**1976 No. 129**

# PLANT HEALTH

## Importation of Wood (Prohibition) Order (Northern Ireland) 1976

*Made* . . . . . 16*th April* 1976

*Coming into operation* . . . 1*st July* 1976

The Department(a) of Agriculture, in exercise of the powers conferred on it by sections 2 and 3 of the Plant Health Act (Northern Ireland) 1967(b) as amended by section 1(2) of and Part II of the Schedule to the Increase of Fines Act (Northern Ireland) 1967(c), Schedule 2 of the European Communities (Agriculture) Order (Northern Ireland) 1972(d), section 11 of the Agriculture (Miscellaneous Provisions) (Northern Ireland) Order 1975(e), and of all other powers enabling it in that behalf, and after consultation with such interests as appear to it to be concerned, hereby makes the following Order:

*Citation and commencement*

**1.** This Order may be cited as the Importation of Wood (Prohibition) Order (Northern Ireland) 1976, and shall come into operation on 1st July 1976.

*Interpretation*

**2.**—(1) In this Order, unless the context otherwise requires—

"importer", in relation to any wood, includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of the wood;

"inspector" means any person authorised by the Department of Agriculture for the purposes of this Order;

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

"log" means the trunk of any felled or fallen tree which has been trimmed or any length of such trunk which has been trimmed, or any branch, or any length of such branch, which has been trimmed, severed from a living or felled or fallen tree;

"premises" includes any vehicle, vessel, aircraft, hovercraft or freight container;

"wood" means—

(*a*) any log in the round of a coniferous species which retains some or all of its bark, and

(*b*) any log or part of a log of a non-coniferous species which retains some or all of its bark or any part of the rounded surface of the tissues immediately below the bark, but does not include chips.

(2) Any reference in this Order to "the Schedule" is a reference to the Schedule to this Order.

---

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1967 c. 28 (N.I.)
(c) 1967 c. 29 (N.I.)
(d) S.R. & O. (N.I.) 1972 No. 351 (p. 1740)
(e) S.I. 1975 No. 1038 (N.I. 8)

*Restrictions on the landing of wood*

**3.**—(1) Except as provided by paragraph (2) of this Article, the landing in Northern Ireland of wood of any of the descriptions specified in the second column of the Schedule is prohibited unless the conditions specified in the third column of the Schedule in relation to such wood have been complied with.

(2) If, on the application of an importer for a licence under this paragraph, the Department of Agriculture shall be satisfied that any wood, the landing of which is prohibited under paragraph (1) of this Article, is intended for use solely for scientific purposes, such wood may be landed in Northern Ireland under and in accordance with the terms of a licence granted by the Department of Agriculture.

(3) For the purposes of this Order wood shall not be taken to be imported from a country by reason only that the vessel, aircraft or hovercraft in which the wood is carried calls at a place in that country in the course of carriage to Northern Ireland, if the wood is not there unloaded; but wood which is so unloaded and is subsequently reloaded and carried to, and landed in, Northern Ireland shall be deemed to have been imported into Northern Ireland from such country.

*Examination and sampling*

**4.** An inspector, upon production if so required of his authority, may—

(*a*) enter any premises and examine and take samples of any consignment or part of a consignment of wood of any of the genera mentioned in the second column of the Schedule (and any packing material or containers accompanying it and any fungi or insects found therein) landed, or which he has reasonable grounds for suspecting to have been landed or to be likely to be landed, in Northern Ireland;

(*b*) for the purposes of such examination, open, authorise any person to open on his behalf or require the importer or the person in charge of such wood to open any container, bundle or other package in the consignment or part of a consignment; and

(*c*) if and so far as is necessary for the purposes of such examination (including examination and analysis of samples), prohibit entirely or to the extent indicated by him the movement of any consignment or part of a consignment of such wood which has been landed or which he has reasonable grounds for suspecting to have been landed in Northern Ireland.

*Destruction, re-exportation or disposal under licence*

**5.**—(1) Without prejudice to the provisions of the customs Acts as defined in the Customs and Excise Act 1952(f) if any wood is landed in Northern Ireland in contravention of this Order, it shall be destroyed forthwith by and at the expense of the importer unless it is immediately re-exported by him and at his expense from the place of landing, or is disposed of in accordance with the terms of a licence granted by the Department of Agriculture.

(2) If the Department of Agriculture is satisfied that any wood of any of the descriptions specified in the second column of the Schedule landed in Northern Ireland was at the time of its landing not free from the pests and diseases mentioned in the conditions specified in the third column of the

(f) 1952 c. 44

Schedule in relation to such wood, or did not at the time of its landing conform with any statement in any official certificate required to accompany it, and the owner or the person in charge of the wood has been notified accordingly, the wood and any part of the consignment of which it formed part which is in the custody or control of such owner or person shall be destroyed forthwith by and at the expense of such owner or person unless it is disposed of in accordance with the terms of a licence granted by the Department of Agriculture.

(3) Any destruction required by paragraph (1) or paragraph (2) of this Article shall be carried out to the satisfaction of an inspector at a place designated by him and, except with the written authority of the Department of Agriculture no wood referred to in the said paragraph (1) and no wood, nor any part of a consignment of which the wood formed part, referred to in the said paragraph (2) shall be moved other than to such place.

(4) If any person shall have failed to destroy or re-export any wood in accordance with paragraph (1) or paragraph (2) of this Article, or to dispose of it in accordance with the terms of a licence granted under either of the said paragraphs then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector may enter any premises in which the wood may be and may remove and destroy it and the cost of taking such action shall be recoverable as a civil debt from the owner of the wood.

*Information regarding imported wood*

**6.** Every person who has or has had in his possession or under his charge any wood of any of the genera mentioned in the second column of the Schedule which the Department of Agriculture knows or has reasonable grounds for suspecting to have been landed in Northern Ireland and every person who, as auctioneer, salesman or otherwise, has sold or offered for sale any such wood shall, if so required by demand in writing by the Department of Agriculture, give to the Department of Agriculture within the time specified in that demand all such information as he possesses as to the persons who have or have had or are likely to have or to have had the said wood in their possession or under their custody or control:

Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

*Offences*

**7.**—(1) Every person who wilfully obstructs or impedes an inspector in the exercise of his powers under this Order or who does any act in contravention of this Order, or of the terms and conditions of any licence granted thereunder, or of the requirements of the Department of Agriculture or an inspector thereunder, or of a prohibition imposed thereunder by an inspector, or who fails to do any act which he is required to do thereunder by the Department of Agriculture or an inspector or by this Order or by any such licence shall be liable on summary conviction to a penalty not exceeding £100 or in respect of a second or subsequent offence to a penalty not exceeding £200.

(2) Paragraph (1) of this Article shall not apply in respect of (*a*) any landing of wood in contravention of this Order for which a penalty may be imposed under the Customs and Excise Act 1952, and (*b*) any breach of this Order prior to the landing of wood in contravention of this Order.