STATUTORY INSTRUMENTS

1961 No. 656

PESTS

DESTRUCTIVE INSECTS AND PESTS

The Landing of Unbarked Coniferous Timber Order, 1961

Made - - - -	*5th April*, 1961
Laid before Parliament	11*th April*, 1961
Coming into Operation	24*th April*, 1961

The Forestry Commissioners, in exercise of the powers conferred on them by Sections 1 and 2 of the Destructive Insects Act, 1877(a), (as amended by Section 1 of the Destructive Insects and Pests Act, 1907(b), and Section 1 of the Destructive Insects and Pests Act, 1927(c)) and Section 3 of the Forestry Act, 1919(d), (as amended by Section 10 of the Forestry Act, 1945(e)), and of all other powers enabling them in that behalf, hereby make the following Order :—

Citation and Commencement

1. This Order may be cited as the Landing of Unbarked Coniferous Timber Order, 1961 and shall come into operation on the 24th day of April, nineteen hundred and sixty one.

Interpretation

2.—(1) In this Order—

" authorised officer " means an officer of the Forestry Commissioners authorised for the purposes of this Order ;

" importer ", in relation to unbarked coniferous timber, includes any person who, whether as owner, consignor or consignee, agent or broker, is for the time being in possession of, or in any way entitled to the custody or control of, the unbarked timber ;

" unbarked coniferous timber " means logs or poles from trees of any of the coniferous species in the round with some or all of the bark still present.

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

Prohibition of Landing

3.—(1) The landing in Great Britain of unbarked coniferous timber grown in or brought from any of the countries specified in the Schedule to this Order is hereby prohibited.

(2) For the purposes of this Order timber shall not be taken to be brought from a country by reason only that the vessel in which the timber is shipped calls at a port in such country in the course of its voyage to Great Britain, if the timber is not unloaded at such port ; but timber which is so unloaded and is subsequently re-shipped shall be deemed to have been brought to Great Britain from such country.

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

Procedure when produce is landed in contravention of this Order

4. If any unbarked coniferous timber is landed in Great Britain in contravention of this Order, it shall either be destroyed by the importer or be re-exported by him from the port of landing not later than seven days after the day on which it was so landed and, if after the expiration of that period the timber has not been so destroyed or re-exported, any authorised officer may destroy the timber by such means as he thinks fit or cause it to be so destroyed and the Forestry Commissioners may recover from the importer any expenses reasonably incurred in connection with its destruction.

Entry and Examination

5. An authorised officer, upon production if so required of his authority, may enter any premises on which he has reasonable grounds for believing that any unbarked coniferous timber is situated, being timber that has been landed in Great Britain in contravention of this Order or that he suspects has been so landed, and may examine any such coniferous timber that he finds there.

Offences

6. Any person who fails to comply with the provisions of Article 4 of this Order or who wilfully obstructs or impedes an authorised officer in the exercise of the powers conferred on him by this Order shall be liable on summary conviction to a penalty not exceeding ten pounds or, in respect of a second or subsequent offence, to a penalty not exceeding fifty pounds.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed this 5th day of April, nineteen hundred and sixty-one.

(L.S.) *H. A. Turner,*
Secretary to the Forestry Commissioners.

SCHEDULE

Belgium, Denmark, the Federal Republic of Germany, the Netherlands.

EXPLANATORY NOTE

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

This Order, which comes into operation on the 24th day of April, 1961, relates to unbarked timber in the round from trees of any of the coniferous species and prohibits its landing in Great Britain when grown in or brought from Belgium, Denmark, the Federal Republic of Germany and the Netherlands. It also contains subsidiary provisions relating to the procedure when such timber is landed in contravention of the Order, and confers certain powers of entry and examination on authorised officers of the Forestry Commission.