(2) SCOTLAND

The Importation of Forest Trees (Prohibition) (Scotland) Order, 1949

1949 No. 1861 (S. 123)

Made - - - -	30*th September*, 1949
Laid before Parliament	4*th October*, 1949
Coming into Operation	15*th October*, 1949

In exercise of the powers conferred upon me by the Destructive Insects and Pests Acts, 1877 to 1927(a), and of all other powers enabling me in that behalf and by arrangement with the Forestry Commissioners under Section 3 (2) of the Forestry Act, 1919(b), as amended by the Forestry Act, 1945(c), I hereby order as follows:—

Short Title and Commencement

1. This Order may be cited as the Importation of Forest Trees (Prohibition) (Scotland) Order, 1949, and shall come into operation on the fifteenth day of October, nineteen hundred and forty-nine.

Interpretation

2. —(1) In this Order:—

"inspector" means an inspector or other officer authorised by the Secretary of State;

"importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the plant;

"plant" includes tree and shrub and the roots, layers, cuttings and other parts of a plant except the fruit or seeds thereof.

(2) The Interpretation Act, 1889(d), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Prohibition of Importation of certain Forest Trees

3. For the prevention of the introduction of diseases and pests injurious to forest trees, the landing in Scotland from any country other than England and Wales, Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands of any living plant of any of the genera mentioned in the First and Second Schedules to this Order is hereby prohibited.

Procedure where Plants are landed in contravention of this Order

4. If plants of any of the genera mentioned in the First and Second Schedules hereto are landed in Scotland in contravention of this Order, they shall forthwith be destroyed or re-exported at the expense of the importer unless they are otherwise disposed of in accordance with the terms of a licence issued by the Secretary of State or by an inspector.

(a) 40 & 41 Vict. c. 68; 7 Edw. 7. c. 4; and 17 & 18 Geo. 5. c. 32.
(b) 9 & 10 Geo. 5. c. 58. (c) 8 & 9 Geo. 6. c. 35. (d) 52 & 53 Vict. c. 63.

Licences

5.—(1) Notwithstanding any of the provisions of this Order, plants of any of the genera mentioned in the First Schedule to this Order may be landed in Scotland, for instructional, scientific or similar purposes under and in accordance with the conditions of a licence issued by the Secretary of State or by an inspector.

(2) Notwithstanding any of the provisions of this Order, any plants of the genus mentioned in the Second Schedule to this Order may be landed in Scotland under and in accordance with the conditions of a licence issued by the Secretary of State or by an inspector.

Penalties

6. Any person failing to comply with the provisions of this Order or with the terms of a licence issued thereunder shall be liable to a fine not exceeding ten pounds, or, in respect of a second or subsequent offence, to a fine not exceeding fifty pounds.

Revocation of Orders

7. The Orders specified in the Third Schedule to this Order are hereby revoked.

Dated this thirtieth day of September, nineteen hundred and forty-nine.

Arthur Woodburn,
One of His Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

FIRST SCHEDULE

The genus Castanea.
The following genera of the Order Pinaceae, viz. Abies, Larix, Picea, Pinus, Pseudotsuga, Sequoia, Thuja and Tsuga.

SECOND SCHEDULE

The genus Populus.

THIRD SCHEDULE

The Importation of Elm Trees and Conifers (Prohibition) (Scotland) Order, 1933(a).
The Importation of Elm Trees and Conifers (Prohibition) (Scotland) (Amendment) Order, 1935(b).

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Previous Orders prohibiting the importation of certain forest trees in order to prevent the introduction from abroad of injurious diseases and pests are replaced by this Order, which also makes alterations in the kinds of trees which may not be imported except under licence.

(a) S.R. & O. 1933 (No. 1049) p. 765. (b) S.R. & O. 1935 (No. 640) p. 400.