1989 No. 154

PLANT HEALTH

Plant Health (Wood and Bark) Order (Northern Ireland) 1989

Made . . . . . *26th April 1989*

Coming into operation . . *20th May 1989*

ARRANGEMENT OF ARTICLES

Article

1. Citation and commencement
2. Interpretation
3. Prohibition on landing of wood, isolated bark, pests etc.
4. Prohibition on keeping etc. of wood, isolated bark, pests etc.
5. Phytosanitary certificates and mill certificates of debarking
6. Re-forwarding phytosanitary certificates
7. Exceptions from requirements of phytosanitary certificates or mill certificates of debarking
8. Official statements in respect of imported wood and isolated bark
9. General provisions concerning certificates
10. Period during which inspections are to be made and certificates issued
11. Exports of wood and isolated bark to Member States
12. Notification of the presence or suspected presence of certain pests
13. Notification of the likely entry into, or presence in, a free zone of wood, isolated bark, pests and genetically manipulated material
14. Actions which may be taken by an inspector
15. Miscellaneous provisions as to notices
16. Examination, sampling and marking
17. Information as to compliance with notices
18. Failure to comply with a notice
19. Persons authorised by an inspector
20. Licences
21. The Customs Act
22. Officers of Customs and Excise
23. Information which may be required
24. Offences
25. Revocation of previous Orders

ARRANGEMENT OF SCHEDULES

Schedule

Schedule 1 — Pests which may not be landed, may not be kept etc. must be notified

Schedule 2 — Isolated bark and used forestry machinery which may not be landed if they originate in certain countries

Schedule 3 — Conditions subject to which wood and isolated bark may be landed unless otherwise prohibited under Article 3

Schedule 4 — Exports to Member States

Schedule 5 — Form of phytosanitary certificate, re-forwarding phytosanitary certificate and mill certificate of debarking

Schedule 6 — Instruments amending Council Directive 77/93/EEC

Schedule 7 — Revocation of Previous Orders

The Department of Agriculture, in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3A(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) and of all powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Wood and Bark) Order (Northern Ireland) 1989 and shall come into operation on 20th May 1989.

Interpretation

2.—(1) In this Order—

"authorised officer" means —

(*a*) in relation to a certificate or a translation or copy of a certificate issued in Northern Ireland, an inspector; and

(*b*) in relation to a certificate or a translation or copy of a certificate issued in a place other than Northern Ireland, a representative of the Plant Protection Service of the country in which such certificate, translation or copy is issued;

"Customs Act" means the Customs and Excise Management Act 1979(**g**);

"Directive 77/93/EEC" means Council Directive of 21st December 1976 on protective measures against the introduction into Member States of organisms harmful to plants or plant products(**h**) as amended by the instruments listed in Schedule 6;

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art, 3 and Sch. 2
(**c**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**d**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**f**) 1967 c. 28 (N.I.)
(**g**) 1979 c. 2
(**h**) O.J. No. L26, 31.1.77, p. 20 as corrected by the Corrigenda published in O.J. No. L130/32, 29.5.79

"dunnage" means loose wood used as a support for cargo;

"Euro-Mediterranean area" means the geographical area comprising Europe, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Libya, Malta, Morocco, Syria, Tunisia and Turkey;

"Europe" includes the Canary Islands but does not include Cyprus, Turkey or the following regions of the Union of Soviet Socialist Republics namely Kazakh, Kirghiz, Tadzhik, Turkmen and Uzbek Soviet Socialist Republics and the following regions of the Russian Soviet Federal Socialist Republic, namely the Buryat, Yakut and Tuva Autonomous Soviet Socialist Republics, the Altai, Khabarovsk, Krasnoyarsk and Maritime Krais and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts;

"genetically manipulated material" means material derived from any activity which has involved genetic manipulation and which has resulted or, in the opinion of the Department, is likely to result in the production of a pest, or any activity which has involved genetic manipulation of a pest and includes any material which contains a pest which has been genetically manipulated;

"genetic manipulation" means the formation of new combinations of heritable material by the insertion of nucleic acid molecules, produced by whatever means outside the cell, into any virus, bacterial plasmid or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

"importer" in relation to any wood, isolated bark, pest, genetically manipulated material or used forestry machinery includes:—

(*a*) any person who, (whether as owner, consignor, consignee, agent, broker or otherwise), is in possession of or in any way entitled to the custody or control of the wood, isolated bark, pest, genetically manipulated material or used forestry machinery; and

(*b*) any person by whose action the wood, isolated bark, pest, genetically manipulated material or used forestry machinery is likely to be or has been landed;

"inspector" means an officer of the Department authorised in writing by the Department for the purposes of this Order;

"isolated bark" means bark which has been removed or become detached from a living, felled or fallen tree or from any part of such tree;

"landed" means brought into Northern Ireland by any means whatsoever;

"log" means the trunk of any felled or fallen tree which has been trimmed or any length of such trunk which has been trimmed, or any branch, or any length of such branch, which has been trimmed, severed from a living or felled or fallen tree;

"Member State" means a Member State of the European Community other than the United Kingdom and does not include the Isle of Man, the Channel Islands, the French overseas departments, the Canary Islands, Ceuta or Melilla;

"mill certificate of debarking" means a certificate duly completed by a representative of a supplier of wood for export (including a wood shipping agent), being a supplier authorised by the Plant Protection Service of the exporting country, under arrangements approved by the Department, completed substantially in the form set out in Part III of Schedule 5 or the equivalent written in a language other than English;

"North America" means the geographical area comprising Canada, Mexico and the United States of America (except the State of Hawaii);

"occupier" means any person in occupation of or in charge of any premises whether he has an estate in the said premises or not;

"official" in relation to any testing or any other procedure required by this Order to be carried out in respect of any wood or isolated bark, means carried out by or under the supervision of the Plant Protection Service of the country in which the testing or other procedure is carried out;

"official statement" means a statement by an authorised officer made on a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"pest" means a pathogen or a living organism (other than a vertebrate animal) in any stage of its existence which is injurious to any tree or the wood thereof including a culture of such organism or pathogen and includes any containers which have been in contact with such pest or culture;

"phytosanitary certificate" means a certificate duly completed either in the form set out in Part I of Schedule 5 or an equivalent text in a language other than English;

"premises" includes any land, building (other than a private dwelling house), vehicle, vessel, aircraft, hovercraft or freight container;

"re-forwarding phytosanitary certificate" means a certificate duly completed either in the form set out in Part II of Schedule 5 or an equivalent text in a language other than English;

"third country" means a country or territory other than a Member State, the United Kingdom, the Isle of Man or the Channel Islands; and

"wood" means any log, sawn wood and any dunnage, pallet, spacer, container or other packing material consisting of wood, which retains some or all of its bark or any part of the rounded surface of the tissues immediately below the bark and shall also include wood chips, particles, sawdust, wood waste or scrap.

(2) Any reference in this Order to a particular pest shall be construed as a reference to that pest in any stage of its existence.

(3) Any reference in this Order to a Member State, third country, Great Britain, the Isle of Man or the Channel Islands, includes a reference to a state, province or region within that Member State, third country, Great Britain, the Isle of Man or the Channel Islands.

Prohibition on landing of wood, isolated bark, pests etc.

3. The landing of the following is prohibited, namely—

(*a*) any pest listed in Schedule 1;

(*b*) any wood, isolated bark or used forestry machinery carrying or infected with a pest listed in Schedule 1;

(*c*) any isolated bark or used forestry machinery listed in column (1) of Schedule 2 which originates in a country specified opposite thereto in column (2) of that Schedule;

(*d*) any wood or isolated bark listed in column (1) of Schedule 3 if any of the conditions specified opposite thereto in column (2) of that Schedule are not complied with;

(*e*) any genetically manipulated material; or

(*f*) any pest not associated with a consignment of wood, isolated bark or used forestry machinery (except insofar as wood or isolated bark are necessary to land or sustain the life of such pest) being a pest which is not normally present in Northern Ireland and which is injurious to wood in Northern Ireland.

Prohibition on keeping etc. of wood, isolated bark, pests etc.

4.—(1) Subject to the provisions of this Order a person shall not in Northern Ireland:—

(*a*) knowingly keep, sell, release, deliver or otherwise dispose of, or knowingly cause or permit to be kept, sold, released, delivered or otherwise disposed of:—

(i) any pest listed in Schedule 1;

(ii) any wood, isolated bark or used forestry machinery carrying or infected with a pest listed in Schedule 1;

(iii) any wood, isolated bark or used forestry machinery landed in contravention of Article 3(*c*) or (*d*);

(iv) any genetically manipulated material; or

(v) any pest not associated with wood, isolated bark or used forestry machinery (except insofar as wood or isolated bark are necessary to sustain the life of such pest) being a pest which is not normally present in Northern Ireland and which is injurious to wood in Northern Ireland; or

(*b*) engage in any activity which involves genetic manipulation of a pest or engage in any activity which to his knowledge involves genetically manipulated material.

(2) Nothing in paragraph (1)(*a*) shall prohibit a person from destroying or delivering to an inspector any such wood, isolated bark, pest, genetically manipulated material or used forestry machinery as is referred to in that paragraph.

Phytosanitary certificates and mill certificates of debarking

5.—(1) Subject to paragraphs (2) and (3), where by virtue of Article 3(*d*) the landing of any wood or isolated bark is prohibited unless that wood or isolated bark is accompanied by a phytosanitary certificate or mill certificate of debarking, that certificate shall have been issued in the country in which such wood or isolated bark was grown.

(2) A phytosanitary certificate or mill certificate of debarking which relates to wood or isolated bark which are directly consigned to Northern Ireland from a Member State and are listed in column (1) of Schedule 3 shall have been issued:—

(*a*) in the Member State from which they were so consigned, or

(*b*) where the wood or isolated bark to which it relates had been consigned from any other country before being consigned from that Member State to Northern Ireland, in that Member State or in one of the countries from which it had previously been consigned.

(3) Where any wood or isolated bark following its export from Northern Ireland, is re-imported into Northern Ireland, the phytosanitary certificate shall have been issued in the country from which the wood or isolated bark was directly consigned to Northern Ireland.

Re-forwarding phytosanitary certificates

6. Where, after a phytosanitary certificate has been issued, the consignment to which that certificate relates has been stored, repacked or split up in a country other than that in which the certificate was issued that certificate shall on landing be accompanied by a re-forwarding phytosanitary certificate issued in that other country.

Exceptions from requirements of phytosanitary certificates or mill certificates of debarking

7. The requirements of Article 3(*d*) in respect of the provision of phytosanitary certificates or mill certificates of debarking shall not apply to any pieces of wood or isolated bark which do not show any signs of being infected by a pest and which—

(*a*) are landed in the baggage of a passenger or other traveller;

(*b*) are not intended for use in the course of a trade or business;

(*c*) have been grown in the Euro-Mediterranean area;

(*d*) do not exceed 5 in number; and

(*e*) in the case of wood, are without bark.

Official statements in respect of imported wood and isolated bark

8. Any official statement required to be made in accordance with column (2) of Schedule 3 in respect of any wood or isolated bark shall be deemed to have been made by the issue in accordance with this Order of a phytosanitary certificate to accompany that wood or isolated bark.

General provisions concerning certificates

9.—(1) Where a phytosanitary certificate, a re-forwarding phytosanitary certificate or mill certificate of debarking is issued in a third country, in a language other than English, such certificate shall incorporate or be accompanied by a translation into the English language of the text thereof and if such translation is in a document separate from such certificate, shall, except in the case of a mill certificate, be completed and signed by an authorised officer.

(2) Subject to paragraph (3), where a consignment of wood or isolated bark has been consigned between two or more countries before it is consigned to Northern Ireland it may, in place of any certificate required by this Order, be accompanied by a copy of such certificate issued in the country from which such consignment has been directly consigned to Northern Ireland provided that, in the case of a phytosanitary certificate or a re-forwarding phytosanitary certificate, such copy certificate is certified either as a true copy of the original or as a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(3) Paragraph (2) shall not apply in the case of a re-forwarding phytosanitary certificate issued in the country from which the consignment which it accompanies was directly consigned to Northern Ireland.

(4) A phytosanitary certificate or a re-forwarding phytosanitary certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority, shall not be deemed to be a valid phytosanitary certificate or a valid re-forwarding phytosanitary certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary certificates or re-forwarding phytosanitary certificates to accord with the requirements of this Order.

(5) Except in the case of a consignment landed by post, where a consignment is consigned from:—

(*a*) a country other than Great Britain, the Isle of Man or the Channel Islands, any phytosanitary certificate, re-forwarding phytosanitary certificate or mill certificate of debarking which is required by this Order to accompany it shall immediately on landing be submitted to the proper officer at the same time as and together with the entry relating to that consignment;

(*b*) Great Britain, the Isle of Man or the Channel Islands, any phytosanitary certificate, re-forwarding phytosanitary certificate or mill certificate of debarking which is required by this Order to accompany it shall immediately on landing be submitted to an inspector at the point of landing.

(6) In the case of a consignment landed by post any phytosanitary certificate, re-forwarding phytosanitary certificate or mill certificate of debarking shall be affixed to the outside of the package comprising the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to the outside of one of the packages and copies thereof affixed to the outside of each of the remaining packages.

(7) Each phytosanitary certificate, re-forwarding phytosanitary certificate or mill certificate of debarking produced—

(*a*) when wood or isolated bark are landed from a country other than Great Britain, the Isle of Man or the Channel Islands shall be stamped or otherwise endorsed by an officer of Customs and Excise showing the date on which the consignment is cleared from Customs charge; and

(*b*) in any other case shall be stamped or otherwise endorsed by an inspector showing the date on which the consignment is cleared from the point of landing.

(8) In this Article "proper officer" has the same meaning as in the Customs Act and "entry" shall be construed as a reference to the entry, delivery of which is to be made in accordance with the provisions of the Customs Act.

Period during which inspections are to be made and certificates issued

10.—(1) An inspection (other than an inspection for the purpose of complying with the requirements in column (2) of Schedule 3) carried out for the purposes of issuing a phytosanitary certificate or a re-forwarding phytosanitary certificate shall be carried out not more than 14 days before the date of despatch of the consignment to which the inspection relates.

(2) A phytosanitary certificate or a re-forwarding phytosanitary certificate shall not be valid for the purposes of this Order unless it has been completed and signed by an authorised officer not more than 14 days before the date of despatch of the consignment which it is to accompany and after the carrying out of any inspection referred to in paragraph (1) which relates to that consignment.

Exports of wood and isolated bark to Member States

11.—(1) Subject to paragraph (6) a person shall not export from Northern Ireland to a Member State wood or isolated bark, which is listed in Part I of Schedule 4 unless such wood or isolated bark is accompanied by:—

(*a*) a phytosanitary certificate issued by the Department or an inspector; or

(*b*) in the case of wood or isolated bark to which this sub-paragraph applies (and without prejudice to paragraph (4)) a re-forwarding phytosanitary certificate issued by the Department or an inspector.

(2) A phytosanitary certificate shall not be issued for the purposes of paragraph (1)(*a*) unless the entire consignment or a representative sample taken from it or its packaging and, where necessary, the vehicle in which it is carried have been examined by an inspector so as to ensure that the consignment complies with such requirements of the Member State concerned as are adopted in accordance with the provisions of Council Directive 77/93/EEC.

(3) Paragraph (1)(*b*) applies to a consignment which is imported from a Member State or a third country, is to be re-exported to a Member State and, when imported, was accompanied by a phytosanitary certificate.

(4) A person shall not export from Northern Ireland any wood or isolated bark which—

(*a*) is listed in column (1) of Part II of Schedule 4, and

(*b*) originated in another Member State or a third country,

to a Member State listed in column (2) of Part II of that Schedule, unless such consignment is accompanied by a phytosanitary certificate issued in the country of origin or by a certified copy of that certificate.

(5) An application for a phytosanitary certificate or a re-forwarding phytosanitary certificate shall be made to the Department or an inspector in such form and manner and shall be accompanied by such information as they may require.

(6) The requirements of paragraph (1) shall not apply to the export from Northern Ireland of:—

(*a*) wood of *Coniferae* which has been kiln-dried in accordance with the conditions laid down in column (2) of Schedule 3 provided it is accompanied by a declaration in the form laid down in that Schedule; or

(*b*) any consignment of wood or isolated bark which is imported from a Member State or a third country and re-exported to a Member State without being stored, repacked or split up in Northern Ireland.

Notification of the presence or suspected presence of certain pests

12.—(1) An owner or occupier of any premises who knows or suspects that any pest to which this Article applies or any genetically manipulated material is present on the premises, or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such pest or genetically manipulated material on any premises, shall immediately give notice to the Department or an inspector of that presence or suspected presence and shall as soon as is reasonably practicable after giving such notice confirm it in writing.

(2) This Article applies to any pest—

(*a*) which is listed in Schedule 1;

(*b*) which is mentioned in column (2) of Schedule 3; or

(*c*) which is not normally present in Northern Ireland and which is injurious to wood in Northern Ireland.

Notification of the likely entry into, or presence in, a free zone of wood, isolated bark, pests and genetically manipulated material

13.—(1) Any person who knows or suspects that anything to which this Article applies is likely to enter, or is present in, a free zone for which he is the responsible authority, shall immediately give notice of that fact to the Department or an inspector and shall as soon as is reasonably practicable after giving such notice confirm it in writing.

(2) This Article applies to any—

(*a*) wood and isolated bark;

(*b*) pests;

(*c*) genetically manipulated material; or

(*d*) used forestry machinery;

which have been, or are likely to be, landed in Northern Ireland and have not been cleared from Customs charge or the point of landing, as the case may be.

(3) In this Article "the responsible authority" and "free zone" have the same meaning as in the Customs Act(**a**).

(**a**) *See* section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), Section 8 and Sch. 4, Part I

Actions which may be taken by an inspector

14.—(1) If it appears to an inspector that any wood, isolated bark, pest, genetically manipulated material or used forestry machinery has been or is likely to be landed in Northern Ireland in contravention of the provisions of this Order he may by notice in writing served on the importer:—

(*a*) prohibit that landing;

(*b*) specify the manner in which the landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;

(*c*) require that the wood, isolated bark, pest, genetically manipulated material or used forestry machinery be treated, re-exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;

(*d*) prohibit the removal of the wood, isolated bark, pest, genetically manipulated material or used forestry machinery from the premises specified in the notice;

(*e*) require the removal of the wood, isolated bark, pest, genetically manipulated material or used forestry machinery to premises specified in the notice in such manner and within such reasonable time as may be so specified; or

(*f*) require the taking of such other steps as may be specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any pest or genetically manipulated material in such manner and within such reasonable time as may be specified in the notice.

(2) If an inspector has reasonable grounds for suspecting that there is present or is likely to be present on any premises:—

(*a*) any pest listed in Schedule 1;

(*b*) any pest which is mentioned in column (2) of Schedule 3;

(*c*) any pest which is not normally present in Northern Ireland and which in the opinion of an inspector is in imminent danger of spreading or being spread in Northern Ireland;

(*d*) any wood, isolated bark or used forestry machinery which is carrying or infected with, or which may be carrying or infected with, any pest referred to in sub-paragraphs (*a*), (*b*) or (*c*); or

(*e*) any genetically manipulated material,

he may by notice in writing served on the owner or occupier of the premises or the owner or person in charge of any of the things referred to in sub-paragraphs (*a*) to (*e*):—

(i) require any of those things so referred to, to be treated, destroyed, or otherwise disposed of in such manner and within such reasonable time as may be specified in such notice;

(ii) prohibit the removal of those things from premises specified in the notice or impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any pest or genetically manipulated material;

(iii) require the removal of those things to premises specified in the notice in such manner and within such reasonable time as may be so specified; or

(iv) require the taking of such other steps, as may be specified in the notice, as appear to the inspector to be necessary to prevent the spread of any pest or genetically manipulated material in such manner and within such reasonable time as may be specified in such notice.

(3) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of any pest or genetically manipulated material from the premises mentioned in paragraph (2) he may by notice in writing served on the owner or occupier of any other premises impose such prohibitions and require the taking of such reasonable steps, as may be specified in the notice, as appear to him to be necessary for that purpose in such manner and within such reasonable time as may be specified in such notice.

(4) Any notice served under paragraph (2) may define by reference to a map or plan or otherwise the extent of the premises declared in the notice to be infected, as the case may be.

Miscellaneous provisions as to notices

15.—(1) A notice served under paragraph (1) or (2) of Article 14 may specify one or more requirements or alternative requirements.

(2) Any treatment, re-exportation, destruction or disposal required by a notice served under Article 14 shall be carried out to the satisfaction of an inspector by the person upon whom the notice is served, from or at a place designated by an inspector and, except with the authority in writing of the Department or an inspector, none of the wood, isolated bark, pests, genetically manipulated material or used forestry machinery shall be moved otherwise than direct to such place.

(3) A notice served under this Order may be amended or withdrawn by the Department or an inspector by a further notice in writing served on the person on whom the first notice was served or on the owner or occupier of the premises in respect of which the further notice is intended to be served. The amendment or withdrawal of a notice may be subject to such conditions, if any, as the Department or an inspector considers expedient to impose for the purpose of preventing re-contamination with the pest to which the original notice relates or to prevent the spread of that pest.

Examination, sampling and marking

16. An inspector, on production if so required of his authority, may:—

(*a*) at all reasonable times for the purpose of ascertaining whether any pest listed in Schedule 1 or mentioned in column (2) of Schedule 3 or a pest which is not normally present in Northern Ireland and which is injurious to wood in Northern Ireland, exists on any premises, or for any other purpose of this Order:

(i) enter at all reasonable times and examine any part of the premises and any objects on the premises; and

(ii) examine and take samples of any wood, isolated bark, pest, genetically manipulated material or used forestry machinery or anything which has been or may have been in contact therewith;

(*b*) for the purposes of the examination and sampling referred to in sub-paragraph (*a*):—

(i) open or authorise any person to open on his behalf or require the importer or the person in charge to open in such manner as the inspector may require, any such container, bundle or other package comprising any wood, isolated bark, pest or genetically manipulated material or anything which has been or may have been in contact therewith;

(ii) mark or authorise any person on his behalf to mark any part of the premises, any objects on the premises or any wood, isolated bark, pest or genetically manipulated material or anything which has been or may have been in contact therewith; and

(iii) prohibit either entirely or to such extent as he may indicate in writing the movement of any wood, isolated bark, pest, genetically manipulated material or used forestry machinery or anything which has been or may have been in contact therewith and by means of which, in his opinion, a pest may spread.

Information as to compliance with notices

17.—(1) The person on whom a notice has been served under this Order shall, if so required by an inspector, immediately inform the inspector in writing whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken so as to comply with those requirements.

(2) Information furnished under paragraph (1) shall not be used as evidence against the person furnishing such information in any prosecution under this Order except in respect of an alleged failure to comply with paragraph (1).

Failure to comply with a notice

18.—(1) If any person fails to comply with the requirements of a notice served under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector or any person authorised by him for the purpose may, on production if so required of his authority at any reasonable time:—

(*a*) enter any premises on which the wood, isolated bark, pest, genetically manipulated material or used forestry machinery to which the notice relates may be present; and

(*b*) take or cause to be taken such steps as appear to the inspector to be necessary either to ensure that the requirements of the notice have been complied with or to remedy the consequences of the failure so to comply.

(2) The cost of the taking of action under paragraph (1) shall be recoverable as a civil debt by the Department from the person upon whom the notice was served.

Persons authorised by an inspector

19.—(1) For the purposes of this Order an inspector entering any premises under Article 16 or 18 may be accompanied by such other persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under those Articles.

(2) An inspector who authorises a person to take action as set out in Article 16 or 18 shall give instructions in writing to that person in sufficient detail as to the steps which appear to the inspector to be necessary for that person to take.

Licences

20. Notwithstanding the provisions of this Order a person may land, keep, sell, release, deliver or otherwise dispose of any wood, isolated bark, pest, genetically manipulated material or used forestry machinery in Northern Ireland, and may do any other thing prohibited by this Order under, and in accordance with the conditions of a licence granted by the Department.

The Customs Act

21. The provisions of this Order are without prejudice to the provisions of the Customs Act imposing penalties or liability to forfeiture.

Officers of Customs and Excise

22.—(1) An inspector may, either orally or in writing, request an officer of Customs and Excise to prohibit the removal from its place of landing of any wood, isolated bark, pest, genetically manipulated material or used forestry machinery which has not been cleared from Customs charge until it has been examined by an inspector and such request may identify the wood, isolated bark, pest, genetically manipulated material or used forestry machinery in any way. A request under this paragraph which has been made orally shall be confirmed in writing.

(2) Where a request has been made under paragraph (1) the officer of Customs and Excise to whom it is made shall by notice in writing served upon the importer require that until the wood, isolated bark, pest, genetically manipulated material or used forestry machinery has been examined by an inspector it shall not be removed from the place specified in the notice, and he shall at the same time send a copy of such notice to the inspector making the request referred to in paragraph (1).

(3) As soon as practicable after receipt of the copy of such notice an inspector shall examine such wood, isolated bark, pest, genetically manipulated material or used forestry machinery and shall in writing inform the officer of Customs and Excise of the terms of any notice served under this Order and of any action taken by the inspector in accordance with the provisions of this Order.

(4) Where a notice is served under paragraph (2) prohibiting the removal of any wood, isolated bark, pest, genetically manipulated material or used forestry machinery, a person shall not remove anything to which the notice relates except with the written consent of either an officer of Customs and Excise or an inspector.

Information which may be required

23.—(1) Any person who:—

(*a*) has or has had in his possession or under his charge or whom the Department or an inspector has reasonable cause to believe has or has had in his possession or under his charge:—

(i) any pest listed in Schedule 1;

(ii) any pest which is mentioned in column (2) of Schedule 3;

(iii) any pest which is not normally present in Northern Ireland and which is injurious to wood in Northern Ireland;

(iv) any wood, isolated bark or used forestry machinery carrying or infected with a pest mentioned in heads (i), (ii) or (iii);

(v) any genetically manipulated material; or

(vi) any wood, isolated bark or used forestry machinery which the Department or an inspector knows to have been landed in or exported from Northern Ireland or has reasonable cause to believe has been landed in or exported from Northern Ireland; or

(*b*) as auctioneer, salesman or otherwise, has sold or offered for sale or otherwise disposed of any of the things mentioned in sub-paragraph (*a*), shall

if so required by notice in writing from the Department or an inspector furnish to the Department or an inspector within such reasonable time as may be specified in that notice such information as he may possess as to any person who has or has had, or is likely to have or to have had, any such wood, isolated bark, pest, genetically manipulated material or used forestry machinery in his possession, custody, or under his charge, and shall produce for examination by the inspector any licences, declarations, certificates, records, invoices or other documents relating to such things.

(2) Information furnished under paragraph (1) shall not be used as evidence against the person giving the information in any prosecution under this Order except in respect of an alleged failure to comply with the said paragraph.

Offences

24.—(1) Subject to paragraph (3) a person shall be guilty of an offence if he:

(*a*) contravenes a provision of this Order or a provision or condition of any notice served under or a licence granted in accordance with the provisions of this Order;

(*b*) for the purpose of obtaining a licence under Article 20 or a phytosanitary certificate or a re-forwarding phytosanitary certificate—

(i) knowingly or recklessly makes a false statement, or

(ii) intentionally fails to disclose any material particular; or

(*c*) intentionally obstructs or impedes in the exercise of his powers under this Order an inspector or a person authorised by an inspector.

(2) An offence under paragraph (1) shall be punishable on summary conviction by a fine not exceeding £2,000(a).

(3) Paragraph (1) shall not apply to the landing in Northern Ireland of an article of any description the landing of which is prohibited by this Order and in respect of which a penalty may be imposed under the Customs Act.

Revocation of previous Orders

25. The Orders specified in Schedule 7 are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 26th April 1989.

(L.S.) *W. J. Wright*
Assistant Secretary

(a) S.R. 1984 No. 253 Art. 2

SCHEDULE 1

Articles 3, 4, 12, 14, 16 and 23

Pests which:

(1) May not be landed
(2) May not be kept etc.
(3) Must be notified

PART I

LIVE ORGANISMS OF THE ANIMAL KINGDOM AT ALL STAGES OF THEIR DEVELOPMENT

1. *Arrhenodes minutus* (Drury), the Oak Timberworm.
2. *Bursaphelenchus xylophilus* (Steier and Buhrer) Nickle, the Pine Wood Nematode.
3. *Hylurgopinus rufipes* (Eichhoff), the American Dark Elm Bark Beetle.
4. *Hyphantria cunea* (Drury), the Fall Webworm.
5. *Pissodes* spp. (non-European), the Non-European Pine Weevil.
6. *Pseudopityophthorus minutissimus* (Zimmerman) and *Pseudopityophthorus pruinosus* (Eichhoff), Oak Bark Beetles.
7. *Scaphoideus luteolus* Van Duzee, the White-Banded Elm Leaf Hopper.
8. *Scolytidae* (Bark Beetles) of Conifers (*Coniferae*) (non-European).

PART II

BACTERIA

Xanthomonas populi (Ridé) Ridé and Ridé, (*Aplanobacter populi* Ridé), the cause of Bacterial Canker of Poplar.

PART III

CRYPTOGAMIA

1. *Atropellis* spp, the cause of North American Canker of Pine.
2. *Ceratocystis coerulescens* (Münch) Bak., (non-European spp.), the cause of Sapstreak of Maple.
3. *Ceratocystis fagacearum* (Bretz) Hunt, the cause of Oak Wilt.
4. *Ceratocystis fimbriata* (Ell. and Harst.) Davidson *f. sp. platani*, Walt., the cause of Canker Stain of Plane.
5. *Cercoseptoria pini-densiflorae* (Hori and Nambu.) Deighton, (*Cercospora pini densiflorae*), the cause of Needle Blight of Pine.
6. *Chrysomyxa arctostaphyli* Diet., the cause of Spruce Witches Broom Rust.
7. *Cronartium* spp. (non-European), the cause of Conifer Rust.
8. *Cronartium quercuum* (Berk.) Miyabe ex Shirai, the cause of Eastern Pine Oak Gall Rust.
9. *Cryphonectria parasitica* (Murrill) Barr. (*Endothia parasitica* (Murrill) Anderson and Anderson), the cause of Sweet Chestnut Blight.
10. *Endocronartium* spp. (non-European), (*Peridermium*), the cause of Conifer Rust.

11. *Guignardia laricina* (Saw.) Yamamoto & K. Ito, the cause of Shoot Blight of Larch.
12. *Inonotus weirii* (Murrill); Kotlaba and Pouzar *(Phellinus weirii* Murr.) (Gilb.) (*Poria weirii* Murr.) (Murr.), the cause of Poria Root Rot.
13. *Melampsora farlowii* (Arthur) Davis, the cause of Hemlock Rust.
14. *Melampsora medusae* Thüm, (M. *albertensis* Arthur), the cause of Conifer-Aspen Rust.
15. *Mycosphaerella populorum* G. E. Thomp. (*Septoria musiva* Peck), the cause of Septoria Canker of Poplar.
16. *Ophiostoma roboris* G. Georgescu and I. Teodoru, associated with Vascular Mycosis of Oak.
17. *Scirrhia acicola* (Dearn) Siggers, the cause of Brown Spot Needle Blight of Pine.
18. *Scirrhia pini* Funk and Parker (*Dothistroma pini* Hulbary), the cause of Needle Blight of Pine.

Part IV

Viruses and mycoplasmas

Elm Phloem Necrosis.

Part V

Phanerogams

Arceuthobium spp. (non-European), the Dwarf Mistletoes.

Isolated bark and used forestry machinery which may not be landed if they originate in certain countries

Description (1)	*Country of Origin* (2)
1. Isolated bark of *Acer saccharum*.	United States of America.
2. Isolated bark of *Castanea*.	All countries.
3. Isolated bark of conifers (*Coniferae*).	All countries.
4. Isolated bark of *Populus*.	Any country of the American continent.
5. Isolated bark of *Quercus* (other than *Quercus suber*).	North America, Romania or the Union of Soviet Socialist Republics.
6. Used forestry machinery which has not been cleaned immediately prior to despatch so as to remove all particles of soil and other debris.	All countries.

Conditions subject to which wood and isolated bark may be landed unless otherwise prohibited under Article 3

Description of Article and Origin (1)	*Conditions subject to which landing is permitted* (2)
1. Wood of *Acer saccharum* (other than wood described in column (1) of item 10) originating in the United States of America.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) The wood shall have undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved at the time of manufacture, through an appropriate time/temperature schedule, and there shall be evidence accordingly by a mark "Kiln-dried", "K.D." or another internationally recognised mark put on the wood or on its packaging in accordance with current commercial usage.
2. Wood of *Castanea* and *Quercus* (other than wood described in column (1) of item 10) originating in a country other than North America, Romania or the Union of Soviet Socialist Republics.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) The wood shall have— (*a*) been stripped of its bark; or (*b*) undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2); or (*c*) an official statement shall have been made that the wood shall have been grown in regions officially observed to be free of *Cryphonectria* (*Endothia*) *parasitica*.
3. Wood of *Castanea* and *Quercus* (other than wood described in column (1) of item 10) originating in Romania or the Union of Soviet Socialist Republics.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) (*a*) The wood shall have undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2); or (*b*) it shall have been stripped of its bark and in addition one of the following conditions shall have been fulfilled:—

Description of Article and Origin (1)	*Conditions subject to which landing is permitted* (2)
	(i) the wood shall have been disinfected by hot air or hot water treatment namely; exposed to hot air at a minimum temperature of 43°C for 48 hours or a minimum of 54°C for 24 hours or immersed in hot water at a minimum temperature of 43°C for 48 hours or a minimum of 49°C for 12 hours, and such treatment shall be declared on the phytosanitary certificate; or (ii) the wood shall have been squared absolutely so as to remove all of the natural rounded surface; or (*c*) an official statement shall have been made that the wood shall have been grown in regions officially observed to be free of *Ophiostoma roboris* and *Cryphonectria* (*Endothia*) *parasitica*.
4. Wood of *Castanea* and *Quercus* (other than wood described in column (1) of item 10) originating in North America, including wood which has not kept its natural round surface.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) (*a*) The wood shall have been stripped of its bark and in addition one of the following conditions shall have been fulfilled:— (i) the wood shall have been squared absolutely so as to remove all of the natural rounded surface; or (ii) the wood shall have been disinfected by hot air or hot water treatment as specified in column (2) of item 3(2)(*b*)(i); or (*b*) in the case of sawn wood, with or without residual bark, the wood shall have undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2).

Description of Article and Origin (1)	*Conditions subject to which landing is permitted* (2)
5. Wood of Conifers (*Coniferae*) (other than wood described in column (1) of item 10).	(1) The consignment shall be accompanied by— (*a*) a phytosanitary certificate; or (*b*) in the case of wood which has been stripped of its bark, a mill certificate of debarking; or (*c*) in the case of kiln-dried wood a declaration that such wood is treated as required by the conditions specified in column (2) of item 1(2), such declaration to be made on accompanying commercial invoices or shipping documents. (2) The wood shall have— (*a*) been stripped of its bark; or (*b*) undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2). (3) In the case of wood chips or particles of wood, an official statement shall have been made that the product has been produced exclusively from:— (*a*) wood from which all of the bark has been removed; or (*b*) wood which has undergone kiln-drying treatment in accordance with the conditions specified in column (2) of item 1(2) and is shipped in sealed containers or in such a way as to prevent any re-infestation. (4) The wood shall be free from— (*a*) *Dendroctonus micans* (Kugelann), the Great Spruce Bark Beetle, (*b*) *Ips amitinus* (Eichhoff), the Smaller Eight-Toothed Spruce Bark Beetle, (*c*) *Ips cembrae* (Heer), the Larch Bark Beetle, (*d*) *Ips duplicatus* (Sahlberg), the Northern Spruce Bark Beetle, (*e*) *Ips sexdentatus* (Boerner), the Six-Toothed Pine Beetle,

Description of Article and Origin (1)	*Conditions subject to which landing is permitted* (2)
	(*f*) *Ips typographus* (Heer), the Larger Eight-Toothed Bark Beetle, and (*g*) *Pissodes* spp. (European), the European Pine Weevil.
6. Wood of *Platanus* (other than wood described in column (1) of item 10) originating in countries other than the United States of America where *Ceratocystis fimbriata f.sp. platani* is known to occur.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) (*a*) The wood shall have undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2); or (*b*) an official statement shall have been made that the wood shall have been grown in regions officially observed to be free of *Ceratocystis fimbriata f.sp. platani*.
7. Wood of *Platanus* (other than wood described in column (1) of item 10) originating in the United States of America.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) The wood shall have undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2).
8. Wood of *Populus* (other than wood described in column (1) of item 10) originating in any country of the American continent.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) The wood shall have been stripped of its bark.
9. Isolated bark of *Quercus* (other than *Quercus suber*), originating in a country other than in North America, Romania or the Union of Soviet Socialist Republics.	(1) The consignment shall be accompanied by a phytosanitary certificate. (2) An official statement shall have been made that the bark shall have been derived from wood grown in regions officially observed to be free of *Cryphonectria (Endothia) parasitica*.
10. Wood comprising dunnage, pallets (other than those which satisfy the standard set for "UIC — Pallets" and are marked accordingly) or packing material of the following genera or species—	(1) The wood shall have— (*a*) undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2); or

Description of Article and Origin (1)	*Conditions subject to which landing is permitted* (2)
Coniferae, *Acer saccharum* originating in the United States of America, *Castanea*, *Populus* originating in any country of the American continent, *Platanus*, *Quercus*.	(*b*) for wood of *Coniferae* only— (i) the wood shall have been stripped of its bark; or (ii) the wood shall have been adequately impregnated with an effective wood preservative permitted in the European Community; or (*c*) for wood of *Populus* only, the wood shall have been stripped of its bark.

SCHEDULE 4 Article 11

Exports to Member States

PART I

Wood and isolated bark to be accompanied by a Phytosanitary Certificate or a re-forwarding Phytosanitary Certificate issued in Northern Ireland when exported or re-exported to a Member State

Description of wood and isolated bark

1. Wood of the following genera or species—
   (*a*) *Castanea*;
   (*b*) *Quercus*;
   (*c*) *Coniferae* originating in a country or part of a country not in Europe except where the wood has been kiln-dried as specified in column (2) of item 1(3)(*b*) of Schedule 3;
   (*d*) *Populus* originating in any country of the American continent;
   (*e*) *Acer saccharum* originating in the United States of America.

2. Isolated bark of *Quercus* (other than *Quercus suber*), originating in a country other than in North America, Romania or the Union of Soviet Socialist Republics.

PART II

Wood and isolated bark to be accompanied by a Phytosanitary Certificate from the country of origin before being exported from Northern Ireland to certain Member States

Description of wood and isolated bark (1)	*Member State* (2)
1. Wood of *Acer saccharum* originating in the United States of America.	All Member States
2. Wood of *Castanea* and *Quercus*.	All Member States
3. Wood of conifers (*Coniferae*) originating in a country or part of a country in Europe.	Ireland
4. Wood of *Eucalyptus*.	Greece, Spain, France, Italy and Portugal
5. Wood of *Platanus* originating in the United States of America and other countries where *Ceratocystis fimbriata f.sp. platani* is known to occur.	All Member States
6. Wood of *Populus* originating in any country of the American continent.	All Member States
7. Isolated bark of *Quercus* (other than *Quercus suber*), originating in a country other than in North America, Romania or the Union of Soviet Socialist Republics.	All Member States

SCHEDULE 5 Article 2(1)

PART I

Form of Phytosanitary Certificate

1. Name and Address of exporter	2. PHYTOSANITARY CERTIFICATE No. EEC/ /
3. Declared name and address of consignee	4. Plant Protection Organisation of to Plant Protection Organisation(s) of
	5. Place of origin (Grown at)
6. Declared means of conveyance	
7. Declared point of entry	

8. Distinguishing marks: number and description of packages; name of produce; botanical name	9. Quantity declared

10. THIS IS TO CERTIFY that the wood etc. above:

— has been inspected according to appropriate procedures, and
— is considered to be free from quarantine pests and practically free from other injurious pests, and
— is considered to conform with the current phytosanitary regulations of the importing country.

11. Additional declaration

DISINFESTATION AND/OR DISINFECTION TREATMENT

<table>
<tr><td colspan="2">12. Treatment</td><td rowspan="4">Place of Issue

Date

Name and signature of authorised officer

Stamp of Organisation</td></tr>
<tr><td>13. Chemical (active ingredient)</td><td rowspan="2">14. Duration & temperature</td></tr>
<tr><td>15. Concentration</td></tr>
<tr><td>17. Additional information</td><td>16. Date</td></tr>
</table>

NOTE: The certificate shall be completed in typescript or in block capitals.

SCHEDULE 5

PART II

Form of Re-Forwarding Phytosanitary certificate

<table>
<tr><td>1. Name and Address of exporter</td><td colspan="2">2. RE-FORWARDING PHYTOSANITARY CERTIFICATE

No. EEC/ /</td></tr>
<tr><td rowspan="2">3. Declared name and address of consignee</td><td colspan="2">4. Plant Protection Organisation of
to Plant Protection Organisation(s) of</td></tr>
<tr><td colspan="2">5. Place of origin (Grown at)</td></tr>
<tr><td>6. Declared means of conveyance</td><td colspan="2" rowspan="2"></td></tr>
<tr><td>7. Declared point of entry</td></tr>
<tr><td colspan="2">8. Distinguishing marks: number and description of packages; name of produce; botanical name</td><td>9. Quantity declared</td></tr>
</table>

10. THIS IS TO CERTIFY

— that the wood etc. described above were imported into (country of re-export) from (country of origin) covered by Phytosanitary Certificate No.

(*) ☐ original ☐ certified true copy of which is attached to this certificate,

— that it is

(*) ☐ packed ☐ repacked in ☐ original ☐ new containers,

— that based on the

(*) ☐ original Phytosanitary Certificate and ☐ additional inspection, it is considered to conform with the current phytosanitary regulations of the importing country, and

— that during storage in (country of re-export) the consignment has not been subjected to the risk of infestation or infection.

(*) Insert tick in appropriate boxes.

11. Additional declaration

DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of Issue
12. Treatment		Date
13. Chemical (active ingredient)	14. Duration & temperature	Name and signature of authorised officer / Stamp of Organisation
15. Concentration		
17. Additional information	16. Date	

NOTE: The Certificate shall be completed in typescript or in block capitals.

SCHEDULE 5

PART III

Form of Mill Certificate of Debarking

MILL CERTIFICATE	
MILL Name and address or Mill Identity number	
Exporter (name and address)	Reference No.
Consignee (name and address)	PLANT PROTECTION SERVICE
Transport details Vessel Port of Loading Port of discharge	In case of aggregated consignments Attached Invoice No. Originating Mill Certificate Nos.
Marks & Nos. Lot/Bundle No.	Number and kind of packages, description of goods Wood species/grade — Volume m^3
All other details as per attached copy of invoice	
Other information Contract/Order No. (as appropriate)	
This wood has been examined by our graders or other authorised person and found to have been stripped of its bark to conform with the bark removal requirements of the importing country based on the provisions of the EEC Plant Health Directive 77/93. This document has been issued under the programme officially approved by the Plant Protection Service, and the products covered by this document are subject to occasional preshipment inspection by that agency without liability to it or its officers.	Place and date of issue Authorised person and signature Graders Ref. No. (where appropriate)

NOTE: The certificate shall be completed in typescript or in block capitals.

SCHEDULE 6 Article 2(1)

Instruments amending Council Directive 77/93/EEC

Instrument (1)	*Reference* (2)
Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties	O.J. No. L291, 19.11.79, p. 86.
Council Directive 80/392/EEC	O.J. No. L100, 17.4.80, p. 32.
Council Directive 80/393/EEC	O.J. No. L100, 17.4.80, p. 35.
Council Directive 81/7/EEC	O.J. No. L14, 16.1.81, p. 23.
Council Directive 84/378/EEC	O.J. No. L207, 2.8.84, p. 1.
Council Directive 85/173/EEC	O.J. No. L65, 6.3.85, p. 23.
Council Regulation (EEC) No.3768/85	O.J. No. L362, 31.12.85, p. 8.
Council Directive 85/574/EEC	O.J. No. L372, 31.12.85, p. 25.
Commission Directive 86/546/EEC	O.J. No. L323, 18.11.86, p. 16.
Commission Directive 86/547/EEC	O.J. No. L323, 18.11.86, p. 21.
Council Directive 86/651/EEC	O.J. No. L382, 31.12.86, p. 13.
Council Directive 87/298/EEC	O.J. No. L151, 11.6.87, p. 1.
Council Directive 88/271/EEC	O.J. No. L116, 4.5.88, p. 13.
Council Directive 88/430/EEC	O.J. No. L208, 2.8.88, p. 36.
Council Directive 88/572/EEC	O.J. No. L313, 14.11.88, p. 39.

SCHEDULE 7 Article 25

Revocation of Previous Orders

Column 1 *Orders Revoked*	Column 2 *References*
Import and Export (Wood and Bark) (Plant Health) Order (Northern Ireland) 1981	S.R. 1981 No. 37
Import and Export (Wood and Bark) (Plant Health) (Amendment) Order (Northern Ireland) 1986	S.R. 1986 No. 26
Import and Export (Wood and Bark) (Plant Health) (Amendment No. 2) Order (Northern Ireland) 1986	S.R. 1986 No. 295

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Import and Export (Wood and Bark) (Plant Health) Order (Northern Ireland) 1981 and the statutory provisions amending it as detailed in Schedule 7.

The Order implements in Northern Ireland Council Directive 77/93/EEC (as amended by the instruments listed in Schedule 6) on protective measures against the introduction into Member States of the European Community of certain organisms harmful to wood and isolated bark, and contains additional provisions to prevent the spread of certain pests in Northern Ireland.

The Order:—

(*a*) prohibits the landing in Northern Ireland of certain wood, isolated bark, pests, genetically manipulated material and used forestry machinery and specifies conditions subject to which the landing of other specified wood or isolated bark may be permitted (Article 3 and Schedules 1, 2 and 3);

(*b*) prohibits the keeping, sale, release, delivery or other disposal of certain wood, pests etc. and prohibits work involving genetic manipulation of a pest or genetically manipulated material (Article 4 and Schedule 1);

(*c*) contains various provisions concerning phytosanitary certificates, re-forwarding phytosanitary certificates and mill certificates of debarking (Article 2 and Articles 5 to 10);

(*d*) provides that certain wood etc. may be landed without a phytosanitary certificate if it is contained in the baggage of passengers (Article 7);

(*e*) requires that certain wood and isolated bark when exported to a Member State of the European Community is to be accompanied by a phytosanitary certificate or a re-forwarding phytosanitary certificate (Article 11 and Schedule 4);

(*f*) requires notification of the presence of certain wood, pests etc. (Articles 12 and 13 and Schedules 1 and 3);

(*g*) provides powers to enable remedial or precautionary action where wood, pests etc. are or are likely to be either landed in Northern Ireland or present on premises in contravention of the Order (Article 14 and Schedules 1 and 3);

(*h*) provides powers of entry, examination, sampling and marking and powers to take the remedial action where the requirements of notices served under the Order have not been complied with (Articles 16 and 18 and Schedule 1);

(*i*) provides that anything prohibited by the Order may be authorised by licence (Article 20);

(*j*) provides that officers of Customs and Excise may detain wood, isolated bark etc. for examination by an inspector of the Department of Agriculture (Article 22);

(*k*) provides powers to require the disclosure of information from certain persons about certain wood, pests etc. (Article 23 and Schedules 1 and 3); and

(*l*) provides for offences (Article 24).

The principal changes effected by the Order are as follows:—

1. the provisions of the Order as to imports of certain wood and isolated bark etc. apply not only where they are directly consigned to Northern Ireland from a third country but also where they reach Northern Ireland via a Member State of the European Community (Article 3 and Schedules 2 and 3);
2. the use of mill certificates of debarking in place of phytosanitary certificates is permitted where their use has been authorised by the plant health services by both the importing and exporting countries (Articles 2, 5 and 9);
3. pieces of wood and isolated bark (within specified quantities) may be landed in a passenger's baggage without a phytosanitary certificate or a mill certificate of debarking (Article 7);
4. re-exports of certain wood etc. to a Member State of the European Community are now required to be accompanied by the phytosanitary certificate issued in the country of origin as well as a re-forwarding phytosanitary certificate (Article 11 and Schedule 4);
5. the requirement to notify the Department of Agriculture of the presence of certain pests is imposed on persons who become aware of such presence in the course of their duties or business (Article 12 and Schedules 1 and 3);
6. the person responsible for a free zone is required to notify the likely entry into, or presence in, a free zone of imported wood, isolated bark, pests and genetically manipulated material (Article 13);

7. the controls on the movement of elm wood and bark and on certain associated pests are removed.

Any person who—

(*a*) contravenes a provision of this Order (other than in relation to the landing of any article prohibited under the Customs and Excise Management Act 1979) or a provision or a condition of a notice served or a licence granted in accordance with this Order;

(*b*) knowingly or recklessly makes a false statement or intentionally conceals relevant information for the purpose of obtaining a licence or certificate under this Order; or

(*c*) intentionally obstructs or impedes an officer of the Department of Agriculture in the execution of his duty under this Order, or any person authorised by him,

is guilty of an offence and is liable on summary conviction to a fine not exceeding £2,000. This fine is increased from the maximum of £1,000 available under the revoked Orders.

Any person who lands anything in contravention of this Order, with intent to evade the prohibition contained in it, is also guilty of an offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) and may be detained. A person guilty of such an offence is liable on summary conviction to a penalty of £2,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both, or, on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 2 years, or to both.