STATUTORY INSTRUMENTS

1980 No. 449

PLANT HEALTH

The Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980

Made - - - -	28*th March* 1980
Laid before Parliament	9*th April* 1980
Coming into Operation	1*st May* 1980

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The Forestry Commissioners, by virtue and in exercise of the powers vested in them by sections 2 and 3(1), (2) and (4) of the Plant Health Act 1967(**a**), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**b**), and of every other power enabling them in that behalf, hereby make the following Order:—

(**a**) 1967 c. 8; section 3(4) was amended by the Criminal Justice Act 1967 (c. 80), section 92(2) and Schedule 3, Part II; sections 2(1), 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8.
(**b**) 1972 c. 62.

Citation, extent and commencement

1. This Order, which may be cited as the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980, shall apply to Great Britain and shall come into operation on 1st May 1980.

Interpretation

2.—(1) In this Order, unless the context otherwise requires,—

"the Commissioners" means the Forestry Commissioners;

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

"Europe" includes the Canary Islands but does not include the Azores, Cyprus or Malta or the following regions of the Union of Soviet Socialist Republics namely the 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, Sakhalim, Tomsk and Tyumen Oblasts;

"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;

"genetically manipulated material" means any material which has been derived from any activity which has involved genetic manipulation and which is in the opinion of the Commissioners likely to result in the production of a tree pest;

"importer" in relation to any tree, wood, isolated bark, soil, tree pest or genetically manipulated material includes:—

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

(*b*) any person by whose action the tree, wood, isolated bark, soil, tree pest or genetically manipulated material is likely to be landed or has been landed in Great Britain;

"inspector" means any person authorised by the Commissioners 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 any such tree, and where the context admits includes any packing material or container associated therewith;

"landed" includes imported by post and "landing" shall be construed accordingly;

(**a**) 1979 c. 2.

"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 or any of the Channel Islands;

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

"non-indigenous tree pest" means a tree pest which in the opinion of the Commissioners is not established in Great Britain;

"official statement" means in relation to any tree, wood, isolated bark or soil a statement given by or on behalf of the Plant Protection Service of the country in which the tree, wood, isolated bark or soil was grown or originated;

"phytosanitary certificate" means a certificate either in the form set out in Schedule 8, Part I or the equivalent written in a language other than English;

"place of production" means any nursery, forest or area of land normally worked as a unit for the production of trees;

"premises" includes any land, building, vehicle, vessel, aircraft, hovercraft or freight container;

"reforwarding phytosanitary certificate" means a certificate either in the form set out in Schedule 8, Part II or the equivalent written 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 any of the Channel Islands;

"tree" means a living tree or any living part thereof at any stage of its growth, including any tissue culture of such tree or living part of such tree or any fruit or seed of a tree, of a genus or species some or all of the forms or varieties of which are grown in Great Britain for the production of wood and includes, where the context admits, any soil or other growing medium, packing material or container associated therewith;

"tree pest" means a living organism, other than a vertebrate animal, or a pathogen, which is injurious to any tree or the wood thereof and includes a culture of such organism or pathogen;

"wood" means any log, sawn wood and any dunnage, pallet, 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, but does not include chips.

(2) Any reference in this Order to a particular article or a numbered Schedule shall be construed as a reference to the article or Schedule so numbered in this Order.

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

Exception of certain trees, wood, isolated bark and soil

3. The provisions of this Order except articles 11, 12, 19 and 21 shall not apply in relation to any tree, wood or isolated bark grown in Great Britain, or any soil originating therefrom, except that all the provisions of this Order shall apply in relation to any such tree, wood, isolated bark or soil which has been exported from Great Britain and subsequently re-imported into Great Britain.

Prohibition of the landing of certain tree pests and genetically manipulated material

4. The landing in Great Britain of—

(*a*) any tree pest of a description specified in Schedule 1 or in the first column of Schedule 2;

(*b*) any non-indigenous tree pest not being a tree pest of a description specified in Schedule 1 or in the first column of Schedule 2;

(*c*) any tree pest which has been subjected to genetic manipulation or any genetically manipulated material

is hereby prohibited.

Prohibition of the landing of trees, wood and isolated bark when carrying or infected with certain tree pests

5. The landing in Great Britain of—

(*a*) any tree, wood or isolated bark which is carrying or is infected with any tree pest of a description specified in Schedule 1;

(*b*) any tree or wood of a description specified in the second column of Schedule 2 which is carrying or is infected with any tree pest specified in the first column of Schedule 2 opposite the description of such tree or wood

is hereby prohibited.

Prohibition of the landing of trees and isolated bark specified in Schedule 3 and grown in certain countries

6. The landing in Great Britain of any tree or isolated bark specified in the first column of Schedule 3 and which originates in a country falling within the description specified in the second column of that Schedule in relation to such tree or isolated bark is hereby prohibited.

Special conditions for the landing of trees, wood, isolated bark and soil specified in Schedule 4

7.—(1) Subject to the provisions of paragraph (2) of this article, the landing in Great Britain of any tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of article 6 and Schedule 3) of a description specified in the first column of Schedule 4 is hereby prohibited unless the conditions specified in the second column of Schedule 4 opposite the description of such tree, wood, isolated bark or soil are complied with.

(2) The provisions of paragraph (1) of this article shall not apply to any tree, wood, isolated bark or soil which is directly consigned to Great Britain from Northern Ireland, the Isle of Man or any of the Channel Islands.

Certificates to accompany consignments of trees, wood, isolated bark or soil imported from Member States

8.—(1) No tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of article 6 and Schedule 3) which is directly consigned to Great Britain from within a Member State and is of a description specified in Part I of Schedule 5 shall be landed in Great Britain unless it is accompanied by a phytosanitary certificate issued in the country in which the tree, wood or isolated bark was grown or, in the case of soil, in which it originated and a reforwarding phytosanitary certificate issued in each other country from within which it has been consigned before being landed in Great Britain.

(2) No tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of article 6 and Schedule 3) which is directly consigned to Great Britain from within a Member State and is of a description specified in Part II of Schedule 5 shall be landed in Great Britain unless it is accompanied by a phytosanitary certificate issued in that Member State, except that where such tree, wood, isolated bark or soil has previously been consigned from within any other country before being consigned from within that Member State to Great Britain it may instead be accompanied by the latest phytosanitary certificate relating to it issued in one of the countries from within which it was previously consigned and a reforwarding phytosanitary certificate issued in each other country from within which it has been consigned subsequent to its consignment from within the country in which the latest phytosanitary certificate relating to such tree, wood, isolated bark or soil was issued.

(3) The requirements relating to reforwarding phytosanitary certificates contained in paragraphs (1) and (2) of this article shall only apply to the re-export of a consignment of trees, wood, isolated bark or soil to Great Britain from a particular country if—

(*a*) such consignment has been stored, re-packed or split up in that country before being consigned; or

(*b*) in the case of any wood of the description specified in the entry numbered 7 in Schedule 4, the address of the consignee in the description of the consignment in the phytosanitary certificate accompanying the consignment is not in Great Britain.

Certificates to accompany consignments of trees, wood, isolated bark or soil imported from third countries

9.—(1) No tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of article 6 and Schedule 3) which is directly consigned to Great Britain from within a third country and is of a description specified in Part III of Schedule 5 shall be landed in Great Britain unless it is accompanied by a phytosanitary certificate issued in the country in which it was grown or, in the case of soil, in which it originated and a reforwarding phytosanitary certificate issued in each other country from within which it has been consigned before being landed in Great Britain.

(2) The requirement contained in paragraph (1) of this article in relation to reforwarding phytosanitary certificates shall only apply to the re-export of a consignment of trees, wood, isolated bark or soil to Great Britain from a particular country if—

(*a*) such consignment has been stored, re-packed or split up in that country before being consigned; or

(*b*) the address of the consignee in the description of the consignment in the phytosanitary certificate accompanying the consignment is not in Great Britain.

Consignments of wood or isolated bark the origin of which is to be declared

10.—(1) Subject to the provisions of paragraph (2) of this article, no wood or isolated bark of a description specified in Schedule 6 shall be landed in Great Britain unless it is accompanied by an official statement declaring the name of the country in which it was grown either in the form of a separate document or, in those cases in which the provisions of article 8 or article 9 require a phytosanitary certificate, as a part of that certificate.

(2) The provisions of paragraph (1) of this article shall not apply to any wood or isolated bark which is directly consigned to Great Britain from Northern Ireland, the Isle of Man or any of the Channel Islands.

Certificates to accompany consignments of trees, wood, isolated bark or soil exported from Great Britain to Member States

11.—(1) No tree, wood, isolated bark or soil of a description specified in Schedule 7 shall be exported from Great Britain to a place within a Member State unless when exported from Great Britain such tree, wood, isolated bark or soil is accompanied by a phytosanitary certificate or a reforwarding phytosanitary certificate issued by the Commissioners or an inspector.

(2) Applications for phytosanitary certificates and reforwarding phytosanitary certificates shall be made to the Commissioners or an inspector with such information, in such form and in such manner as the Commissioners may require.

General provisions relating to phytosanitary certificates and reforwarding phytosanitary certificates

12.—(1) Except for an inspection which is required to be carried out for the purposes of making an official statement in accordance with a condition referred to in the second column of Schedule 4, an inspection carried out for the purposes of issuing a phytosanitary certificate or a reforwarding 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 reforwarding phytosanitary certificate shall not be valid for the purposes of this Order unless it is 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) of this article which relates to that consignment.

(3) An official statement required to be given in accordance with the conditions referred to in the second column of Schedule 4 shall be deemed to have been given by the issue of a phytosanitary certificate to accompany the tree, wood, isolated bark or soil to which it relates.

(4) Where a phytosanitary certificate or a reforwarding phytosanitary certificate is issued in a third country of which the language is other than English it shall incorporate or be accompanied by a translation into the English language, which translation, if it is a document separate from the certificate, shall be completed and signed by an authorised officer.

(5) Subject to paragraph (6) of this article, where a consignment of trees, wood, isolated bark or soil has been consigned between two or more countries before being directly consigned to Great Britain it may be accompanied in the place of any certificate required by this Order by a facsimile copy of such certificate issued in the country from within which the consignment has been directly consigned to Great Britain and certified as a true copy of the original or a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(6) Paragraph (5) of this article shall not apply in the case of a reforwarding phytosanitary certificate issued in the country from within which the consignment was directly consigned to Great Britain, in which case the original reforwarding phytosanitary certificate issued in that country must be produced.

(7) For the purposes of paragraphs (2), (4) and (5) of this article "authorised officer" shall mean,—

(*a*) in relation to a certificate, translation or facsimile copy issued in Great Britain, an inspector; and

(*b*) in relation to a certificate, translation or facsimile copy issued in a place other than Great Britain, a representative of the Plant Protection Service of the country in which the certificate, translation or facsimile copy was issued.

(8) Except in the case of consignments imported into Great Britain by post, a phytosanitary certificate and any reforwarding phytosanitary certificate shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment. In this paragraph the expression "proper officer" has the like meaning as in the Customs Act, and reference to the entry shall be construed as reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

(9) In the case of a consignment imported into Great Britain by post, a phytosanitary certificate and any reforwarding phytosanitary certificate shall be affixed to the package comprising the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to one of the packages and copies thereof affixed to each of the remaining packages.

(10) A 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 reforwarding 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 reforwarding phytosanitary certificates to accord with the requirements of this Order.

Examination, sampling and marking

13. An inspector, upon production if so required of his authority, may—

(*a*) enter for the purposes of this Order any premises and examine the said premises and mark any part thereof and—

(i) examine, take samples and mark any trees, wood, isolated bark or soil landed or reasonably suspected by him of having been landed or being likely to be landed in Great Britain, whether or not such consignment was or ought to have been accompanied by a certificate required by this Order; and

(ii) examine and take samples of any tree pest or any pest which appears to be a tree pest or any genetically manipulated material landed or reasonably suspected by him of having been landed or being likely to be landed in Great Britain;

(*b*) for the purposes of the examinations referred to in paragraph (*a*) of this article, open, authorise any person to open on his behalf or require the importer or any person in charge of the consignment to open, in such manner as the inspector may specify, any container, bundle or any other package comprising the whole or part of the consignment;

(*c*) if and so far as is necessary for the purposes of the examinations referred to in paragraph (*a*) of this article, prohibit entirely, or to the extent indicated by him, the movement of any consignment or part of a consignment or of any material or object by means of which in his opinion a tree pest is likely to be spread;

(*d*) enter for the purposes of this Order any premises and examine and take samples of and mark any trees, wood or isolated bark which have been landed or are reasonably suspected by him of being landed in Great Britain during the previous twelve months or which have been derived from or are reasonably suspected by him to have been derived from any trees, wood or isolated bark as aforesaid which have been so landed.

Procedure when trees, wood, isolated bark or soil are landed or likely to be landed in contravention of this Order

14.—(1) If it appears to an inspector that any tree, wood, isolated bark or soil in a consignment or part of a consignment is likely to be landed in Great Britain and—

(*a*) if landed would be landed in contravention of the provisions of this Order; or

(*b*) such tree, wood, isolated bark or soil is to a substantial extent carrying or infected with any tree pest other than a tree pest of a description specified in Schedule 1 or in the first column of Schedule 2; or

(*c*) such tree, wood, isolated bark or soil is carrying or infected with a non-indigenous tree pest,

he may serve upon the importer, or upon any person in control of the landing or unloading of the consignment from a vessel, aircraft, vehicle, hovercraft or freight container, a notice—

(i) prohibiting the landing or unloading of the consignment containing the tree, wood, isolated bark or soil; or

(ii) specifying the manner in which the landing or unloading of the consignment is to be carried out and the precautions which are to be taken in the course thereof and the further precautions which are to be taken immediately subsequent to such landing; or

(iii) requiring, in addition to any requirement referred to in subparagraph (ii) of this article, that if landed the consignment or such part thereof as may be specified shall be destroyed or treated in some other way within such time and in such manner as may also be specified in the notice.

(2) If it appears to an inspector at any time that any tree, wood, isolated bark or soil in a consignment or part of a consignment has been landed in Great Britain and—

(*a*) such landing is in contravention of the provisions of this Order; or

(*b*) such tree, wood, isolated bark or soil is to a substantial extent carrying or infected with any tree pest other than a tree pest of a description specified in Schedule 1 or in the first column of Schedule 2; or

(*c*) such tree, wood, isolated bark or soil is carrying or infected with a non-indigenous tree pest,

he may serve upon the importer a notice requiring him within such time and in such manner as may be specified in the notice to destroy or treat in some other way any tree, wood, isolated bark or soil contained in the consignment or such part of the consignment as may be specified in the notice and to take such other steps as may also be specified in the notice to prevent the spread of any tree pest which appears to the inspector to have been landed with such tree, wood, isolated bark or soil.

(3) Where treatment, other than destruction, is required by a notice served under paragraph (1) or paragraph (2) of this article, the importer upon whom the notice was served shall be permitted within the period specified in the notice to destroy any tree, wood, isolated bark or soil to which the notice relates, and if he shall so carry out such destruction to the satisfaction of an inspector he shall be deemed to have complied with the notice so far as it relates to such tree, wood, isolated bark or soil.

(4) Any destruction or other treatment required by a notice served under paragraph (1) or paragraph (2) of this article shall be carried out by the importer upon whom the notice is served to the satisfaction of an inspector at a place designated by an inspector and, except with the written authority of the Commissioners or an inspector, no consignment to which such a notice relates shall be moved otherwise than directly to such a place.

(5) A notice served under paragraph (1) or paragraph (2) of this article may at any time be amended or withdrawn by an inspector by a further notice in writing served upon the person upon whom the first-mentioned notice was served.

(6) If an importer shall fail to comply with the requirements of a notice served under paragraph (1) or paragraph (2) of this article (including where relevant a notice which has been amended under paragraph (5) of this article) then, without prejudice to any proceedings under this Order consequent upon

such failure, an inspector or a person authorised by him for the purpose, on production if so required of his authority, may for the purposes of this Order enter any premises in which the trees, wood, isolated bark or soil to which the notice relates may be and take such steps as appear to the inspector to be necessary either to ensure compliance with the requirements of the said notice or to remedy the consequences of the failure to carry them out, and the cost of taking such steps shall be recoverable by the Commissioners as a civil debt from the person upon whom the notice was served.

(7) This article shall apply without prejudice to the provisions of the Customs Act.

Procedure when a tree pest or genetically manipulated material is landed or likely to be landed in contravention of this Order

15.—(1) If it appears to an inspector that a tree pest or any genetically manipulated material has been or is likely to be landed in Great Britain in contravention of this Order, he may serve on the importer a notice requiring him to destroy the said tree pest or genetically manipulated material within such time and in such manner as may be specified in the notice and to take such steps as may also be specified in the notice to prevent its spread.

(2) A notice served under paragraph (1) of this article may at any time be amended or withdrawn by an inspector by a further notice in writing served upon the person upon whom the first-mentioned notice was served.

(3) If an importer shall fail to comply with the requirements of a notice served under paragraph (1) of this article (including where relevant a notice which has been amended under paragraph (2) of this article) then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose, on production if so required of his authority, may for the purposes of this Order enter any premises in which the tree pest or genetically manipulated material to which the notice relates may be and take such steps as appear to the inspector to be necessary either to ensure compliance with the requirements of the said notice or to remedy the consequences of the failure to carry them out, and the cost of taking such steps shall be recoverable by the Commissioners as a civil debt from the person upon whom the notice was served.

(4) This article shall apply without prejudice to the provisions of the Customs Act.

Persons accompanying or authorised by an inspector

16.—(1) An inspector entering any premises for any of the purposes of this Order may be accompanied by such other persons acting under his instructions and by such equipment as appear to him to be necessary, and such other persons, whether or not accompanied by the inspector, upon production if so required of their authority in that behalf given by the Commissioners or the inspector on the Commissioners' behalf, may remain on the land, and from time to time re-enter with such equipment as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.

(2) An inspector who authorises a person to act in accordance with the provisions of article 14(6) or article 15(3) shall give to that person precise instructions in writing as to the steps which appear to the inspector to be necessary.

Powers of an Officer of Customs and Excise

17.—(1) An inspector may request an officer of Customs and Excise (either orally or in writing) to prohibit the removal of trees, wood, isolated bark or soil which have not been cleared from Customs charge until they have been examined by an inspector, and such request may be made in relation to a particular consignment of trees, wood, isolated bark or soil or in relation to trees, wood, isolated bark or soil of any description specified in the request. A request made orally under this paragraph shall be confirmed in writing.

(2) Where a request has been made under paragraph (1) of this article, the officer of Customs and Excise shall, by notice in writing served upon the importer, require that, until the trees, wood, isolated bark or soil have been examined by an inspector, they shall not be removed from the place specified in the notice and he shall at the same time inform the inspector making the request under paragraph (1) of this article of the contents of the notice.

(3) An inspector shall, without undue delay, examine any tree, wood, isolated bark or soil in respect of which a notice has been served by an officer of Customs and Excise under this article and shall advise that officer in writing of the terms of any notice issued and of any action taken by the inspector in accordance with this Order.

(4) Where an officer of Customs and Excise has served a notice under paragraph (2) of this article prohibiting removal of any trees, wood, isolated bark or soil, such trees, wood, isolated bark or soil shall not, prior to their examination by an inspector, be removed by any person contrary to the terms of the notice except with the written consent of either the said officer or an inspector.

Licences

18. Notwithstanding any provisions in this Order, any tree, wood, isolated bark, soil, tree pest or genetically manipulated material may be landed in Great Britain under and in accordance with the conditions of a licence granted by the Commissioners or an inspector.

Information to be given

19.—(1) Every person who has or has had in his possession or under his charge any tree, wood, isolated bark, soil, tree pest or genetically manipulated material which the Commissioners or an inspector know, or suspect to have been landed in Great Britain or exported therefrom, and every person who as auctioneer, salesman or otherwise has sold or offered for sale any such tree, wood, isolated bark, soil, tree pest or genetically manipulated material shall, if so

required by demand in writing by the Commissioners or an inspector, give to the Commissioners or inspector within the time specified in that demand all such information as he possesses as to the persons who have or have had or are likely to have or to have had the said tree, wood, isolated bark, soil, tree pest or genetically manipulated material in their possession or in their custody or control.

(2) Any information given under this article shall not be available as evidence against the person giving the same in any prosecution except in respect of an alleged failure to comply with this article.

Service of notices

20.—(1) For the purposes of this Order, a notice shall be deemed to have been 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.

(2) A notice may,—

(*a*) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;

(*b*) in the case of a partnership, be served on a partner or a person having control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

Offences

21.—(1) (*a*) A person shall be guilty of an offence if he contravenes or fails to comply with—

(i) a provision of this Order; or

(ii) a term or condition of any notice served or licence granted in accordance with the provisions of this Order.

(*b*) A person shall be guilty of an offence if he—

(i) knowingly or recklessly makes a false statement for the purpose of obtaining a phytosanitary certificate or a reforwarding phytosanitary certificate required under the provisions of article 11; or

(ii) wilfully obstructs or impedes an inspector or any person authorised by any such inspector in the exercise of his powers under this Order.

(*c*) A person guilty of an offence under paragraph (1)(*a*) or (1)(*b*) of this article shall be liable on summary conviction to a fine not exceeding £100 or in respect of a second or subsequent offence shall be liable on summary conviction to a fine not exceeding £200.

(2) Paragraph (1) of this article shall not apply to the landing of articles of any description which is prohibited by this Order and for which a penalty may be imposed under the Customs Act.

Revocation

22. The Importation of Forest Trees (Prohibition) (Great Britain) Order 1965(**a**), the Importation of Forest Trees (Prohibition) (Great Britain) (Amendment) Order 1974(**b**) and the Importation of Wood and Bark (Prohibition) (Great Britain) Order 1977(**c**) are hereby revoked.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 28th March 1980.

(L.S.)

P. J. Clarke,
Secretary to the Forestry Commissioners.

Articles 4 and 5 **SCHEDULE 1**

TREE PESTS THE LANDING OF WHICH IS PROHIBITED

PART I

Live organisms of the animal kingdom at all stages of their development

1. *Arrhenodes minutus* Drury, the Oak Timberworm.
2. *Hylurgopinus rufipes* (Eichhoff), the American Dark Elm Bark Beetle.
3. *Hyphantria cunea* (Drury), the Fall Webworm.
4. *Pseudopityophthorus minutissimus* (Zimmerman) } Oak Bark Beetles.
5. *Pseudopityophthorus pruinosus* (Eichhoff) }
6. *Scaphoideus luteolus* Van Duz., the White-banded Elm Leaf Hopper.
7. *Scolytus multistriatus* (Marsham), the Small Elm Bark Beetle.
8. *Scolytus scolytus* (Fabricius), the Large Elm Bark Beetle.

PART II

Bacteria

Aplanobacter populi Ridé, the cause of Bacterial Canker of Poplar.

PART III

Cryptogamia

1. *Ceratocystis fagacearum* (Bretz) Hunt, the cause of Oak Wilt.
2. *Ceratocystis ulmi* (Buism.) C. Moreau, the cause of Dutch Elm Disease.
3. *Chrysomyxa arctostaphyli* Diet., the Spruce Broom Rust.
4. *Cronartium comptoniae* Arthur, the Sweet-fern Blister Rust.
5. *Cronartium fusiforme* Hedge & Hunt ex Cumm., the Fusiform Rust.
6. *Cronartium quercuum* (Berk.) Miyabe ex Shirai, the Eastern Gall Rust.

(a) S.I. 1965/2121. (b) S.I. 1974/1. (c) S.I. 1977/901.

7. *Endocronartium harknessii* (J. P. Moore) Y. Hiratsuka (*Peridermium harknessii* J. P. Moore), the Western Gall Rust.
8. *Endothia parasitica* (Murrill) P. J. & H. W. Anderson, the cause of Sweet Chestnut Blight.
9. *Guignardia laricina* (Saw.) Yamamoto & Ito, the cause of Shoot Blight of Larch.
10. *Hypoxylon pruinatum* (Klotzsche) Cke., the cause of Hypoxylon Canker of Poplar.
11. *Melampsora farlowii* (Arthur) Davis, the Hemlock Rust.
12. *Melampsora medusae* Thüm. (*M. albertensis* Arthur), the Conifer-aspen Rust.
13. *Mycosphaerella populorum* Thomp. (*Septoria musiva* Peck), the cause of Septoria Canker of Poplar.
14. *Ophiostoma* (*Ceratocystis*) *roboris* C. Georgescu and I. Teodoru, associated with Vascular Mycosis of Oak.
15. *Poria weirii* Murr., the cause of Poria Root Rot.

PART IV

Viruses and mycoplasmas

Elm Phloem Necrosis.

PART V

Phanerogams

Non-European *Arceuthobium* spp., the dwarf mistletoes.

Articles 4 and 5 **SCHEDULE 2**

TREE PESTS THE LANDING OF WHICH IS PROHIBITED IF CARRIED ON OR INFECTING CERTAIN TREES OR WOOD

Species	Subject of Contamination
PART I	
Live organisms of the animal kingdom at all stages of their development	
1. *Scolytidae* (Bark Beetles) of conifers (*Coniferae*).	Wood of conifers (*Coniferae*) with bark grown in any country or part of a country not in Europe.
2. *Dendroctonus micans* (Kugelmann), the Great Spruce Bark Beetle.	Wood of conifers (*Coniferae*) with bark.
3. *Ips amitinus* Eichhoff, the Smaller Eight-Toothed Spruce Bark Beetle.	Wood of conifers (*Coniferae*) with bark.
4. *Ips duplicatus* Sahlb., the Northern Spruce Bark Beetle.	Wood of conifers (*Coniferae*) with bark.
5. *Ips typographus* (L.), the Larger Eight-Toothed Bark Beetle.	Wood of conifers (*Coniferae*) with bark.
PART II	
Cryptogamia	
Atropellis spp., the cause of *Atropellis* Canker.	Trees of *Pinus*.

Article 6

SCHEDULE 3

TREES AND ISOLATED BARK THE LANDING OF WHICH IS PROHIBITED WHEN GROWN IN SPECIFIED COUNTRIES

Genera of Trees and Isolated Bark	Country of Origin
1. Trees of *Abies*, *Castanea*, *Larix*, *Picea*, *Pinus*, *Pseudotsuga*, *Quercus*, *Tsuga* and *Ulmus* other than fruit and seeds.	Any country or part of a country not in Europe.
2. Trees of *Populus*, with leaves, other than fruit and seeds.	Any country or part of a country not in Europe.
3. Isolated bark of conifers (*Coniferae*).	Any country or part of a country not in Europe.
4. Isolated bark of *Castanea*.	All countries.
5. Isolated bark of *Populus*.	Any country of the American continent.
6. Isolated bark of *Quercus* (other than *Quercus suber*).	North America, Romania or the Union of Soviet Socialist Republics.
7. Isolated bark of *Ulmus*.	All countries.
8. Isolated bark of *Picea*.	All countries.

Article 7

SCHEDULE 4

SPECIAL CONDITIONS SUBJECT TO WHICH THE LANDING IS PERMITTED IN GREAT BRITAIN OF SPECIFIED TREES, WOOD, ISOLATED BARK AND SOIL

Genera and Origin	Conditions subject to which landing is permitted
1. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.	1. The wood shall have been stripped of its bark.
2. Wood of *Castanea* and *Quercus* grown in North America.	2. Each consignment shall be accompanied by an official statement certifying that the wood has been stripped of its bark and that in addition one of the following conditions has been fulfilled— (i) the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter; (ii) the wood has been disinfected by hot air or hot water treatment; or (iii) the wood has been squared so as to remove all of the natural rounded surface.

Genera and Origin	Conditions subject to which landing is permitted
3. Wood of *Castanea* and *Quercus* grown in Romania or the Union of Soviet Socialist Republics.	3. (*a*) Each consignment shall be accompanied by an official statement certifying that the wood was grown in regions known to be free from *Ophiostoma roboris* and *Endothia parasitica;* or (*b*) each consignment shall be accompanied by an official statement certifying that the wood has been stripped of its bark and that in addition one of the following conditions has been fulfilled— (i) the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter; (ii) the wood has been disinfected by hot air or hot water treatment; or (iii) the wood has been squared so as to remove all of the natural rounded surface.
4. Wood of *Castanea* and *Quercus* grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.	4. (*a*) Each consignment shall be accompanied by an official statement certifying that the wood was grown in regions known to be free from *Endothia parasitica;* or (*b*) the wood shall have been stripped of its bark.
5. Wood of *Populus* grown in any country of the American continent.	5. The wood shall have been stripped of its bark.
6. Wood of *Ulmus*.	6. The wood shall have been stripped of its bark.
7. Wood of *Picea*.	7. The wood shall have been stripped of its bark.
8. Isolated bark of *Quercus* (other than *Quercus suber*) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.	8. Each consignment shall be accompanied by an official statement certifying that the bark was grown in regions known to be free from *Endothia parasitica*.
9. Trees of *Castanea* grown in any country or part of a country in Europe.	9. Each consignment shall be accompanied by an official statement certifying that no symptoms of *Endothia parasitica* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.

Genera and Origin	Conditions subject to which landing is permitted
10. Trees of *Pinus*, other than fruit and seeds, grown in any country or part of a country in Europe.	10. Each consignment shall be accompanied by an official statement certifying that no symptoms of *Cronartium quercuum* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
11. (*a*) Trees of *Populus*, other than fruit and seeds, grown in any country not in the American continent.	11. (*a*) Each consignment shall be accompanied by an official statement certifying that no symptoms of *Mycosphaerella populorum* (*Septoria musiva*) have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
(*b*) Trees of *Populus*, other than fruit and seeds, grown in any country of the American continent.	(*b*) Each consignment shall be accompanied by an official statement certifying that no symptoms of *Mycosphaerella populorum* (*Septoria musiva*), *Hypoxylon pruinatum* or *Melampsora medusae* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
12. (*a*) Trees of *Quercus* grown in any country or part of a country in Europe other than Romania or the Union of Soviet Socialist Republics.	12. (*a*) Each consignment shall be accompanied by an official statement certifying that no symptoms of *Endothia parasitica* or *Cronartium quercuum* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
(*b*) Trees of *Quercus* grown in Romania or in such parts of the Union of Soviet Socialist Republics as lie in Europe.	(*b*) Each consignment shall be accompanied by an official statement certifying that no symptoms of *Endothia parasitica* or *Cronartium quercuum* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation, and that the trees originate in regions known to be free from *Ophiostoma roboris*.
13. Trees of *Ulmus* grown in any country or part of a country in Europe and *Zelkova*, other than fruit and seeds.	13. Each consignment shall be accompanied by an official statement certifying that no symptons of *Ceratocystis ulmi* have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.

Genera and Origin	Conditions subject to which landing is permitted
14. Trees with soil attached grown in any country or part of a country not in Europe.	14. Each consignment shall be accompanied by an official statement certifying that any soil attached has been found free from harmful organisms.

SCHEDULE 5 *Articles 8 and 9*

PHYTOSANITARY CERTIFICATES TO ACCOMPANY IMPORTED TREES, WOOD, ISOLATED BARK AND SOIL

PART I

Trees, wood, isolated bark and soil which, subject to the provisions of article 8(1), must be accompanied by a phytosanitary certificate from the country of origin before being imported into Great Britain from a Member State

1. Wood of *Castanea* and *Quercus* grown in North America.
2. Wood of *Castanea* and *Quercus* grown in any country other than a country in North America which has not been stripped of its bark.
3. Isolated bark of *Quercus* (other than *Quercus suber*) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.
4. Trees of *Castanea* grown in any country or part of a country in Europe.
5. Trees of *Pinus*, other than fruit and seeds, grown in any country or part of a country in Europe.
6. Trees of *Populus*, other than fruit and seeds.
7. Trees of *Quercus* grown in any country or part of a country in Europe.
8. Trees of *Ulmus*, other than fruit and seeds, grown in any country or part of a country in Europe.
9. Trees of *Zelkova*, other than fruit and seeds.
10. Trees with soil attached or added to them grown in any country or part of a country not in Europe (other than trees of a description specified in the entries numbered 6 and 9 in this Part of this Schedule).

PART II

Trees, wood, isolated bark and soil which, subject to the provisions of article 8(2), must be accompanied by a phytosanitary certificate either from the country of origin or from another consignee country before being imported into Great Britain from a Member State

1. Trees planted or intended for planting (other than seeds) other than trees of a description specified in the entries numbered 4, 5, 6, 7, 8, 9 and 10 in Part I of this Schedule.
2. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
3. Wood of *Castanea* and *Quercus* grown in any country other than a country in North America which has been stripped of its bark.
4. Wood of *Picea*.
5. Wood of *Populus* grown in any country of the American continent.
6. Wood of *Ulmus*.
7. Soil attached or added to trees grown in any country or part of a country in Europe (other than trees planted or intended for planting).

PART III

Trees, wood, isolated bark and soil which, subject to the provisions of article 9, must be accompanied by a phytosanitary certificate from the country of origin before being imported into Great Britain from a third country

1. Trees planted or intended for planting (other than seeds).
2. Wood of *Castanea*, *Picea*, *Quercus* and *Ulmus*.
3. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
4. Wood of *Populus* grown in any country of the American continent.
5. Isolated bark of conifers (*Coniferae*) grown in any country or part of a country in Europe.
6. Isolated bark of *Populus* grown in any country not in the American continent.
7. Isolated bark of *Quercus* (other than *Quercus suber*) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.
8. Soil attached or added to trees (other than trees planted or intended for planting).

Article 10

SCHEDULE 6

WOOD AND ISOLATED BARK THE ORIGIN OF WHICH IS TO BE DECLARED

1. Wood of conifers (*Coniferae*).
2. Wood of *Populus*.
3. Isolated bark of conifers (*Coniferae*).
4. Isolated bark of *Populus*.

Article 11

SCHEDULE 7

TREES, WOOD, ISOLATED BARK AND SOIL WHICH, SUBJECT TO THE PROVISIONS OF ARTICLE 11, MUST BE ACCOMPANIED BY A PHYTOSANITARY CERTIFICATE BEFORE BEING EXPORTED FROM GREAT BRITAIN TO A MEMBER STATE

1. Trees, planted or intended for planting (other than seeds).
2. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
3. Wood of *Castanea*, *Quercus* and *Ulmus*.
4. Wood of *Populus* grown in any country of the American continent.
5. Isolated bark of *Quercus* (other than *Quercus suber*).
6. Soil attached or added to trees (other than trees planted or intended for planting). to them.

Articles 2, 8, 9, 10, 11 and 12

SCHEDULE 8

PHYTOSANITARY CERTIFICATE AND REFORWARDING PHYTOSANITARY CERTIFICATE FORMS

PART I

Model Phytosanitary Certificate

PLANT PROTECTION SERVICE

of..... No.....

This is to certify that the plants, parts of plants or plant products described below or representative samples of them were thoroughly examined on (date).....

by (name).....an authorised officer of the (service).....and were found to the best of his knowledge to be substantially free from injurious diseases and pests; and that the consignment is believed to conform with the current phytosanitary regulations of the importing country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any):
Date..... Treatment .....
Duration of Exposure ..... Chemical and Concentration .....

Additional Declaration:

.....19.....

.....
(Signature)

.....
(Rank)

(Stamp of the Service)

Description of the Consignment

Name and address of exporter:.....
Name and address of consignee:.....
Number and description of packages:.....
Distinguishing marks:.....
Origin (Grown at)*:.....
Means of conveyance:.....
Point of entry:.....
Quantity and name of produce:.....
Botanical name:.....
*State precise location.

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

PART II

Model Reforwarding Phytosanitary Certificate

No.....

PLANT PROTECTION SERVICE
of.....(country of re-export)
To: PLANT PROTECTION SERVICE(S)
of.....(country/countries of destination)

Description of the Consignment

Name and address of exporter:.....
Name and address of consignee:.....
Number and description of packages:.....
Distinguishing marks:.....
Place of origin:.....
Declared means of conveyance:.....
Declared point of entry:.....
Name of produce and quantity declared:.....
Botanical name of plants:.....

This is to certify that the plants or plant products 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 they are packed ☐ repacked ☐ in original containers ☐ new containers ☐; that based on the original phytosanitary certificate ☐ and additional inspection ☐ they are considered to conform with the current plant health regulations of the importing country, and that during storage in.....(country of re-export) this consignment has not been subjected to the risk of infestation or infection.

☐ Tick appropriate boxes.

Disinfestation and/or Disinfection Treatment

Date: ..... Treatment: .....
Chemical (active ingredient): .....
Duration and temperature: .....
Concentration: .....
Additional information: .....

Additional declaration: .....
Place of issue: .....
Name of Authorised Officer: .....
(Stamp of the Service) Date: .....

.....
(Signature)

.....
(Rank)

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made by the Forestry Commissioners, revokes and supersedes the Importation of Forest Trees (Prohibition) (Great Britain) Order 1965 (as amended) and the Importation of Wood and Bark (Prohibition) (Great Britain) Order 1977 and implements those provisions of Council Directive 77/93/EEC (OJ No. L.26, 31.1.77 p.20) (as amended by two Council Directives adopted on 18th March 1980) which prohibit the import into Member States of the European Community of certain pests harmful to forest trees and which prescribe controls on the movement across Community frontiers of forest trees, wood and isolated bark. The Order also prescribes certain controls additional to those prescribed by the Directive in respect of the import of genetically manipulated material and in respect of direct trade in forest trees, wood and isolated bark with countries other than Member States.

The principal provisions of the Order—

(*a*) exempt from certain of its provisions trees, wood, isolated bark and soil grown or originating in Great Britain (article 3);

(*b*) prohibit the landing in Great Britain of certain tree pests and genetically manipulated material and trees, wood and isolated bark infected by specified tree pests (articles 4 and 5 and Schedules 1 and 2), (article 3 of the Directive);

(*c*) prohibit the landing in Great Britain from certain countries of specified trees and isolated bark (article 6 and Schedule 3), (article 4 of the Directive);

(*d*) set out the conditions under which other specified trees and isolated bark and certain wood and soil are permitted to be landed in Great Britain (article 7 and Schedule 4), (article 5 of the Directive);

(*e*) set out the circumstances in which specified trees, wood, isolated bark and soil are to be accompanied by phytosanitary certificates, reforwarding phytosanitary certificates or certificates of origin when landed in Great Britain, the form of such certificates and requirements as to their completion (articles 8, 9, 10 and 12 and Schedules 5, 6 and 8), (articles 4, 5, 6, 7, 8, 9 and 12 of the Directive);

(*f*) require that when exported from Great Britain to another Member State certain trees, wood, isolated bark and soil are to be accompanied by a phytosanitary certificate or a reforwarding phytosanitary certificate (article 11 and Schedule 7), (articles 6, 7, 8 and 9 of the Directive);

(*g*) provide powers of entry, examination, sampling and marking (article 13) and powers to enable remedial action to be taken when trees, wood, isolated bark, soil, tree pests or genetically manipulated material are landed or likely to be landed in contravention of the Order (articles 14, 15 and 16);

(*h*) provide that officers of Customs and Excise may detain imported trees, wood, isolated bark or soil for examination by an inspector (article 17);

(*i*) provide that the landing in Great Britain of any tree, wood, isolated bark, soil, tree pest or genetically manipulated material the landing of which is prohibited by this Order, may be authorised by licence (article 18), (article 14 of the Directive);

(*j*) require that persons having in their possession information regarding any tree, wood, isolated bark, tree pest or genetically manipulated material landed in Great Britain or exported therefrom may be required to disclose that information (article 19);

(*k*) provide for offences in connection with the Order and lay down penalties for contraventions (article 21).