STATUTORY RULES OF NORTHERN IRELAND

2005 No. 380

PLANT HEALTH

The Plant Health (Import Inspection Fees)(Wood and Bark) Regulations (Northern Ireland) 2005

Made - - - -	*10th August 2005*
Coming into operation	*1st September 2005*

The Department of Agriculture and Rural Development(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2), and section 56(1), (2) and (5) of the Finance Act 1973(**4**) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Plant Health (Import Inspection Fees)(Wood and Bark) Regulations (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

Interpretation

2.—(1) In these Regulations—

"consignment" has the same meaning as in Article 2(1)(p) of the Directive;

"the Department" means the Department of Agriculture and Rural Development;

"the Directive" means Council Directive 2000/29/EC of 8th May 2000(**5**) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as last amended by Commission Directive 2005/15/EC of 28th February 2005(**6**);

"documentary check" has the same meaning as in Article 13a(1)(b)(i) of the Directive;

"identity check" has the same meaning as in Article 13a(1)(b)(ii) of the Directive;

(**1**) Formerly the Department of Agriculture for Northern Ireland; *see*S.I.1999/283 (N.I.1), Art. 3(4)
(**2**) S.I. 2000/2812
(**3**) 1972 c. 68
(**4**) 1973 c. 51.
(**5**) OJ No. L 169, 10.7.2000, p. 1.
(**6**) OJ No. L 56, 2.3.2005, p. 12.

"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;

"plant health check" has the same meaning as in Article 13a(1)(b)(iii) of the Directive;

"specified wood or isolated bark" means wood or isolated bark described in column 2 (Description) of Parts A and B of Schedule 1;

"third country" means a country or territory other than one within the European Community;

"wood packaging material" has the same meaning as in Annex IV(A)(1)(ii) of the Directive.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(**7**), which has been recorded and is consequently capable of being reproduced.

(3) The Interpretation Act (Northern Ireland) 1954(**8**) shall apply to these Regulations as it applies to an Act of the Assembly.

Consignments to which these Regulations apply

3. These Regulations apply to—

(a) consignments of specified wood or isolated bark listed in the second column of Part A of Schedule 1, landed in Northern Ireland from a third country, in respect of which Article 13d(1) of the Directive requires Member States to charge phytosanitary fees to cover the costs occasioned by documentary checks, identity checks and plant health checks.

(b) consignments of specified wood listed in the second column of Part B of Schedule 1, which are subject to emergency measures under the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005(**9**).

Fees

4.—(1) An importer of a consignment to which these Regulations apply shall pay to the Department the fees specified in this regulation.

(2) In respect of a plant health check carried out on any consignment of specified wood or isolated bark the fee payable shall be the fee specified in the fourth column of Parts A and B of Schedule 1.

(3) In respect of a documentary check or an identity check carried out on any consignment of specified wood or isolated bark the fee payable shall be the fee specified for that check in the third column of Schedule 2.

(4) Nothing in this regulation shall require the payment of a fee in respect of wood packaging material actually in use with any consignment of specified wood or isolated bark.

Notification of consignments

5. An importer of a consignment to which these Regulations apply must submit to the Department such information relating to the consignment, in writing and in such form as the Department may reasonably require, and such information must be submitted at least 3 days before the consignment is landed in Northern Ireland.

(**7**) 2000 c. 7
(**8**) 1954 c. 33 (N.I)
(**9**) S.R. 2005 No. 252

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 10th August 2005

L.S.

Malcolm Beatty
A senior officer of the
Department of Agriculture and Rural
Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance and Personnel on 10th August 2005

L.S.

Jack Layberry
A senior officer of the
Department of Finance and Personnel

SCHEDULE 1 Regulations 2, 3 and 4(2)

IMPORT INSPECTION FEES FOR PLANT HEALTH CHECKS

PART A

Specified wood and isolated bark originating outside the European Community

Item (1)	*Description (2)*	*Quantity (3)*	*Fee (4)*
1.	Wood of conifers (*Coniferales*), including wood which has not kept its natural round surface, in the form of: — Fuel Wood; in logs, billets, twigs, faggots or in similar forms; — Chips, particles, sawdust, wood waste and scrap obtained in whole or in part from these conifers, not agglomerated in logs, briquettes, pellets or similar forms; — Wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared; — Wood in the rough, other than treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood or roughly squared;	Per consignment — up to 100 cubic metres — for each additional cubic metre	£13.00 £0.13

Item (1)	*Description (2)*	*Quantity (3)*	*Fee (4)*
	— Split poles, piles, pickets and stakes pointed but not sawn lengthwise; — Railway or tramway sleepers (cross-ties) of wood; — Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6mm; — Packing cases, boxes, crates, drums and similar packings; cable-drums; pallets, box pallets and other load boards, pallet collars of wood; — Casks, barrels, vats, tubs and other coopers' products and parts thereof, including staves; — Prefabricated buildings of wood; originating in non-European countries, Kazakhstan, Russia and Turkey.		
2.	Wood of conifers (*Coniferales*), excluding wood which is bark-free, in the form of; — Fuel Wood; in logs, billets, twigs, faggots or in similar forms;	Per consignment — up to 100 cubic metres — for each additional cubic metre	£13.00 £0.13