

The expression "plant" shall include tree and shrub and the seeds, tubers, bulbs, layers, cuttings or any other parts of a plant.

*Prohibition of Sale of Diseased Plants, etc.*

2. No person shall sell, offer or expose for sale or cause to be sold, offered or exposed for sale for planting, any plant substantially attacked by any insect or pest mentioned in the Schedule to this Order.

*Information to be given as to Diseased Plants.*

3. Every person who has or has had in his possession or under his charge, and every person who as auctioneer, salesman, nurseryman or otherwise has had in his possession for sale or has sold, offered or exposed for sale, any plant substantially attacked by any insect or pest mentioned in the Schedule to this Order, shall, if so required in writing by the Minister or by an Inspector, give the Minister or the Inspector, as the case may be, all such information as he possesses as to the person in whose possession or under whose charge such plant is or has been: provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

*Powers of Entry.*

4. An inspector may, upon production if so required of his appointment or authority, enter any premises on which he has reason to believe that an insect or pest mentioned in the Schedule to this Order exists or has recently existed, and examine any plant on such premises.

*Action to be taken to prevent sale or movement of Diseased Plants.*

5. Any auctioneer, salesman, nurseryman, or other person, on becoming acquainted or being informed by an Inspector, that he has in his possession or under his charge any plant substantially attacked by an insect or pest mentioned in the Schedule to this Order shall take steps to prevent the sale or movement of such plant except under the authority of an Inspector.

*Power of Inspector to order Destruction or Disinfection.*

6.—(1) An Inspector may at any time by notice served on any person who as auctioneer, salesman, nurseryman or otherwise has in his possession for sale or who offers or exposes for sale or causes to be offered or exposed for sale for planting any plant which is substantially attacked by an insect or pest mentioned in the Schedule to this Order, require him to adopt such measures as are authorised by this Article and specified in the notice.

(2) A notice under this Article may require the auctioneer, salesman, nurseryman or other person named in the notice to adopt one or more of the following measures, that is to say:—

(a) to destroy the whole or any part of the plant by fire or such other suitable method as may be specified in the notice;

(b) to disinfect the plant to the satisfaction of the Inspector;

(c) to take such other steps as the Inspector may consider necessary to prevent the spread of disease.

(3) Any such notice may appoint the time

within which the adoption of any measure thereby prescribed shall be completed.

*Service of Notices, etc.*

7. For the purpose of this Order a notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of abode or business, or sent through the post in a letter addressed to him there; and a notice purporting to be signed by an Inspector shall be *prima facie* evidence that it was signed by him as an Inspector.

*Penalties.*

8. Every person shall be liable on conviction to a penalty not exceeding ten pounds, who—

(1) sells, offers or exposes for sale or causes to be sold, offered or exposed for sale for planting any plant substantially attacked by any insect or pest mentioned in the Schedule to this Order; or

(2) fails to take such steps as are required under Articles 5 and 6 of this Order, or fails to give information as required by Article 3; or

(3) wilfully obstructs or impedes any Inspector when acting under this Order.

*Notification of Order.*

9. This Order shall be published by the Local Authority in accordance with any direction given by the Minister.

*Revocation of Order.*

10. The Sale of Diseased Plants Order of 1921 is hereby revoked: provided that such revocation shall not:—

(i) affect the previous operation of such Order or anything duly done or suffered under such Order; or

(ii) affect any right, privilege, obligation or liability acquired, accrued, or incurred under such Order; or

(iii) affect any penalty incurred in respect of any offence committed against such Order; or

(iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced, and any such penalty may be imposed as if this Order had not been made.

*Application of the Order.*

11. This Order shall apply to England and Wales.

*Short Title.*

12. This Order may be cited as the Sale of Diseased Plants Order of 1922.

*Commencement of Order.*

13. This Order shall come into operation on the first day of July, 1922.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this thirty-first day of May, nineteen hundred and twenty-two.



A. D. Hall,

Authorised by the Minister.