprisonment for 3 months, or both.

### **3 Control of spread of pests in the Island**

[P1967/8/3]

- (1) The Department may from time to time make such orders as the Department thinks expedient or called for by any retained EU obligation for preventing the spread of pests in the Island or the conveyance of pests by articles exported or removed from the Island.<sup>4</sup>
- (2) The orders may direct or authorise —
- (a) the removal, treatment or destruction of any crop, or any seed, plant or part thereof, or any container wrapping or other article, or any substance, which has on it, or is infected with, a pest, or to or by means of which a pest is in the opinion of the Department likely to spread;<sup>5</sup>
  - (b) the entering on any land or elsewhere for the purpose of any removal, treatment or destruction authorised by the orders, or any examination or inquiry so authorised, or for any other purpose of the orders.
- (3) The orders may prohibit the selling or exposing or offering for sale, or the keeping, of living specimens of a pest, or the distribution in any manner of such specimens.
- (4) An order under this section may provide for offences against it to be punishable on summary conviction, and may prescribe penalties for any offence not exceeding a fine of £5,000 or imprisonment for 3 months, or both.
- (5) Proceedings for an offence against an order under this section may be instituted at any time within 12 months from the day on which the alleged offence was committed.

### **4 Removal and destruction of infected plants etc**

[P1967/8/4]

Orders under this Act may enable a person authorised by the Department —

- (a) in the case of any specified pest which has been introduced into the Island, to take the following action, that is to say —

- (i) to remove, or destroy, or cause to be removed or destroyed, any crop, or any seed, plant or part thereof, which has on it, or is infected with, the pest, or to or by means of which the pest is likely to spread; and
  - (ii) generally to take such steps as he may think expedient in connection with any crop, or any seed, plant or part thereof, for preventing the spread of the pest;
- (b) to enter on any land or elsewhere for the said purposes, or for the purpose of any examination or inquiry authorised by the orders, or for any other purpose of the orders;

and may impose in respect of any certificate given in pursuance of the order after an inspection such fee or other charge as the Department may, with the concurrence of the Treasury, prescribe.<sup>6</sup>

## 5 Compensation

[P1967/8/4(2) and 5(1)(a)]

- (1) The Department may, with the concurrence of the Treasury, pay compensation in respect of any crop, or any seed, plant or part thereof, which, pursuant to section 4, is removed or destroyed by or under the instructions of a person authorised by it; and its value shall be taken to be the value which it has at the time of the removal or destruction and, if the Department so requires, shall be ascertained by its officers or by arbitration.<sup>7</sup>
- (2) The Department may withhold compensation in respect of anything removed or destroyed if, in relation thereto, the owner or person having charge thereof has, in its judgment, done anything in contravention of, or failed to do anything in compliance with, any order under this Act.<sup>8</sup>

## 6 Orders

[P1967/8/6; P1972/62/20]

- (1) An order made under this Act shall be laid before Tynwald as soon as may be after being made, and if Tynwald at the sitting before which such order is so laid resolves that the order shall be annulled the order shall thereupon cease to have effect.
- (2) When an order under this Act has been made, notice of it shall be published in such manner as the Department think sufficient and proper to ensure publicity.<sup>9</sup>
- (3) An order made under this Act may contain provisions for requiring a person to pay to the Department the cost to the Department of doing anything which that person has, in breach of a requirement imposed on him by or under the order, failed to do.<sup>10</sup>

**7 Expenses**

[P1967/8/4/(3)]

The expenses of the Department in the execution of this Act, including compensation under section 5, shall be paid out of moneys provided by Tynwald.<sup>11</sup>

**8 Interpretation**

(1) [Repealed]<sup>12</sup>

(1A) In this Act “**the Department**” means the Department of Environment, Food and Agriculture.<sup>13</sup>

(2) The functions vested in the Department by this Act are in addition to those vested by the provisions of any other enactment, and nothing in this Act shall limit or effect the exercise of any such functions.<sup>14</sup>

**9 [Repealed]<sup>15</sup>****10 [Repealed]<sup>16</sup>****11 Short title**

This Act may be cited as the Plant Health Act 1983.



## SCHEDULE<sup>17</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Subs (2) repealed by GC121/86.

<sup>2</sup> Subs (1) amended by GC121/86, by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.

<sup>3</sup> Subs (2) amended by GC121/86.

<sup>4</sup> Subs (1) amended by GC121/86, by SD0606/12 and by SD2019/0039 with effect from 31/12/2020 at 23:00.

<sup>5</sup> Para (a) amended by GC121/86.

<sup>6</sup> S 4 amended by Treasury Act 1985 Sch 2 and by GC121/86.

<sup>7</sup> Subs (1) amended by Treasury Act 1985 Sch 2 and by GC121/86.

<sup>8</sup> Subs (2) amended by GC121/86.

<sup>9</sup> Subs (2) amended by GC121/86.

<sup>10</sup> Subs (3) amended by GC121/86.

<sup>11</sup> S 7 amended by GC121/86.

<sup>12</sup> Subs (1) repealed by SD2019/0039 with effect from 31/12/2020 at 23:00.

<sup>13</sup> Subs (1A) inserted by GC121/86 and amended by SD155/10 Sch 3.

<sup>14</sup> Subs (2) amended by GC121/86.

<sup>15</sup> S 9 repealed by Statute Law Revision Act 1992 Sch 2.

<sup>16</sup> S 10 repealed by Statute Law Revision Act 1997 Sch 2.

<sup>17</sup> Sch repealed by Statute Law Revision Act 1992 Sch 2.