1981 No. 37

PLANT HEALTH

Import and Export (Wood and Bark) (Plant Health) Order (Northern Ireland) 1981

Made . . . . . *10th February 1981*

Coming into operation . . . *1st April 1981*

ARRANGEMENT OF ARTICLES

Article

1. Citation and commencement
2. Interpretation
3. Application of Order
4. Prohibition on landing of pests and genetically manipulated material
5. Prohibition on landing of wood, and isolated bark, carrying, or infected with, pests.
6. Prohibition on landing of isolated bark
7. Conditions for landing of wood, and isolated bark, listed in Schedule 4
8. Certificates to accompany wood, or isolated bark, imported from Member States
9. Certificates to accompany wood, or isolated bark, imported from third countries
10. Wood or isolated bark the origin of which is to be declared
11. Requirements for export of wood, or isolated bark, to Member States
12. General provisions concerning certificates
13. Examination, sampling and marking
14. Wood, or isolated bark, landed in contravention of Order
15. Pests or genetically manipulated material landed in contravention of Order
16. Persons accompanying, or authorised by, an inspector
17. Officers of Customs and Excise
18. Licences
19. Information which may be required
20. Offences
21. Revocation

ARRANGEMENT OF SCHEDULES

Schedule

1. Pests which may not be landed
2. Pests which may not be landed if they are carried on or infect wood
3. Isolated bark which may not be landed
4. Conditions subject to which wood and isolated bark may be landed
5. Wood, or isolated bark, the import of which requires to be accompanied by a phytosanitary certificate

6. Wood, and isolated bark, the country of whose growth is to be declared
7. Wood and isolated bark to be accompanied by a phytosanitary certificate before being exported from Northern Ireland to a Member State
8. Form of phytosanitary certificate and re-forwarding phytosanitary certificate

The Department(**a**) of Agriculture, in exercise of the powers conferred on it by sections 2(1)(**b**), (2) and (3)(**c**), 3(1)(**b**), (2)(**b**), (3) and (4)(**d**) and 3A(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) 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 Import and Export (Wood and Bark) (Plant Health) Order (Northern Ireland) 1981 and shall come into operation on 1st April 1981.

Interpretation

2.—(1) In this Order—

"authorised officer" in relation to—

(*a*) the completion and signing of phytosanitary certificates and re-forwarding phytosanitary certificates;

(*b*) the completion and signing of translations of phytosanitary certificates and re-forwarding phytosanitary certificates;

(*c*) the certifying of copies;

means a representative of the plant protection service of the country in which the certificates, translations or copies are issued;

"consignment" includes soil, packaging materials, packages and containers;

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

"Europe" includes the Canary Islands but does not include the Azores, Cyprus or Malta or the following regions of the Union of Soviet Socialist Republics namely the Kazakh, Kirghiz, Tadzhik, Turkmen and Uzbek Soviet Socialist Republics and the following regions of the Russian Soviet Federal Socialist Republic, namely the Buryat, Yakut and Tuva Autonomous Soviet Socialist Republics, the Altai, Khabarovsk, Krasnoyarsk and Maritime Krais and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts;

"genetic manipulation" means the formation of new combinations of heritable material by the insertion of nucleic acid molecules, produced by whatever means outside the cell, into any virus, bacterial plasmid or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

"genetically manipulated material" means material which has been derived from an activity which has involved genetic manipulation and which, in the opinion of the Department, is likely to result in the production of a pest;

(**a**) Formerly Ministry: *see* 1973 c. 36 s. 40 and Sch. 5 para. 8(1)
(**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(1)
(**d**) As amended by 1967 c. 29 (N.I.) s. 1(2) and Sch. Part II
(**e**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**f**) 1967 c. 28 (N.I.)
(**g**) 1979 c. 2

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

"inspector" means an officer of the Department 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 such tree and includes any packaging material or package or container connected therewith;

"landed" means brought into Northern Ireland by any means whatsoever;

"Member State" means a Member State of the European Community and includes Great Britain, the Isle of Man and the Channel Islands;

"North America" means the countries of Canada, Mexico and the United States of America (other than the State of Hawaii);

"non-indigenous" means not known, in the opinion of the Department, to be established in Northern Ireland;

"official statement", in relation to any wood or isolated bark, means a statement by an authorised officer made on a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"pest" means a living organism other than a vertebrate animal, or a pathogen, which is injurious to any tree or the wood thereof and includes a culture of such organism or pathogen;

"phytosanitary certificate" means a certificate either in the form set out in Part I of Schedule 8 or an equivalent text in a language other than English;

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

"re-forwarding phytosanitary certificate" means a certificate either in the form set out in Part II of Schedule 8 or an equivalent text in a language other than English;

"third country" means a country other than a Member State;

"wood" means a log, sawn wood and any dunnage, pallet, container or other packing material consisting of wood, which retains all or some of its bark and any part of the rounded surface of the tissues immediately below the bark, but does not include chips.

(2) A reference in this Order to a Member State or third country includes reference to a state, province or region therein.

Application of Order

3.—(1) Only Articles 11, 12, 18, 19 and 20 shall apply in relation to wood, or isolated bark, which has been grown in Northern Ireland unless such wood or isolated bark has been exported from and is subsequently re-imported into Northern Ireland in which case all the provisions of this Order shall apply.

(2) Only paragraphs (1) and (6) of Schedule 4 shall apply to wood, or isolated bark, which is either grown in Northern Ireland or is consigned direct to Northern Ireland from Great Britain, the Isle of Man or any of the Channel Islands.

Prohibition on landing of pests and genetically manipulated material

4. A person shall not land—

(*a*) a pest which is listed in Schedule 1 or in column (1) of Schedule 2;

(*b*) a non-indigenous pest whether or not it is listed in Schedule 1 or in column (1) of Schedule 2;

(*c*) a pest which has been subjected to genetic manipulation; or

(*d*) any genetically manipulated material.

Prohibition on landing of wood, and isolated bark, carrying or infected with pests

5. A person shall not land—

(*a*) wood, or isolated bark, which is carrying or is infected with a pest listed in Schedule 1:

(*b*) wood of a kind which is listed in column (2) of Schedule 2 and which is carrying or is infected with a pest listed in column (1) of Schedule 2 opposite wood so listed.

Prohibition on landing of isolated bark

6. A person shall not land isolated bark which is of a kind listed in column (1) of Schedule 3 and which originates in a country listed in column (2) of that Schedule.

Conditions for landing of wood, and isolated bark, listed in Schedule 4

7. A person shall not land wood, or isolated bark, the import of which is not prohibited under the provisions of Article 6 and which is of a kind listed in column (1) of Schedule 4 unless the conditions listed in column (2) of that Schedule opposite such wood or isolated bark are fulfilled.

Certificates to accompany wood, or isolated bark, imported from Member States

8.—(1) A person shall not land wood, or isolated bark, the import of which is not prohibited under the provisions of Article 6 and which is consigned direct to Northern Ireland from within a Member State and which is of a kind listed in Part I of Schedule 5 unless it is accompanied by:

(*a*) a phytosanitary certificate issued in the country in which such wood, or isolated bark, was grown; and

(*b*) a re-forwarding phytosanitary certificate issued in each other country from within which such wood, or isolated bark, has been consigned prior to its landing.

(2) Subject to paragraph (3), a person shall not land wood, or isolated bark, the import of which is not prohibited under the provisions of Article 6 and which is consigned direct to Northern Ireland from within a Member State and which is of a kind listed in Part II of Schedule 5 unless it is accompanied by a phytosanitary certificate issued in that Member State.

(3) Where wood, or isolated bark, as described in paragraph (2) has previously been consigned from within any other country to a Member State before it has been consigned from within that Member State to Northern Ireland, instead of a phytosanitary certificate issued in that Member State it may be accompanied by:

(*a*) the latest phytosanitary certificate relating to it which has been issued in one of the countries from within which it was previously consigned, together with

(*b*) a re-forwarding phytosanitary certificate relating to it which has been issued in each other country from within which it has been consigned subsequent to its consignment from within the country in which the latest phytosanitary certificate relating to it was issued.

(4) The requirements relating to re-forwarding phytosanitary certificates contained in paragraphs (1), (2) and (3) shall only apply to the re-export of a consignment of either wood, or isolated bark, to Northern Ireland from another country if such consignment, before being consigned to Northern Ireland, has been stored, re-packed or split up in the country from which it has been re-exported.

Certificates to accompany wood, or isolated bark, imported from third countries

9.—(1) A person shall not land wood, or isolated bark, the import of which is not prohibited under the provisions of Article 6 and which is consigned direct to Northern Ireland from within a third country and which is of a kind listed in Part III of Schedule 5 unless it is accompanied by:

(*a*) a phytosanitary certificate which has been issued in the country in which such wood, or isolated bark, was grown; and

(*b*) a re-forwarding phytosanitary certificate which has been issued in each other country from within which such wood, or isolated bark, has been consigned prior to its landing.

(2) Paragraph (1) in relation to re-forwarding phytosanitary certificates shall only apply to the re-export of a consignment of wood, or isolated bark, from a particular country if—

(*a*) such consignment, before being consigned to Northern Ireland, has been stored, re-packed or split up in the country from which it has been re-exported; or

(*b*) the address of the consignee which is set out in the phytosanitary certificate accompanying the consignment is not in Northern Ireland.

Wood, or isolated bark, the origin of which is to be declared

10. A person shall not land wood, or isolated bark, which is of a kind listed in Schedule 6 unless it is accompanied by an official statement (either in the form of a separate document or in those cases in which the provisions of Article 8 or 9 require a phytosanitary certificate as part of that certificate) declaring the name of the country in which it was grown.

Requirements for export of wood, or isolated bark, to Member States

11.—(1) A person shall not export to a place within a Member State wood, or isolated bark, which is of a kind listed in Schedule 7 unless such wood, or isolated bark, when exported, is accompanied by a phytosanitary certificate, or a re-forwarding phytosanitary certificate, issued by the Department or an inspector immediately before the exportation of such wood, or isolated bark.

(2) An application for a phytosanitary certificate or a re-forwarding phytosanitary certificate shall be made to the Department or an inspector with such information, in such form and in such manner as the Department may require.

General provisions concerning certificates

12.—(1) An inspection (other than an inspection for the purpose of making an official statement in respect of the requirements in column (2) of Schedule 4) referred to in a phytosanitary certificate or a re-forwarding phytosanitary certificate shall be carried out not more than 14 days before the date of export of the consignment of wood, or isolated bark, which such certificate is to accompany.

(2) A phytosanitary certificate or a re-forwarding phytosanitary certificate shall be completed not more than 14 days before the date of export of the consignment of wood, or isolated bark, which such certificate is to accompany and after the carrying out of any inspection referred to in paragraph (1) which relates to that wood or isolated bark.

(3) An official statement in respect of the requirements of column (2) of Schedule 4 shall be deemed to have been given by the issue in accordance with this Order of a phytosanitary certificate to accompany the wood, or isolated bark, to which it relates.

(4) Where a phytosanitary certificate or a re-forwarding phytosanitary certificate is issued in a third country, the language of which is other than English, such