STATUTORY RULES OF NORTHERN IRELAND

2001 No. 401

PLANT HEALTH

The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2001

Made - - - -	*15th November 2001*
Coming into operation	*31st December 2001*

The Department of Agriculture and Rural Development(**1**) in exercise of the powers conferred on it by sections 2(**2**), 3(1)(**3**), 3A(**4**), 3B(1)(**5**) and 4(1)(**6**) of the Plant Health Act (Northern Ireland) 1967(**7**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2001 and shall come into operation on 31st December 2001.

Amendment of the Plant Health (Wood and Bark) Order (Northern Ireland) 1993

2.—(1) The Plant Health (Wood and Bark) Order (Northern Ireland) 1993(**8**) shall be amended in accordance with paragraphs (2) to (7).

(2) In Article 2(1)—

(a) the definition of "dunnage" shall be amended to read as follows:

> ""dunnage" means wood of any kind used to wedge or support parts of cargo and includes packing material, spacers and pallets, except that dunnage originating in Canada, China, Japan and the United States of America shall not include wood packing material;";

(**1**) Formerly the Department of Agriculture: *see*S.I. 1999/283 (N.I. 1)Art. 3(4)
(**2**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art.3 and Sch.2; 1979 c. 2, S.177(1) and Sch.4, Part II and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**3**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**4**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**5**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**6**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**7**) 1967 c. 28 (N.I.)
(**8**) S.R. 1993 No. 460; amended by S.R. 1996 No. 18, S.R. 1997 No. 11, S.R. 1999 No. 24 and S.R. 1999 No. 389

(b) to the definition of "wood" after the word "scrap" there shall be added the words "and wood packing material originating in Canada, China, Japan and the United States of America;"; and

(c) after the definition of "wood" there shall be inserted the following definition:

> ""wood packing material" means non-manufactured wood of conifers (Coniferales), except that of *Thuja* L., which is in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards and pallet collars, whether or not in use in the transport of objects, and, in reference to wood used in the construction of wood packing material, " non-manufactured" shall refer to wood which has not undergone a manufacturing process involving glue or a combination of heat and pressure.".

(3) In Article 9—

(a) in paragraph (1) for the words "paragraphs (2) to (4)" there shall be substituted the words "paragraphs (1A) to (4)"; and

(b) after paragraph (1) there be inserted the following paragraph—

> "(1A) Paragraph (1) shall not apply to any wood described in column (2) of item 1.3AA of Section 1 of Part A of Schedule 4.".

(4) At paragraph (5) of Article 12, after the words "third country by post," there shall be inserted the words "and wood packing material originating in China,".

(5) After paragraph (5) of Article 12 there shall be inserted the following text:

> "(5A) Any phytosanitary certificate required in compliance with Articles 3(2) and 9 and Section 1 of Part A of Schedule 4 in respect of wood packing originating in China shall be retained by the importer of the wood packing material for a period of one year from the date of landing, and, without prejudice to the powers of an inspector under Article 23, shall be produced by him to an inspector immediately upon request, which may be made orally or in writing.
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> (5B) An inspector requesting a phytosanitary certificate under paragraph (5A) may retain the certificate for as long as he deems necessary to perform his functions under this Order."

(6) Article 18A shall be renumbered Article 18A(1) and after that paragraph there shall be added the following paragraph –

> "(2) Paragraph (1) shall not apply to items 1.3AA and 1.3AB of Section 1 of Part A of Schedule 4.".

(7) At Section 1 of Part A of Schedule 4—

(a) at the end of the text in column (2) of item 1.1 there shall be added the following indent—

— "wood packing material referred to in items 1.3AA and 1.3AB";

(b) for the text in column (2) of item 1.3 there shall be substituted the following text:

> "Wood of conifers (Coniferales) except that of *Thuja* L.—
>
> (a) in the form of packing cases, crates, drums, pallets, box pallets or load boards, dunnage, spacers and bearers, including wood which has not kept its natural round surface, originating in Korea and Taiwan;
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> (b) in the form of dunnage, spacers and bearers including wood which has not kept its natural round surface, originating in Canada, China, Japan and the United States of America"; and
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> (c) in the form of packing cases, crates , drums, pallets, box pallets or load boards originating in Canada, China, Japan and the United States of

America and despatched to the European Community before 1st October 2001"; and

(c) after item 1.3 there shall be inserted—

"**1.3AA.** Wood of conifers (Coniferales) except that of *Thuja* L. in the form of wood packing material originating in Canada, Japan and the United States of America and despatched to the European Community after 30th September 2001.	Without prejudice to Article 3(1), Part A of Schedule 2 and Schedule 3, wood packing material originating in Canada, Japan and the United States of America— (a) shall— (i) be heat treated or kiln dried to a minimum core temperature of 56 degrees Celsius for at least 30 minutes in a closed chamber or kiln which has been tested, evaluated and officially approved for this purpose, and (ii) display an officially approved heat-treated or kiln-dried marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out; (b) shall— (i) in accordance with an officially recognised technical specification, have been pressure treated with a chemical which is approved by a body responsible for such approvals in the country concerned, and (ii) display an official marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out; or (c) shall— (i) in accordance with an officially recognised technical specification, have been fumigated with a chemical which is approved by a body responsible for such approvals in the country concerned, and (ii) display an official marking enabling the identification of where and by whom the fumigation described in paragraph (i) above has been carried out.
1.3AB. Wood of conifers (Coniferales) except that of *Thuja* L. in the form of wood packing material	Without prejudice to Article 3(1), Part A of Schedule 2 and Schedule 3, wood packing material originating in China—