STATUTORY INSTRUMENTS

1977 No. 901

PLANT HEALTH

The Importation of Wood and Bark (Prohibition) (Great Britain) Order 1977

Made - - -	*25th May* 1977
Laid before Parliament	*9th June* 1977
Coming into Operation	*11th July* 1977

The Forestry Commissioners, 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 amended by section 92(2) of, and Part II of Schedule 3 to, the Criminal Justice Act 1967(**b**) and by section 4(1) of, and paragraph 8(1) and (3) of Schedule 4 to, the European Communities Act 1972(**c**), and as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**d**), and of all other powers enabling them in that behalf, hereby make the following Order:—

Citation, commencement and extent

1. This Order, which may be cited as the Importation of Wood and Bark (Prohibition) (Great Britain) Order 1977, shall come into operation on 11th July 1977 and shall apply to Great Britain.

Interpretation

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

"importer", in relation to any wood or isolated bark, includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of the wood or isolated bark;

"inspector" means any person authorised by the Forestry 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;

"landed" includes unloaded from an aircraft or a hovercraft, and "landing" shall be construed accordingly;

"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;

"North America" means the countries of Canada, Mexico and the United States of America and the territory of St. Pierre and Miquelon;

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

"wood" means any log or part of a log 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.

(a) 1967 c.8. (b) 1967 c. 80. (c) 1972 c. 68. (d) 1972 c. 62.

(2) Any reference in this Order to a numbered Schedule shall be construed as a reference to the Schedule of that number contained in this Order.

(3) The Interpretation Act 1889(**a**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Restrictions on the landing of wood and isolated bark

3.—(1) Except as provided by paragraph (4) of this Article, the landing in Great Britain of wood of any of the descriptions specified in the second column of Schedule 1 is prohibited unless the conditions specified in the third column of that Schedule in relation to such wood have been complied with.

(2) Except as provided by paragraphs (3) and (4) of this Article, the landing in Great Britain of isolated bark of any of the descriptions specified in Schedule 2 is prohibited.

(3) Paragraph (2) of this Article shall not apply to any isolated bark of trees of the genus *Castanea*, of the genus *Quercus* or of the genus *Picea* grown in Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands if such isolated bark is exported directly to Great Britain.

(4) Notwithstanding the provisions of paragraphs (1) and (2) of this Article, any wood of the descriptions specified in the second column of Schedule 1 and any isolated bark of the descriptions specified in Schedule 2 may be landed in Great Britain under and in accordance with the terms of a licence granted by the Forestry Commissioners or an inspector.

(5) For the purposes of this Order wood shall not be taken to be imported from a country by reason only that the vessel, aircraft or hovercraft in which the wood is carried calls at a place in that country in the course of passage to Great Britain if the wood is not there unloaded, but wood which is so unloaded and is subsequently reloaded and carried to, and landed in, Great Britain shall be deemed to have been imported into Great Britain from such country.

(6) For the purposes of this Order isolated bark shall not be taken to be exported from a country by reason only that the vessel, aircraft or hovercraft in which the isolated bark is carried calls at a place in that country in the course of passage to a destination outside that country if the isolated bark is not there unloaded, but isolated bark which is so unloaded and is subsequently reloaded and carried out of that country shall be deemed to have been exported from that country.

Examination and sampling

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

(*a*) enter any premises and examine and take samples of any consignment or part of a consignment of wood of any of the genera mentioned in the second column of Schedule 1 and any consignment or part of a consignment of isolated bark of any trees of the genera mentioned in Schedule 2, and any packing material or containers accompanying any such consignment or part of a consignment and any fungi or insects found in any such consignment or part of a consignment or in any such packing material or containers landed, or which he has reasonable grounds for suspecting to have been landed or to be likely to be landed, in Great Britain;

(**a**) 1889 c. 63.

(*b*) for the purposes of such examination, open, authorise any person to open on his behalf or require the importer or the person in charge of such wood or isolated bark to open any container, bundle or other package in the consignment or part of a consignment; and

(*c*) if and so far as is necessary for the purposes of such examination (including examination and analysis of samples), prohibit entirely or to the extent indicated by him the movement of any consignment or part of a consignment of such wood or isolated bark which has been landed or which he has reasonable grounds for suspecting to have been landed in Great Britain.

Destruction, re-exportation or disposal under licence

5.—(1) Without prejudice to the provisions of the customs Acts as defined in the Customs and Excise Act 1952(**a**), if any wood or isolated bark is landed in Great Britain in contravention of this Order, it shall be destroyed forthwith by and at the expense of the importer unless it is immediately re-exported by him and at his expense from the place of landing, or is disposed of in accordance with the terms of a licence granted by the Forestry Commissioners or an inspector.

(2) If the Forestry Commissioners are, or an inspector is, satisfied that any wood of any of the descriptions specified in the second column of Schedule 1 landed in Great Britain was at the time of its landing not free from the pests and diseases mentioned in the conditions specified in the third column of that Schedule in relation to such wood, or did not at the time of its landing conform with any statement in any official certificate required to accompany it, and the owner or the person in charge of the wood has been notified accordingly, the wood and any part of the consignment of which it formed part which is in the custody or control of such owner or person shall be destroyed forthwith by and at the expense of such owner or person unless it is disposed of in accordance with the terms of a licence granted by the Forestry Commissioners or an inspector.

(3) Any destruction required by paragraph (1) or paragraph (2) of this Article shall be carried out to the satisfaction of an inspector at a place designated by him and, except with the written authority of the Forestry Commissioners or an inspector, no wood or isolated bark referred to in the said paragraph (1) and no wood, nor any part of a consignment of which the wood formed part, referred to in the said paragraph (2) shall be moved other than to such place.

(4) If any person shall have failed to destroy or re-export any wood or isolated bark in accordance with paragraph (1), or any wood in accordance with paragraph (2), of this Article, or to dispose of it in accordance with the terms of a licence granted under either of the said paragraphs then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the wood or isolated bark may be and may remove and destroy it, and the expenses incurred in connection with such removal or destruction shall be recoverable by the Forestry Commissioners from the owner of the wood or isolated bark so destroyed as a civil debt.

Information regarding imported wood and isolated bark

6. Every person who has or has had in his possession or under his charge any wood of any of the descriptions specified in the second column of Schedule 1, or any isolated bark of any of the descriptions specified in Schedule 2, which

(**a**) 1952 c. 44.

the Forestry Commissioners know or have reasonable grounds for suspecting, or an inspector knows or has reasonable grounds for suspecting, to have been landed in Great Britain, and every person who, as auctioneer, salesman or otherwise, has sold or offered for sale any such wood or isolated bark shall, if so required by demand in writing by the Forestry Commissioners or an inspector, give to the Forestry Commissioners or the 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 wood or isolated bark in their possession or under their custody or control:

Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

Offences

7.—(1) Every person who wilfully obstructs or impedes an inspector in the exercise of his powers under this Order or who does any act in contravention of this Order, or of the terms and conditions of any licence granted thereunder, or of the requirements of the Forestry Commissioners or an inspector thereunder, or of a prohibition imposed thereunder by an inspector, or who fails to do any act which he is required to do thereunder by the Forestry Commissioners or an inspector or by this Order or by any such licence shall be liable on summary conviction to a penalty not exceeding £100 or in respect of a second or subsequent offence to a penalty not exceeding £200.

(2) Paragraph (1) of this Article shall not apply in respect of any landing of wood or isolated bark in contravention of this Order for which a penalty may be imposed under the Customs and Excise Act 1952.

Revocation

8.—(1) The Importation of Wood (Prohibition) (Great Britain) Order 1974(**a**) is hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if this Order were an Act of Parliament and as if the Order revoked by this Order were an Act of Parliament repealed by an Act of Parliament.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 25th May 1977.

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

(L.S.)

(**a**) S.I. 1974/2 (1974 I, p. 3).

Article 3(1)

SCHEDULE 1

DESCRIPTIONS OF AND CONDITIONS FOR THE LANDING OF WOOD

Item	Description of wood (as defined in Article 2(1) of this Order)	Conditions subject to which landing is permitted
(1)(*a*)	Wood of the genus *Castanea* or of the genus *Quercus*— (i) grown in or imported from any country other than North America, the Union of Soviet Socialist Republics or Romania; or (ii) imported from Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands other than wood both grown in and imported directly from any of those territories.	Either— (*a*) the bark of all the wood in each consignment shall have been removed before export to Great Britain, or (*b*) each consignment of wood shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the wood in that consignment comes from a named region or named regions in which *Endothia parasitica* does not occur.
(1)(*b*)	Wood of the genus *Castanea* or of the genus *Quercus* grown in or imported from the Union of Soviet Socialist Republics or Romania.	Either— (*a*) the bark of all the wood in each consignment shall have been removed before export to Great Britain and the consignment shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that all the wood in the consignment has been debarked and that either its moisture content has been reduced to a maximum of 20% of its oven-dry weight or the wood has been disinfected against *Ophiostoma roboris*, using either chloropicrin or methyl bromide, or (*b*) each consignment of wood shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the wood comes from a named region or named regions in which *Endothia parasitica* and *Ophiostoma roboris* do not occur.

Item	Description of wood (as defined in Article 2(1) of this Order)	Conditions subject to which landing is permitted
(1)(*c*)	Wood of the genus *Castanea* or of the genus *Quercus* grown in or imported from North America.	The bark of all the wood in each consignment shall have been removed before export to Great Britain and the consignment shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that all the wood in the consignment has been debarked and that either its moisture content has been reduced to a maximum of 20% of its oven-dry weight or the wood has been disinfected against *Ceratocystis fagacearum* using either chloropicrin or methyl bromide.
(2)	Wood of the genus *Ulmus* grown in or imported from any country not in Europe.	(*a*) Before export to Great Britain, the bark of all the wood in each consignment shall have been removed and the wood shall have been disinfected against vectors of Dutch elm disease (*Ceratocystis ulmi*) and elm *Phloem necrosis* by spraying with a 0·1% emulsion of malathion in water applied in such a way as to cause thorough wetting of the rounded surface of the wood after the removal of the bark, and (*b*) each consignment shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the bark has been removed and that the wood has been so disinfected.
(3)(*a*)	Wood of the coniferous genera grown in or imported from any country not in Europe.	Before export to Great Britain the bark of all the wood in each consignment shall have been removed.
(3)(*b*)	Wood of the genus *Picea* grown in or imported from any country in Europe other than wood of that genus both grown in and imimported directly from Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands.	Before export to Great Britain the bark of all the wood in each consignment shall have been removed.

Article 3(2)

SCHEDULE 2

DESCRIPTIONS OF ISOLATED BARK

Item	Description of isolated bark the landing of which is prohibited
(1)	Isolated bark of trees of the genus *Castanea* or of the genus *Quercus* grown in any country.
(2)	Isolated bark of trees of the genus *Ulmus* grown in any country not in Europe or exported from any such country.
(3)	Isolated bark of trees of the coniferous genera grown in any country not in Europe or exported from any such country.
(4)	Isolated bark of trees of the genus *Picea* grown in any country in Europe or exported from any such country.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order revokes the Importation of Wood (Prohibition) (Great Britain) Order 1974 and re-enacts its provisions with modifications imposing new conditions for the permitted landing of wood of the genera *Castanea*, *Quercus* and *Picea* and of the coniferous genera. These conditions differ according to the genus and the country or territory in which the wood is grown or from which it is imported. The provisions of this Order relating to isolated bark (defined in Article 2(1)) are new.

The Order prohibits the importation into Great Britain of wood (as defined in Article 2(1)) of the descriptions specified in the second column of Schedule 1 from the countries referred to in that column unless the relevant conditions laid down in the third column have been fulfilled, and of isolated bark of the descriptions specified in Schedule 2 from the countries mentioned in that Schedule (except isolated bark of trees of the genera *Castanea*, *Quercus* and *Picea* grown in Northern Ireland, the Republic of Ireland, the Isle of Man or the Channel Islands which is exported directly to Great Britain), unless the Forestry Commissioners or an inspector authorised for the purposes of the Order have or has granted a licence allowing the importation of the wood or isolated bark.

This Order provides that an inspector authorised by the Commissioners may examine and take samples of wood or isolated bark imported or about to be imported, and that wood or isolated bark landed in contravention of the Order shall be destroyed by the importer, unless it is immediately re-exported or disposed of under licence.

The Order also provides that any wood appearing to the Commissioners or an inspector not to have been free at the time of landing from the pests and diseases mentioned in the Schedule, or not to have conformed with any statement in an accompanying certificate, shall be destroyed or disposed of under licence.

In addition, the Order lays down penalties for its contravention, and provides for the furnishing of information regarding imported wood and isolated bark.

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