1993 No. 460

PLANT HEALTH

Plant Health (Wood and Bark) Order (Northern Ireland) 1993

Made . . . . . *25th November 1993*

Coming into operation . . . *3rd January 1994*

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The Department of Agriculture in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3A(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) and of all powers 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) Order (Northern Ireland) 1993 and shall come into operation on 3rd January 1994.

(**a**) 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 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**c**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**d**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**f**) 1967 c. 28 (N.I.)

Interpretation

2.—(1) In this Order—

"authorised officer" means in relation to a plant health inspection carried out or certificate or translation or copy of a certificate issued in—

(*a*) Northern Ireland, an inspector; and

(*b*) a place other than Northern Ireland, a representative of the Plant Protection Organisation of the country in which such inspection was carried out or such certificate, translation or copy was issued;

"collective warehouse" means any premises used for the storage or aggregation of consignments of wood, isolated bark or used forestry machinery;

"Customs Act" means the Customs and Excise Management Act 1979(**a**);

"Directive 77/93/EEC" means the Council Directive of 21st December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(**b**), as amended and supplemented by the instruments listed in Schedule 8;

"dispatching centre" means any premises from which wood, isolated bark or used forestry machinery may be consigned;

"dunnage" means loose wood of any kind used to wedge or support parts of a cargo to keep them steady;

"Euro-Mediterranean area" means the geographical area comprising Europe, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Libya, Malta, Morocco, Syria, Tunisia and Turkey;

"Europe" includes the Canary Islands, Belarus, Estonia, Latvia, Lithuania, Moldova, the Urkraine and Russia (except the regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krais, and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts), but does not include Cyprus or Turkey;

"European Community" means the European Economic Community, including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;

"forestry trader" means—

(*a*) an importer of wood, isolated bark and used forestry machinery directly consigned from a third country;

(*b*) a producer of such material;

(*c*) a person in charge of a collective warehouse or a dispatching centre;

(**a**) 1979 c. 2
(**b**) O.J. No. L26, 31.1.77, p. 20

(*d*) a person who in the course of a trade or business divides up or combines consignments of wood, isolated bark and used forestry machinery; or

(*e*) a person who engages in any other activity to which this Order applies;

"genetically modified pest" means a pest, the genetic component of which has been modified, and includes—

(*a*) organisms and material which contain such a pest or parts thereof, and

(*b*) any other modified organisms likely to be injurious to trees,

other than those organisms which, in the opinion of the Department, have been modified to eliminate all pathogenic sequences;

"importer" in relation to any pest, wood, isolated bark or used forestry machinery includes:—

(*a*) any person who (whether as owner, consignor or consignee, agent, broker or otherwise) is in possession of or in any way entitled to the custody or control of any such item which is likely to be or has been landed from a third country; and

(*b*) any person by whose action the item is likely to be or has been landed from a third country;

"inspector" means any person authorised in writing by the Department 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" means bought into Northern Ireland by any means whatsoever;

"Member State" means a Member State of the European Community other than the United Kingdom;

"North America" means the geographical area comprising Canada, Mexico and the United States of America (except the State of Hawaii);

"occupier" in relation to any premises means any person in occupation of or in charge of those premises whether he has an estate in them or not;

"official" in relation to any testing or any other procedure required by this Order to be carried out in respect of any wood, isolated bark and used forestry machinery means carried out by or under the supervision of the Plant Protection Service of the country in which the testing or other procedure is carried out;

"official register" means the register kept in accordance with Article 14;

"official statement" means a statement by an authorised officer made on a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"pest" means a pathogen, or a living organism (other than a vertebrate animal) in any stage of its existence, which is injurious to any tree or the wood thereof and including a culture of such pathogen or organism and any genetically modified pest and includes any containers which may have been in contact with such pest for culture;

"phytosanitary certificate" means a certificate duly completed either in the form set out in Part A of Schedule 7 or an equivalent text in a language other than English;

"place of production" means any premises, which are normally worked as a unit, together with any contiguous uncultivated land;

"plant passport" means a label and, where appropriate, an accompanying document containing the informataion set out in Schedule 6, issued in accordance with the requirements of Directive 79/93/EEC by or with the authority of a Plant Protection Service in the European Community, and includes a replacement plant passport;

"premises" includes any land, building (other than a private dwelling house), vehicle, vessel, aircraft, hovercraft or freight container;

"producer" means in relation to wood, isolated bark and used forestry machinery, a person who grows or makes the material in the course of a trade or business;

"protected zone" means a zone in the European Community—

(*a*) in which one or more of the pests referred to in Schedule 2, which are established in one or more parts of the European Community, are not endemic or established, despite favourable conditions for them to establish there; or

(*b*) in which there is a danger that certain pests will establish themselves, given propitious ecological conditions, for particular trees, despite the fact that these organisms are not endemic or established in the European Community,

and which has been recognised in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC;

"re-forwarding phytosanitary certificate" means a certificate duly completed either in the form set out in Part B of Schedule 7 or the equivalent text in a language other than English;

"registered" means registered in the official register;

"registered premises" means in relation to any forestry trader any premises on which he carries out any activity to which his application for registration relates;

"responsible person" means a person appointed under Article 17(5)(*b*) for the purpose of issuing a plant passport;

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

"wood", save where expressly provided otherwise, means any log, sawn wood, and any dunnage, pallet, spacer, container or packing material consisting of wood, which retains some or all of its bark or any part of the round surface immediately below the bark and shall also include wood chips, particles, sawdust, wood waste or scrap.

(2) Any reference in this Order to a particular pest shall be construed as a reference to that pest in any stage of its existence.