
STATUTORY INSTRUMENTS

1989 No. 823

PLANT HEALTH

The Plant Health (Forestry) (Great Britain) Order 1989

<i>Made</i>	- - - -	<i>4th May 1989</i>
<i>Laid before Parliament</i>		<i>18th May 1989</i>
<i>Coming into force</i>	- -	<i>8th June 1989</i>

The Forestry Commissioners, in exercise of the powers conferred on them by sections 2 and 3 of the Plant Health Act 1967⁽¹⁾, as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972⁽²⁾, and of all other powers enabling them in that behalf, hereby make the following Order:

Title, extent and commencement

1. This Order may be cited as the Plant Health (Forestry) (Great Britain) Order 1989, shall apply to Great Britain and shall come into force on 8th June 1989.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—
“authorised officer” means—

- (a) in relation to a certificate, translation or copy issued in Great Britain, an inspector or other officer authorised by the Commissioners, and
- (b) in relation to a certificate, translation or copy issued in a place other than Great Britain, a representative of the Plant Protection Service of the country in which the certificate, translation or copy was issued;

“the Commissioners” means the Forestry Commissioners;

“Customs Act” means the Customs and Excise Management Act 1979⁽³⁾;

(1) 1967 c. 8; sections 2(1), 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48) and is to be read, as regards England and Wales, with S.I. 1984/447, and section 52(4) of the Criminal Justice Act 1988 (c. 33), and, as regards Scotland, with section 289G(13) of the Criminal Procedure (Scotland) Act 1975 (c. 21) as inserted by section 66 of the Criminal Justice Act 1987 (c. 41), and S.I. 1984/526. The powers conferred by sections 2 and 3 of the Plant Health Act 1967 are conferred on “a competent authority”, which expression is defined in section 1(2), as regards the protection of forest trees and timber from attack by pests, as the Forestry Commissioners.

(2) 1972 c. 62.

(3) 1979 c. 2.

“Directive [77/93/EEC](#)” means Council Directive of 21st December 1976 on protective measures against the introduction into the Member States of organisms harmful to trees, wood or bark⁽⁴⁾ as amended by the instruments listed in Schedule 6;

“dunnage” means loose wood of any kind used to wedge parts of a cargo to keep them steady;

“the 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, but does not include Cyprus, Turkey 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 Krai and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts;

“genetically manipulated material” means material derived from any activity which has involved genetic manipulation and which has resulted or, in the opinion of the Commissioners, is likely to result in the production of a tree pest, or any activity which has involved genetic manipulation of a tree pest, and includes material which contains a tree pest which has been genetically manipulated;

“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;

“growing medium” means material, intended to sustain the life of plants, which consists wholly or partly of soil or peat (whether used or unused) or of any other solid substance;

“importer” in relation to any tree pest, genetically manipulated material, tree, wood, isolated bark, forestry machinery, soil or growing medium 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 the tree pest, genetically manipulated material, tree, wood, isolated bark, forestry machinery, soil or growing medium; and
- (b) any person by whose action the tree pest, genetically manipulated material, tree, wood, isolated bark, forestry machinery, soil or growing medium is likely to be or has been landed in Great Britain;

“inspector” means any person authorised by the Commissioners to be an inspector 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” includes imported by post and “landing” shall be construed accordingly;

“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;

“Member State” means a Member State of the European Community other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands or the French overseas departments, the Canary Islands, Ceuta or Melilla;

(4) OJ No. L26, 31.1.77, p.20.

“mill certificate” means a certificate duly completed by a representative of a supplier of wood for export (including a wood shipping agent), being a supplier authorised by the Plant Protection Service of the exporting country under arrangements approved by the Commissioners, completed substantially in the form set out in Part III of Schedule 5 or the equivalent written in a language other than English;

“North America” means the geographical area comprising Canada, Mexico and the United States of America (except the state of Hawaii);

“nursery” means any premises wholly or partly used for the cultivation or keeping of trees for the purpose of transplantation or removal to other premises;

“official” in relation to any testing or any other procedure required by this Order to be carried out in respect of any tree, wood, isolated bark, soil or growing medium 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 and “officially” shall be construed accordingly;

“phytosanitary certificate” means a certificate duly completed either in the form set out in Part I of Schedule 5 or the equivalent written in a language other than English;

“place of production” means any premises, normally worked as a unit, together with any contiguous uncultivated land;

“premises” includes any land, building, vehicle, vessel, aircraft, hovercraft or freight container;

“reforwarding phytosanitary certificate” means a certificate duly completed either in the form set out in Part II of Schedule 5 or the equivalent written in a language other than English;

“seed” means seed in the botanical sense, other than seed not intended for planting;

“soil” means material wholly or partly derived from the upper layer of the earth’s crust which is capable of sustaining plant life and which contains solid organic substances such as parts of plants, humus, peat or bark, but does not include material composed entirely of unused peat;

“third country” means a country or territory other than a Member State, the United Kingdom, the Isle of Man or any of the Channel Islands;

“tree” means a living forest tree or any living part thereof at any stage of its growth and includes, where the context admits, any growing medium, substance, packing material or container attached thereto or associated therewith, and living part of a tree shall be deemed to include—

- (i) branches with or without foliage,
- (ii) cut trees retaining foliage,
- (iii) trees in tissue culture,
- (iv) fruit or seed of a tree;

“tree in tissue culture” means a tree growing in a clear liquid or clear solid aseptic culture medium in a closed transparent container;

“tree pest” means a pathogen, or any living organism, other than a vertebrate animal, in any stage of its existence, which is injurious to any tree or the wood thereof and includes a culture of such pathogen or organism;

“wood” 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 rounded surface of the tissues 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 tree pest shall be construed as a reference to that pest in any stage of its existence.

(3) Any reference in this Order to a Member State, third country, Great Britain, Northern Ireland, the Channel Islands or the Isle of Man includes reference to a state, province or region within that Member State, third country, Great Britain, Northern Ireland, the Channel Islands or the Isle of Man.

(4) Any reference in this Order to a numbered article or a numbered Schedule shall be construed as a reference to the article or Schedule so numbered in this Order.

Prohibition on landing of tree pests, trees, wood, isolated bark etc.

3. The landing in Great Britain of the following is prohibited, namely—
- (a) any tree pest of a description specified in Schedule 1;
 - (b) any tree, wood, isolated bark, used forestry machinery, soil or growing medium carrying or infected with a tree pest of a description specified in Schedule 1;
 - (c) any tree, wood, isolated bark, used forestry machinery, soil or growing medium of a description specified in column 2 of Schedule 2 which originates in a country (other than Northern Ireland, the Channel Islands or the Isle of Man) specified in column 3 of that Schedule opposite the reference to such tree, wood, isolated bark, used forestry machinery, soil or growing medium;
 - (d) any tree, wood, isolated bark, soil or growing medium of a description specified in column 2 of Schedule 3 unless—
 - (i) the conditions, if any, specified in column 3 of that Schedule opposite the reference to such tree, wood, isolated bark, soil or growing medium are complied with; and
 - (ii) the consignment is accompanied by the certificate or declaration, if any, referred to in column 4 of that Schedule opposite the said reference;
 - (e) any genetically manipulated material;
 - (f) any tree pest not associated with a consignment of trees, wood, isolated bark, used forestry machinery, soil or growing medium (except insofar as any trees, wood, isolated bark, soil or growing medium are necessary to enable such tree pest to be landed or to sustain its life) being a tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain.

Prohibition on the keeping etc. of tree pests, trees, wood, isolated bark etc.

4.—(1) Subject to the provisions of this Order, no person shall without the authority of the Commissioners or an inspector—

- (a) knowingly keep, sell, plant, release, deliver or otherwise dispose of, or knowingly cause or permit to be kept, sold, planted, released, delivered or otherwise disposed of—
 - (i) any tree pest of a description specified in Schedule 1;
 - (ii) any tree, wood, isolated bark, used forestry machinery, soil or growing medium carrying or infected with a tree pest of a description specified in Schedule 1;
 - (iii) any tree, wood, isolated bark, used forestry machinery, soil or growing medium landed in contravention of article 3(c) or (d);
 - (iv) any genetically manipulated material;
 - (v) any tree pest not associated with trees, wood, isolated bark, used forestry machinery, soil or growing medium (except insofar as any trees, wood, isolated bark, soil or growing medium are necessary to sustain the life of such tree pest) being a tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;

- (b) engage in any activity which involves genetic manipulation of a tree pest or engage in any activity which to his knowledge involves genetically manipulated material.

(2) Nothing in paragraph (1)(a) of this article shall prohibit the destruction, or the delivery to an inspector, of any such tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium referred to in that paragraph.

Phytosanitary certificates and mill certificates to accompany imported trees, wood, isolated bark etc.

5.—(1) Subject to paragraphs (2) and (3) of this article, where by virtue of article 3(d) the landing of any tree, wood, isolated bark, soil or growing medium is prohibited unless that tree, wood, isolated bark, soil or growing medium is accompanied by a phytosanitary certificate or mill certificate, such certificate shall have been issued in the country in which that tree, wood or isolated bark was grown, or that soil or growing medium originated.

(2) A phytosanitary certificate or mill certificate which relates to trees, wood, isolated bark, soil or growing medium which are directly consigned to Great Britain from a Member State and are of a description specified in column 2 of Part I or II of Schedule 3 shall have been issued—

- (a) in the Member State from which they were so consigned, or
- (b) where the trees, wood, isolated bark, soil or growing medium to which it relates had been consigned from any other country before being consigned from that Member State to Great Britain, in that Member State or in one of the countries from which it had previously been consigned.

(3) Where any tree, wood, isolated bark, soil or growing medium following its export from Great Britain is re-imported into Great Britain the phytosanitary certificate shall have been issued in the country from which the tree, wood, isolated bark, soil or growing medium was directly consigned to Great Britain.

Reforwarding phytosanitary certificates for imported trees, wood, isolated bark etc.

6. Where, after a phytosanitary certificate has been issued, the consignment to which that certificate relates has been stored, repacked or split up in a country other than that in which the certificate was issued, that certificate shall be accompanied by a reforwarding phytosanitary certificate issued in that other country.

Exception from the requirement of a phytosanitary certificate or mill certificate

7. The requirements of article 3(d) in respect of the provision of a phytosanitary certificate or mill certificate shall not apply to—

- (a) any trees or wood not showing any signs of insect or disease attack which are landed in Great Britain in the baggage of a passenger or other traveller and which—
 - (i) are not intended for use in the course of trade or business, and
 - (ii) have been grown in the Euro-Mediterranean area, and
 - (iii) are intended for household use, and
 - (iv) are in one of the following categories, not exceeding the stated quantities—
 - (A) parts of trees including dried cones, leaves and branches for decoration or which together form a single spray, one wreath or one cut coniferous tree less than 3 metres in height,
 - (B) seeds of *Castanea* (chestnuts), originating in Europe and intended for human consumption, not exceeding 2 kilogrammes,

- (C) tree seedlings, except in bonsai form, not exceeding 5 in number,
- (D) pieces of wood without bark, not exceeding 5 in number and not exceeding 1 metre in length; or
- (b) any trees, wood, isolated bark, soil or growing medium which are directly consigned to Great Britain from Northern Ireland, the Channel Islands or the Isle of Man and which—
 - (i) were grown or originated in any of those places, or
 - (ii) were landed in one of those places from which they were subsequently consigned to Great Britain.

Official statements in respect of imported trees, wood, isolated bark etc.

8. Any official statement required to be made in accordance with column 3 of Schedule 3 in respect of any tree, wood, isolated bark, soil or growing medium shall be deemed to have been made by the issue of a phytosanitary certificate to accompany that tree, wood, isolated bark, soil or growing medium in accordance with this Order.

General provisions relating to certificates

9.—(1) Where a phytosanitary certificate, reforwarding phytosanitary certificate or mill certificate is issued in a third country in a language other than English it shall incorporate or be accompanied by a translation into the English language, which translation, if it is a document separate from the certificate, shall, except in the case of a mill certificate, be completed and signed by an authorised officer.

(2) Subject to paragraph (3) of this article, where a consignment of trees, wood, isolated bark, soil or growing medium has been consigned between two or more countries before being consigned to Great Britain it may be accompanied in the place of any certificate required by this Order by a copy of such certificate issued in the country from which the consignment has been directly consigned to Great Britain and certified as a true copy of the original or a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(3) Paragraph (2) of this article shall not apply in the case of a reforwarding phytosanitary certificate issued in the country from which the consignment was directly consigned to Great Britain, in which case the original reforwarding phytosanitary certificate issued in that country shall accompany the consignment.

(4) A certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall not be deemed to be a valid phytosanitary certificate or a valid reforwarding phytosanitary certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary certificates or reforwarding phytosanitary certificates to accord with the requirements of this Order.

(5) Except in the case of consignments imported into Great Britain by post, any phytosanitary certificate, reforwarding phytosanitary certificate or mill certificate shall be delivered to the proper officer at the same time as, and together with, the entry relating to the consignment. In this paragraph the expression “proper officer” has the like meaning as in the Customs Act and the reference to the entry shall be construed as reference to the entry, delivery of which is to be made in accordance with the provisions of that Act.

(6) In the case of a consignment imported into Great Britain by post any phytosanitary certificate, reforwarding phytosanitary certificate or mill certificate shall be affixed to the outside of the package comprising the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to the outside of one of the packages and copies thereof affixed to the outside of each of the remaining packages.

(7) All phytosanitary certificates, reforwarding phytosanitary certificates or mill certificates produced when trees, wood, isolated bark, soil or growing medium are landed in Great Britain shall be stamped or otherwise endorsed by an officer of Customs and Excise showing the date on which the consignment of trees, wood, isolated bark, soil or growing medium is cleared from Customs charge.

Period during which inspections are to be made and certificates issued

10.—(1) Except for an official inspection which is required to be carried out for the purposes of making an official statement in accordance with a condition referred to in column 3 of Schedule 3, an inspection carried out for the purposes of issuing a phytosanitary certificate or a reforwarding phytosanitary certificate shall be carried out not more than 14 days before the date of the despatch of the consignment to which the inspection relates.

(2) A phytosanitary certificate or a reforwarding phytosanitary certificate shall not be valid for the purposes of this Order unless it is completed and signed by an authorised officer not more than 14 days before the date of the despatch of the consignment which it is to accompany and after the carrying out of any inspection referred to in paragraph (1) of this article which relates to that consignment.

Export of trees, wood etc. to Member States

11.—(1) Subject to paragraph (6) of this article, no person shall export from Great Britain to a Member State any consignment of trees, wood, isolated bark, soil or growing medium of a description specified in column 2 of Part I of Schedule 4 unless the consignment is accompanied by—

- (a) a phytosanitary certificate issued by an authorised officer; or
- (b) in the case of a consignment to which this sub-paragraph applies (and without prejudice to paragraph (4) of this article), a reforwarding phytosanitary certificate issued by an authorised officer.

(2) No phytosanitary certificate shall be issued for the purposes of paragraph (1)(a) of this article unless the entire consignment or a representative sample taken from it or its packaging and, where necessary, the vehicle in which it is carried has been examined by an inspector in order to ensure that the consignment complies with such requirements of the Member State concerned as are adopted in accordance with the provisions of Directive [77/93/EEC](#).

(3) Paragraph (1)(b) of this article applies to a consignment which—

- (a) is imported from a Member State or a third country;
- (b) is to be re-exported to a Member State; and
- (c) when imported, was accompanied by a phytosanitary certificate.

(4) No person shall export from Great Britain any consignment of trees, wood or isolated bark which—

- (a) is of a description specified in column 2 of Part II of Schedule 4; and
- (b) originated in another Member State or a third country

to a Member State listed in column 3 of Part II of Schedule 4 opposite the reference to such tree, wood or isolated bark unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or by a certified copy of that certificate.

(5) Applications for phytosanitary certificates or reforwarding phytosanitary certificates shall be made to the Commissioners in such form and manner, and giving such information, as they may require.

(6) Paragraph (1) of this article shall not apply to the export from Great Britain of—

- (a) wood of *Coniferae* which has been kiln-dried in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in Part II of Schedule 3 provided it is accompanied by a declaration in the form laid down in column 4 thereof; or
- (b) any consignment of trees, wood, isolated bark, soil or growing medium which is imported from a Member State or third country and re-exported to a Member State without being stored, repacked or split up in Great Britain.

Notification of the presence or suspected presence of certain tree pests

12.—(1) The occupier or other person in charge of premises who knows or suspects that any tree pest to which this article applies or any genetically manipulated material is present on the premises or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such tree pest or genetically manipulated material on any premises, shall immediately give notice to the Commissioners or an inspector of the presence or suspected presence of such tree pest or genetically manipulated material and shall as soon as reasonably practicable after giving such notice confirm it in writing.

- (2) This article applies to any tree pest—
 - (a) which is of a description specified in Schedule 1;
 - (b) which is mentioned in column 3 of Part II of Schedule 3; or
 - (c) which is not normally present in Great Britain and is likely to be injurious to trees in Great Britain.

Notification of the likely entry into, or presence in, a free zone of tree pests, trees, wood, isolated bark etc.

13.—(1) The responsible authority for a free zone who knows or suspects that any of the things to which this article applies is likely to enter, or is present in, such free zone, shall immediately give notice of that fact to the Commissioners or an inspector and shall as soon as reasonably practicable after giving such notice confirm it in writing.

- (2) This article applies to any—
 - (a) wood;
 - (b) isolated bark;
 - (c) trees, other than seeds;
 - (d) seeds of *Castanea* and *Quercus*;
 - (e) cut trees;
 - (f) tree pests;
 - (g) genetically manipulated material;
 - (h) used forestry machinery;
 - (i) soil and growing medium

which have been, or are likely to be, landed in Great Britain, and have not been cleared from Customs charge.

(3) In this article “the responsible authority” and “free zone” have the same meaning as in the Customs Act(5).

(5) See section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part I.

Actions which may be taken by an inspector

14.—(1) Without prejudice to article 15, if an inspector has reasonable grounds for suspecting that any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium is likely to be, or has been, landed in Great Britain in contravention of this Order he may by notice in writing served on the importer or any person in charge of the vessel, aircraft, vehicle, hovercraft or freight container from which any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil, or growing medium is likely to be or has been landed—

- (a) prohibit the landing;
- (b) specify the manner in which the landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;
- (c) require the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium to be treated, re-exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (d) prohibit the removal of the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium from premises specified in the notice;
- (e) require the removal of the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium to premises specified in the notice in such manner and within such reasonable time as may be so specified;
- (f) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any tree pest or genetically manipulated material in such manner and within such reasonable time as may be specified in the notice.

(2) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises—

- (a) a tree pest of a description specified in Schedule 1;
- (b) any tree pest which is not normally present in Great Britain and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Great Britain;
- (c) any tree, wood, isolated bark, used forestry machinery, soil or growing medium which is carrying or is infected with, or which may be carrying or infected with, a tree pest mentioned in sub-paragraph (a) or (b) of this paragraph;
- (d) any genetically manipulated material

he may by notice in writing served on the occupier or other person in charge of the premises or of any of the things mentioned in sub-paragraphs (a) to (d) of this paragraph—

- (i) require any of the things so mentioned to be treated, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;
- (ii) prohibit the removal of those things from premises specified in the notice or impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any tree pest or genetically manipulated material;
- (iii) require the removal of those things to premises specified in the notice in such manner and within such reasonable time as may be so specified;
- (iv) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the spread of any tree pest or genetically manipulated material in such manner and within such reasonable time as may be specified in the notice.

(3) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of any tree pest or genetically manipulated material from the premises mentioned in paragraph (2) of this article he may by notice in writing served on the occupier or other person in charge of any other premises impose such prohibitions and require the taking of such reasonable steps, specified in the notice, as appear to him to be necessary for that purpose, such steps to be taken in such manner and in such reasonable time as may be specified in the notice.

(4) Any notice served under paragraph (2) of this article may define by reference to a map or plan or otherwise the extent of the premises declared in the notice to be infected, as the case may be.

Further actions which may be taken by an inspector

15.—(1) Without prejudice to the provisions of article 14, and subject to article 20, if an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises—

- (a) a tree pest of a description specified in Schedule 1;
- (b) any tree pest not normally present in Great Britain and in respect of which there is in the opinion of an inspector an imminent danger of its spreading or being spread in Great Britain;
- (c) any tree, wood, isolated bark, used forestry machinery, soil or growing medium, which is carrying or infected with, or which may be carrying or infected with, a tree pest referred to in sub-paragraph (a) or (b) of this article;
- (d) any genetically manipulated material

he may after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production if so required of his authority enter such premises and either on those premises or elsewhere take steps—

- (i) to destroy or treat in some other way any tree, wood, isolated bark, used forestry machinery, soil or growing medium referred to in sub-paragraph (c) of this article;
- (ii) to destroy any tree pest or genetically manipulated material referred to in sub-paragraphs (a), (b) or (d) of this article and to prevent the spread of any such tree pest or genetically manipulated material.

(2) An inspector on entering any premises under paragraph (1) of this article may take with him such other persons acting on his instructions, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by the Commissioners or an inspector, may remain on the land and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.

Miscellaneous provisions as to notices

16.—(1) A notice served under paragraph (1) or (2) of article 14 may specify one or more requirements or alternative requirements.

(2) A notice served under paragraph 1(c) or (2)(i) of article 14 requiring any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium to be treated, re-exported, destroyed or otherwise disposed of may contain provisions deferring the treatment, re-exportation, destruction or disposal for such period and subject to such conditions, if any, as may be specified in the notice.

(3) Where the treatment, re-exportation, destruction or disposal of any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium has been deferred under paragraph (2) of this article, the person on whom the notice is served shall

be permitted, within the period specified in the notice, to treat, re-export, destroy or dispose of the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium. If the person on whom the notice is served fails to treat, re-export, destroy or dispose of the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium within the period specified in the notice to the satisfaction of an inspector, the treatment, re-exportation, destruction or disposal required by the notice shall be carried out by that person within two days following the expiry of the period specified in the notice or within such shorter or longer period as may be specified in writing by an inspector.

(4) Any treatment, re-exportation, destruction or disposal required by a notice served under article 14 shall be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the written authority of an inspector or any other officer of the Commissioners, none of the tree pests, genetically manipulated material, trees, wood, isolated bark, used forestry machinery, soil or growing medium shall be moved otherwise than directly from or to such a place.

(5) An inspector may amend or withdraw a notice served by an inspector under this Order, or having effect as if so served, by a further notice served on the person on whom the original notice was served or on the person who is the occupier or in charge of the premises in respect of which the further notice is intended to be served. The amendment or withdrawal of a notice may be subject to such conditions, if any, as the inspector considers expedient to impose for the purpose of preventing the introduction or spread of any tree pest or re-infection with the tree pest to which the original notice relates.

- (a) (6) (a) A notice under this Order may be served on any person either—
 - (i) by delivering it to him personally; or
 - (ii) by leaving it for him at his last known place of abode or business; or
 - (iii) by sending it through the post addressed to him at his last known place of abode or business.
- (b) Such notice may—
 - (i) in the case of a body corporate, be served on the secretary or clerk of that body at the address of the registered or principal office of that body;
 - (ii) in the case of a partnership, be served on a partner or person having the control or management of the partnership business or, in Scotland, the firm at the principal office of the partnership.

Examination, sampling and marking

- 17.—(1) Subject to article 20, an inspector may, on production if so required of his authority—
- (a) at all reasonable times for the purpose of ascertaining whether any tree pest of a description specified in Schedule 1, or a tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain, exists on any premises, or for any other purpose of this Order, enter any premises and photograph, examine and mark any part of the premises or any objects on the premises and examine, take samples of and mark any tree pests, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium and any container, bundle or other package which has been or may have been in contact therewith;
 - (b) for the purposes of the examinations referred to in sub-paragraph (a) of this paragraph, open, authorise any person to open on his behalf or require the importer or any person in charge of any such container, bundle or other package to open, in such manner as the inspector may specify, that container or other package;

- (c) if and so far as is necessary for the purposes of the examinations referred to in subparagraph (a) of this paragraph prohibit entirely or to such extent as he may indicate the movement of any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium, container, bundle, other package or of any material or object by means of which in his opinion a tree pest may spread.

(2) An inspector on entering any premises under paragraph (1) of this article may take with him such other persons acting on his instructions, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by the Commissioners or an inspector, may remain on the land and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.

Information as to compliance with notices

18.—(1) The person on whom a notice has been served under this Order or under an Order revoked by this Order shall, if so required by an inspector, immediately inform the inspector whether the requirements of the notice have been complied with and, if they have been complied with, of the details of the steps taken in order to comply with those requirements.

(2) Any information given under this article shall not be used as evidence against the person giving the information in any prosecution, except in respect of an alleged failure to comply with this article.

Failure to comply with a notice

19.—(1) Subject to article 20, if any person fails to comply with the requirements of a notice served or having effect as if served under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector may, on production if so required of his authority, at all reasonable times for the purposes of this Order enter any premises in which any tree pests, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium to which the notice relates may be present and take or cause to be taken such steps as appear to him to be necessary either to ensure compliance with the requirements of the notice or to remedy the consequences of the failure to carry them out and all reasonable costs of taking such steps shall be recoverable by the Commissioners as a civil debt from the person on whom the notice was served.

(2) An inspector entering any premises under paragraph (1) of this article may take with him such persons, equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by the Commissioners or an inspector, may remain on the land and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.

Power to enter premises used wholly or mainly as a dwelling

20.—(1) The power to enter premises conferred by articles 15, 17 and 19 of this Order may be exercised by an inspector to enter premises used wholly or mainly as a dwelling only if he has been granted a warrant by—

- (a) in England and Wales, a justice of the peace; or
- (b) in Scotland, a sheriff or a justice of the peace.

(2) A justice of the peace or sheriff may grant a warrant under paragraph (1) of this article only if he is satisfied—

- (a) that admission to any premises has been refused, or is likely to be refused, or that the case is one of urgency, or that a request for admission might prejudice the purpose of the entry; and
 - (b) that there are reasonable grounds for entry under article 15, 17 or 19, as the case may be.
- (3) A warrant granted under paragraph (1) of this article shall remain in force—
- (a) for one month; or
 - (b) until the purpose for which the warrant is granted has been fulfilled,
- whichever period is the shorter.

Licences

21. Notwithstanding the provisions of this Order, any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium may be landed, kept, released, delivered, sold, planted or otherwise disposed of in Great Britain and any other thing prohibited by this Order may be done under the authority of a licence, whether general or specific, granted by the Commissioners and in accordance with the conditions of that licence.

Powers of an officer of Customs and Excise

22.—(1) An inspector may request an officer of Customs and Excise (either orally or in writing) to prohibit the removal of any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium which has not been cleared from Customs charge until it has been examined by an inspector and such request may identify the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium in any way. A request made orally under this paragraph shall be confirmed in writing.

(2) Where a request has been made under paragraph (1) of this article, the officer of Customs and Excise shall, by notice in writing served upon the importer, require that, until the tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium has been examined by an inspector, it shall not be removed from the place specified in the notice and he shall at the same time inform an inspector of the contents of the notice.

(3) An inspector shall, without undue delay, examine any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium in respect of which a notice has been served by an officer of Customs and Excise under this article and shall advise that officer in writing of the terms of any notice issued and of any other action taken by the inspector in accordance with this Order.

(4) Where an officer of Customs and Excise has served a notice under paragraph (2) of this article prohibiting removal of any tree pest, genetically manipulated material, tree, wood, isolated bark, used forestry machinery, soil or growing medium, nothing to which the notice relates shall be removed by any person except with the written authority of either the said officer or an inspector.

Information to be given

- 23.—(1)** Any person who—
- (a) is the owner or occupier or other person in charge of premises in respect of which a notice has been served under this Order;
 - (b) has or has had or is reasonably suspected by an inspector or any other officer of the Commissioners to have or have had in his possession or under his charge—
 - (i) any tree pest which is of a description specified in Schedule 1, or

- (ii) any tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain, or
 - (iii) any tree, wood, isolated bark, used forestry machinery, soil or growing medium carrying or infected with a tree pest mentioned in paragraph (1)(b)(i) or (ii) of this article, or
 - (iv) any tree, wood, isolated bark, used forestry machinery, soil or growing medium which an inspector or any other officer of the Commissioners knows to have been landed or suspects has been landed in, or exported from, Great Britain, or
 - (v) any genetically manipulated material; or
- (c) as auctioneer, salesman or otherwise, has sold, offered for sale or otherwise disposed of any of the things mentioned in sub-paragraph (b) of this article

shall, if so required by an inspector or any other officer of the Commissioners by notice in writing, give to the said inspector or officer within such reasonable time as may be specified in that notice, any information he may possess as to trees grown or products stored at any time on the premises mentioned in sub-paragraph (a) of this article, as to any of the things mentioned in sub-paragraph (b) of this article and as to the persons who have or have had or are likely to have or have had any of the last mentioned things in their possession or under their charge, and shall produce for examination by an inspector or other officer, any licences, declarations, certificates, records, invoices or other documents relating to such things.

(2) Any information given under this article shall not be used as evidence against the person giving the information in any prosecution, except in respect of an alleged failure to comply with this article.

Offences

24.—(1) Subject to paragraph (4) of this article, no person shall contravene, or fail to comply with, a provision of this Order or a provision or condition of a notice served or having effect as if served or a licence granted or having effect as if granted in accordance with the provisions of this Order.

(2) No person shall for the purpose of procuring the issue of a phytosanitary certificate or a reforwarding phytosanitary certificate under article 11 or a licence under article 21—

- (a) make a statement which he knows to be false in a material particular;
- (b) recklessly make a statement which is false in a material particular; or
- (c) intentionally fail to disclose any material particular.

(3) No person shall intentionally obstruct an inspector or any person authorised by an inspector in the exercise of his powers given by or under this Order.

(4) Paragraph (1) of this article shall not apply to the landing in Great Britain of articles of any description in contravention of a prohibition imposed by or under this Order.

25. A person shall be guilty of an offence who, without reasonable excuse, proof of which shall lie on him, contravenes or fails to comply with any provision of article 24 and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

The Customs Act

26. The provisions of this Order shall apply without prejudice to the Customs Act.

Amendment to the Restriction on Movement of Spruce Wood Order 1982

27. The Restriction on Movement of Spruce Wood Order 1982(6) is further amended by substituting—

- (a) in article 2 (interpretation) for the definitions of “inspector” and “the 1980 Order” the following definitions—

““inspector” means a person authorised by the Commissioners to act on their behalf for the purposes of this Order and in article 3(2)(a) of this Order includes an inspector as defined in the 1989 Order”;

““the 1989 Order” means the Plant Health (Forestry) (Great Britain) Order 1989”;

- (b) for paragraph (2) of article 3 (restriction on movement of spruce wood) the following paragraph—

“(2) The restriction on movement imposed by paragraph (1) of this article shall not apply to the movement of any spruce wood—

- (a) by or under the instructions of an inspector pursuant to article 4(3) of this Order or article 4 of the 1989 Order;
- (b) in compliance with a notice served pursuant to article 4(2)(a) of this Order or article 14(2) of the 1989 Order;
- (c) under and in accordance with the terms of a licence granted by—
- (i) an inspector under this Order;
- (ii) the Commissioners under article 21 of the 1989 Order.”

Revocation of previous Orders

28. The Orders specified in Schedule 7 are hereby revoked.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 4th May 1989.

L.S.

P. J. Clarke
Secretary to the Forestry Commissioners

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SCHEDULE 1

Articles 3 and 4

TREE PESTS THE LANDING OF WHICH IS PROHIBITED

PART I

live organisms of the animal kingdom at all stages of their development

1. *Acleris variana*(Fern.), the Blackheaded Budworm.
2. *Arrhenodes minutus*(Drury), the Oak Timberworm.
3. *Bursaphelenchus xylophilus*(Steiner and Buhner) Nickle, the Pine Wood Nematode.
4. *Dendroctonus micans*(Kugelann), the Great Spruce Bark Beetle.
5. *Hylurgopinus rufipes*(Eichhoff), the American Dark Elm Bark Beetle.
6. *Ips amitinus*(Eichhoff), the Smaller Eight-Toothed Spruce Bark Beetle.
7. *Ips duplicatus*(Sahlberg), the Northern Spruce Bark Beetle.
8. *Ips typographus*(L.), the Larger Eight-Toothed Spruce Bark Beetle.
9. *Pissodes* spp. (non-European), Weevils.
10. *Pseudopityophthorus minutissimus*(Zimmerman), Oak Bark Beetles.
11. *Pseudopityophthorus pruinosus*(Eichhoff), Oak Bark Beetles.
12. *Scaphoideus luteolus* Van Duzee, the White-banded Elm Leaf Hopper.
13. *Scolytidae*(non-European) (Bark Beetles) of conifers (*Coniferae*).

PART II

BACTERIA

Xanthomonas populi(Rid ) Rid  and Rid , (*Aplanobacter populi* Rid ), the cause of Bacterial Canker of poplar.

PART III

CRYPTOGAMIA

1. *Atropellis* spp., the cause of Atropellis Canker of pine.
2. *Ceratocystis coeruleascens*(M nch) Bak., (non-European spp.), the cause of Sapstreak of maple.
3. *Ceratocystis fagacearum*(Bretz) Hunt, the cause of Oak Wilt.
4. *Ceratocystis fimbriata*(Ell. and Halst.) Davidsonf. *sp. platani*, Walt., the cause of Canker Stain of plane.
5. *Cercoseptoria pini-densiflorae*(Hori and Nambu) Deighton, (*Cercospora pini-densiflorae*), the cause of Needle Blight of pine.
6. *Chrysomyxa arctostaphyli* Diet., the cause of Spruce Witches Broom Rust.

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7. *Cronartium* spp. (non-European), the cause of Conifer Rust.
8. *Cronartium quercuum*(Berk.) Miyabe ex Shirai, the cause of Eastern Pine Oak Gall Rust.
9. *Cryphonectria parasitica*(Murrill) Barr. (*Endothia parasitica*(Murrill) Anderson and Anderson), the cause of Sweet Chestnut Blight.
10. *Endocronartium* spp. (non-European), (*Peridermium*), the cause of Conifer Rust.
11. *Guignardia laricina*(Saw.) Yamamoto & K. Ito, the cause of Shoot Blight of larch.
12. *Hypoxylon pruinaum*(Klotzsch) Cke., (*Hypoxylon mammatum*(Wahl.) Mill.), the cause of Hypoxylon Canker of poplar.
13. *Inonotus weirii*(Murrill) Kotlaba and Pouzar (*Phellinus weirii*(Murr.) Gilb.) (*Poria weirii* Murr.) (Murr.), the cause of Poria Root Rot.
14. *Melampsora farlowii*(Arthur) Davis, the cause of Hemlock Rust.
15. *Melampsora medusae* Thüm. (*M. albertensis* Arthur), the cause of Conifer-aspen Rust.
16. *Mycosphaerella larici-leptolepis*(K. Ito et al), the cause of Needle Cast of larch.
17. *Mycosphaerella populorum* G. E. Thomp. (*Septoria musiva* Peck), the cause of Septoria Canker of poplar.
18. *Ophiostoma roboris* Georg. et Teod., associated with Vascular Mycosis of oak.
19. *Scirrhia acicola*(Dearn.) Siggers, the cause of Brown Spot Needle Blight of pine.
20. *Scirrhia pini* Funk and Parker (*Dothistroma pini* Hulbary), the cause of Needle Blight of pine.

PART IV

VIRUSES AND MYCOPLASMAS

Elm phloem necrosis.

PART V

PHANEROGAMS

Arceuthobium spp. (non-European), the dwarf mistletoes.

SCHEDULE 2

Article 3(c)

TREES, ISOLATED BARK, USED FORESTRY MACHINERY,
SOIL AND GROWING MEDIUM WHICH MAY NOT BE
LANDED IF THEY ORIGINATE IN CERTAIN COUNTRIES

Item (1)	Description (2)	Country of origin (3)
1	Trees for planting, other than fruit and seeds and other than trees of a species specified in	Any country outside the Euro-Mediterranean area other than Canada or the continental

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Item (1)	Description (2)	Country of origin (3)
	column 2 of items 2, 6 and 7 in this Schedule, which have— been directly consigned from a third country other than New Zealand, or have been directly consigned from New Zealand and are not accompanied by an official statement that the trees were grown in a sterile medium free from soil and which has not been in contact with soil.	states of the United States of America.
2	Trees of <i>Abies</i> , <i>Larix</i> , <i>Picea</i> , <i>Pinus</i> , <i>Pseudotsuga</i> , <i>Tsuga</i> and <i>Ulmus</i> , other than fruit and seeds.	Any country or part of a country not in Europe.
3	Trees of conifers (<i>Coniferae</i>) (other than cut trees) over 3 metres in height which have not been grown in nurseries and are not intended for planting.	Any country or part of a country in Europe.
4	Cut trees of conifers (<i>Coniferae</i>).	Any country or part of a country not in Europe.
5	Cut trees of conifers (<i>Coniferae</i>) retaining foliage, which are— (a) over 3 metres in height; or (b) 3 metres in height or less and derived from the tops of trees which have been over 3 metres in height and which have been grown in places other than nurseries.	Any country or part of a country in Europe.
6	Trees of <i>Castanea</i> and <i>Quercus</i> , other than fruit and seeds.	Any country or part of a country not in Europe.
7	Trees of <i>Populus</i> , with leaves, other than fruit and seeds.	Any country or part of a country not in Europe.
8	Isolated bark of conifers (<i>Coniferae</i>).	All countries.

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Item (1)	Description (2)	Country of origin (3)
9	Isolated bark of <i>Acer saccharum</i> .	The United States of America.
10	Isolated bark of <i>Castanea</i> .	All countries.
11	Isolated bark of <i>Populus</i> .	Any country of the American continent.
12	Isolated bark of <i>Quercus</i> (other than <i>Quercus suber</i>).	Romania, the Union of Soviet Socialist Republics or any country in North America.
13	Used forestry machinery which has not been cleaned immediately prior to despatch so as to remove all particles of soil and other debris.	All countries.
14	Soil.	Third countries.
15	Used growing medium not attached to or associated with trees.	Third countries.

SCHEDULE 3

Article 3(d)

CONDITIONS SUBJECT TO WHICH TREES, WOOD, ISOLATED BARK, SOIL AND GROWING MEDIUM MAY BE LANDED UNLESS OTHERWISE PROHIBITED UNDER ARTICLE 3

PART I

GENERAL CONDITIONS

Item (1)	Description of trees, soil and growing medium (2)	Conditions of landing (3)	Certificate required to accompany the items listed in column 2 opposite (4)
1	Trees, planted or intended for planting, and all unrooted vegetative propagating material relating to trees including cuttings, scions and budwood, and trees in tissue culture.		Phytosanitary certificate

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Item	Description of trees, soil and growing medium	Conditions of landing	Certificate required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
2	Trees, other than trees in tissue culture, originating in a third country.	<p>(1) The consignment shall be free from plant debris; and</p> <p>(2) where the trees originate outside the Euro-Mediterranean area they—</p> <p>(a) shall have undergone effective treatment for the control of insect and mite pests and the method of treatment shall be declared in the phytosanitary certificate accompanying the trees; and</p> <p>(b) in respect of deciduous trees they shall be dormant and free from leaves and fruit.</p>	Phytosanitary certificate
3	Trees grown in and directly consigned to Great Britain from New Zealand, other than bonsai.	(1) An official statement shall have been made that the trees were officially examined at least once since the beginning of the last complete cycle of vegetation and found free from the tree pests specified in Schedule 1	Phytosanitary certificate

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Item	Description of trees, soil and growing medium	Conditions of landing	Certificate required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		<p>and substantially free from other tree pests.</p> <p>(2) An official statement shall have been made that the trees were derived directly from parent plants and, where applicable, stock plants which were officially examined at least twice since the beginning of the last complete cycle of vegetation and found free from symptoms of viruses and virus-like organisms, and substantially free from other tree pests.</p> <p>(3) An official statement shall have been made that the trees were grown in a sterile soil free medium which has not been in contact with soil.</p>	
4	Soil not attached to or associated with trees.		Phytosanitary certificate
5	Growing medium not attached to or associated with trees and containing organic substances, other than that composed entirely of unused peat.		Phytosanitary certificate
6	Growing medium attached to or associated with trees other than that attached to or associated with plants in tissue culture.	<p>Where the growing medium originates in a country outside the Euro-Mediterranean area an official statement shall have been made that—</p> <p>(a) the growing medium at the</p>	Phytosanitary certificate

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Item (1)	Description of trees, soil and growing medium (2)	Conditions of landing (3)	Certificate required to accompany the items listed in column 2 opposite (4)
		time of planting was— (i) either free from soil and organic matter; or (ii) subjected to appropriate treatment to ensure freedom from tree pests; or (iii) subjected to appropriate examination or testing and found free from tree pests; and (b) since planting— (i) either the growing medium has been kept free from soil and appropriate measures have been taken to ensure that it has been maintained free from tree pests; or (ii) within 14 days prior to despatch of the consignment the trees were freed	

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Item	Description of trees, soil and growing medium	Conditions of landing	Certificate required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		from the medium in which they were grown, leaving the minimum amount necessary to sustain the life of the trees during transport and, if replanted, the growing medium used for the purpose was free from tree pests and soil.	

PART II SPECIAL CONDITIONS

Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
1	Wood of conifers (<i>Coniferae</i>) (other than wood described in column 2 of item 10 in this part of this Schedule).	(1) The wood shall have been stripped of its bark; or (2) the wood shall have undergone kiln-drying to below 20% moisture content expressed as a percentage of dry	Phytosanitary certificate; or, in the case of wood which has been stripped of its bark, a mill certificate; or, in the case of kiln-dried wood, a declaration that such wood has been treated as required by the

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
2	Wood of <i>Acer saccharum</i> (other than	<p>matter, achieved at the time of manufacture, through an appropriate time/temperature schedule, and there shall be evidence accordingly by a mark “Kiln-dried”, “K.D.” or another internationally recognized mark put on the wood or on its packaging in accordance with current commercial usage; or</p> <p>(3) in the case of wood chips or particles of wood, an official statement shall have been made that the product has been produced exclusively from—</p> <ul style="list-style-type: none"> (a) debarked wood; or (b) wood which has undergone kiln-drying treatment in accordance with paragraph (2) above and is shipped in sealed containers or in such a way as to prevent any re-infestation. <p>The wood shall have undergone kiln-drying</p>	<p>conditions specified in paragraph (2) of column 3 of item 1 opposite, such declaration to be made on accompanying commercial invoices or shipping documents.</p> <p>Phytosanitary certificate</p>

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
3	Wood of <i>Castanea</i> and <i>Quercus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in a country in North America, including wood which has not kept its natural round surface.	<p>in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule.</p> <p>(1) The wood shall have been stripped of its bark and in addition one of the following conditions shall have been fulfilled—</p> <p>(a) the wood shall have been squared absolutely so as to remove all of the natural rounded surface; or</p> <p>(b) the wood shall have been disinfected by hot air or hot water treatment namely exposed to hot air at a minimum temperature of 43°C for 48 hours or a minimum of 54°C for 24 hours or immersed in hot water at a minimum temperature of 43°C for 48 hours or a minimum</p>	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		<p>of 49°C for 12 hours, and such treatment shall be declared on the phytosanitary certificate accompanying the wood; or</p> <p>(2) in the case of sawn wood, with or without residual bark, it shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule.</p>	
4	Wood of <i>Castanea</i> and <i>Quercus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in Romania or the Union of Soviet Socialist Republics.	<p>(1) The wood shall have been stripped of its bark and in addition one of the following conditions shall have been fulfilled—</p> <p>(a) the wood shall have been squared absolutely so as to remove all of the natural rounded surface; or</p> <p>(b) the wood shall have been disinfected by hot air or hot water treatment as specified in</p>	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		<p>paragraph 1(b) of column 3 of item 3 in this part of this Schedule and such treatment shall be declared on the phytosanitary certificate accompanying the wood; or</p> <p>(2) the wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or</p> <p>(3) an official statement shall have been made that the wood has been grown in regions officially observed to be free of <i>Ophiostoma roboris</i> and <i>Cryphonectria (Endothia) parasitica</i>.</p>	
5	Wood of <i>Castanea</i> and <i>Quercus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in any country other than Romania, the Union of Soviet Socialist Republics or a country in North America.	<p>(1) The wood shall have been stripped of its bark; or</p> <p>(2) the wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or</p>	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		(3) an official statement shall have been made that the wood has been grown in regions officially observed to be free of <i>Cryphonectria(Endothia)parasitica</i> .	
6	Isolated bark of <i>Quercus</i> (other than <i>Quercus suber</i>) grown in any country other than Romania, the Union of Soviet Socialist Republics or a country in North America.	An official statement shall have been made that the bark originated from trees grown in regions officially observed to be free of <i>Cryphonectria(Endothia)parasitica</i> .	Phytosanitary certificate
7	Wood of <i>Platanus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in the United States of America.	The wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule.	Phytosanitary certificate
8	Wood of <i>Platanus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in countries other than the United States of America where <i>Ceratocystis fimbriata f.sp. platani</i> is known to occur.	(1) The wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or (2) an official statement shall have been made that the wood was grown in regions which have been officially observed to be free of <i>Ceratocystis fimbriata f.sp. platani</i> .	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
9	Wood of <i>Populus</i> (other than wood described in column 2 of item 10 in this part of this Schedule) grown in any country of the American continent.	The wood shall have been stripped of its bark.	Phytosanitary certificate
10	Wood comprising dunnage, pallets (other than those which satisfy the standard set for “UIC—Pallets” and are marked accordingly) or packing material, of the following genera or species— conifers (<i>Coniferae</i>) <i>Acer saccharum</i> grown in the United States of America <i>Castanea</i> <i>Populus</i> grown in any country of the American Continent <i>Platanus</i> <i>Quercus</i> .	<p>(1) The wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or</p> <p>(2) for wood of conifers (<i>Coniferae</i>) only—</p> <p>(a) the wood shall have been stripped of its bark; or</p> <p>(b) the wood shall have been adequately impregnated with an effective wood preservative permitted in the European Community; or</p> <p>(3) for wood of <i>Populus</i> only, the wood shall have been stripped of its bark.</p>	None required
11	Trees of conifers (<i>Coniferae</i>) (other than cut trees and other	An official statement shall have been made that the place	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
	than fruit or seeds), grown in any country or part of a country in Europe, and which— (a) are of 3 metres in height or less; or (b) are over 3 metres in height and are intended for planting.	of production has been officially observed to be free from <i>Dendroctonus micans</i> or <i>Ips</i> spp. referred to in Part I of Schedule 1 and, in the case of trees over 3 metres in height, that the trees were produced in a nursery.	
12	Cut trees of conifers (<i>Coniferae</i>) retaining foliage, of 3 metres in height or less, grown in any country or part of a country in Europe.	An official statement shall have been made that— the cut trees have not been derived from the tops of trees which have been over 3 metres in height and which have been grown in places other than nurseries; and the place of production has been officially observed to be free from <i>Dendroctonus micans</i> or <i>Ips</i> spp. referred to in Part I of Schedule 1.	Phytosanitary certificate
13	Trees of <i>Castanea</i> , intended for planting, grown in any country or part of a country in Europe.	An official statement shall have been made that no symptoms of <i>Cryphonectria (Endothia) parasitica</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
14	Trees of <i>Pinus</i> , other than fruit and seeds, grown in any country or part of a country in Europe.	An official statement shall have been made that no symptoms of <i>Cronartium quercuum</i> , <i>Scirrhia acicola</i> or <i>Scirrhia pini</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	Phytosanitary certificate
15	Trees of <i>Platanus</i> , other than fruit or seeds, grown in the United States of America or other countries where <i>Ceratocystis fimbriata f.sp. platani</i> is known to occur.	An official statement shall have been made that no symptoms of <i>Ceratocystis fimbriata f.sp. platani</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	Phytosanitary certificate
16	Trees of <i>Populus</i> , without leaves, other than fruit and seeds, grown in any country not in the American continent.	An official statement shall have been made that no symptoms of <i>Mycosphaerella populorum</i> (<i>Septoria musiva</i>) have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	Phytosanitary certificate
17	Trees of <i>Populus</i> , without leaves, other than fruit and seeds, grown in any country of the American continent.	An official statement shall have been made that no symptoms of <i>Mycosphaerella populorum</i> (<i>Septoria musiva</i>), <i>Hypoxyton pruinatum</i> (<i>mammatum</i>)	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		or <i>Melampsora medusae</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	
18	Trees of <i>Quercus</i> , grown in any country or part of a country in Europe, other than Romania or the Union of Soviet Socialist Republics.	An official statement shall have been made that no symptoms of <i>Cryphonectria(Endothia)parasitica</i> or <i>Cronartium quercuum</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	Phytosanitary certificate
19	Trees of <i>Quercus</i> , grown in Romania or the Union of Soviet Socialist Republics.	An official statement shall have been made that no symptoms of <i>Cryphonectria(Endothia)parasitica</i> or <i>Cronartium quercuum</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation, and that the trees were grown in regions officially observed to be free from <i>Ophiostoma roboris</i> .	Phytosanitary certificate
20	Cut parts of trees used for decoration of the genera <i>Castanea</i> and <i>Quercus</i> grown in Europe.	An official statement shall have been made that no symptoms of <i>Cryphonectria(Endothia)parasitica</i> , <i>Cronartium quercuum</i>	Phytosanitary certificate

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Item	Description of trees, wood and isolated bark	Conditions of landing	Certificate or declaration required to accompany the items listed in column 2 opposite
(1)	(2)	(3)	(4)
		or <i>Ophiostoma roboris</i> have been officially observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.	

SCHEDULE 4

Article 11

EXPORTS TO MEMBER STATES

PART I

TREES, WOOD, ISOLATED BARK, SOIL AND GROWING MEDIUM TO BE ACCOMPANIED BY A PHYTOSANITARY CERTIFICATE OR A REFORWARDING PHYTOSANITARY CERTIFICATE ISSUED IN GREAT BRITAIN WHEN EXPORTED OR RE-EXPORTED TO A MEMBER STATE

Item	Description of trees, wood, isolated bark, soil and growing medium
(1)	(2)
1	Trees, planted or intended for planting, other than seeds.
2	Wood of the following genera or species— (a) <i>Acer saccharum</i> grown in the United States of America; (b) <i>Castanea</i> ; (c) <i>Coniferae</i> grown in a country or part of a country not in Europe except where the wood has been kiln-dried in accordance with the specification set out in paragraph 2, column 3 of item 1 of Part II of Schedule 3; (d) <i>Platanus</i> grown in the United States of America and other countries where <i>Ceratocystis fimbriata f.sp. platani</i> is known to occur; (e) <i>Populus</i> grown in any country of the American continent;

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Item	Description of trees, wood, isolated bark, soil and growing medium
(1)	(2)
3	(f) <i>Quercus</i> . Isolated bark of <i>Quercus</i> , other than <i>Quercus suber</i> , grown in countries other than Romania, the Union of Soviet Socialist Republics or a country in North America.
4	(a) (a) Soil and growing medium not attached to or associated with trees, other than that composed entirely of inorganic substances or unused peat; and (b) Soil and growing medium— (i) attached to or associated with trees; and (ii) originating in a country outside the Euro-Mediterranean area.

PART II

TREES, WOOD AND ISOLATED BARK TO BE ACCOMPANIED BY A PHYTOSANITARY CERTIFICATE FROM THE COUNTRY OF ORIGIN BEFORE BEING EXPORTED FROM GREAT BRITAIN TO CERTAIN MEMBER STATES

Item	Description of trees, wood and isolated bark	Member State
(1)	(2)	(3)
1	Trees, planted or intended for planting, other than seeds and other than trees described in items 2, 3, 5, 6, 7, 8 and 9 of column 2 in this part of this Schedule.	All Member States
2	Trees of <i>Castanea</i> and <i>Quercus</i> grown in any country or part of a country in Europe.	All Member States
3	Trees of <i>Coniferae</i> , other than cut trees, over 3 metres in height intended for planting and grown in any country or part of a country in Europe.	Greece, Ireland, Italy, Portugal, Spain and the United Kingdom (Northern Ireland)
4	Cut trees of <i>Coniferae</i> of 3 metres in height or less, retaining foliage, grown in any country or part of a country in Europe.	Ireland and the United Kingdom (Northern Ireland)

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Item	Description of trees, wood and isolated bark	Member State
(1)	(2)	(3)
5	Trees of <i>Larix</i> , other than fruit and seeds.	Ireland and the United Kingdom (Northern Ireland)
6	Trees of <i>Picea</i> , other than fruit and seeds.	Ireland and the United Kingdom (Northern Ireland)
7	Trees of <i>Pinus</i> , other than fruit and seeds, grown in a country or part of a country in Europe.	All Member States
8	Trees of <i>Platanus</i> , other than fruit and seeds, grown in the United States of America or other countries where <i>Ceratocystis fimbriata f.sp. platani</i> is known to occur.	All Member States
9	Trees of <i>Populus</i> , other than fruit and seeds.	All Member States
10	Cut parts of trees intended to be used for decoration derived from trees of the genera <i>Castanea</i> and <i>Quercus</i> .	All Member States
11	Wood of <i>Acer saccharum</i> grown in the United States of America.	All Member States
12	Wood of <i>Castanea</i> and <i>Quercus</i> .	All Member States
13	Wood of conifers (<i>Coniferae</i>) grown in a country or part of a country in Europe.	Ireland and the United Kingdom (Northern Ireland)
14	Wood of <i>Eucalyptus</i> .	Greece, Spain, France, Italy and Portugal
15	Wood of <i>Platanus</i> grown in the United States of America and other countries where <i>Ceratocystis fimbriata f.sp. platani</i> is known to occur.	All Member States
16	Wood of <i>Populus</i> grown in any country of the American continent.	All Member States
17	Isolated bark of <i>Quercus</i> , other than <i>Quercus suber</i> , grown in countries other than Romania, the Union of Soviet Socialist Republics or a country in North America.	All Member States

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SCHEDULE 5

Articles 2, 3 and 5 to 11

FORM OF PHYTOSANITARY CERTIFICATE, REFORWARDING
PHYTOSANITARY CERTIFICATE AND MILL CERTIFICATE

PART I

PHYTOSANITARY CERTIFICATE

PART II

REFORWARDING PHYTOSANITARY CERTIFICATE

PART III

MILL CERTIFICATE

Signature
Explanatory Note

PART I

FORM OF PHYTOSANITARY CERTIFICATE

Note: The certificate shall be completed in typescript or in block capitals.

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SCHEDULE 5

PART I

FORM OF PHYTOSANITARY CERTIFICATE

1 Name and address of exporter		2 PHYTOSANITARY CERTIFICATE No EEC/ /	
3 Declared name and address of consignee		4 Plant Protection Organization of	
		to Plant Protection Organization(s) of	
6 Declared means of conveyance		5 Place of origin	
7 Declared point of entry			
8 Distinguishing marks: number and description of packages; name of produce; botanical name of plants		9 Quantity declared	
10 This is to certify that the plants or plant products described above —have been inspected according to appropriate procedures, and —are considered to be free from quarantine pests and practically free from other injurious pests, and —are considered to conform with the current phytosanitary regulations of the importing country			
11 Additional declaration			
DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of issue Date Name and signature Stamp of of authorized Organization officer	
12 Treatment			
13 Chemical (active ingredient)	14 Duration and temperature		
15 Concentration	16 Date		
17 Additional information			

Note: The certificate shall be completed in typescript or in block capitals.

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PART II

FORM OF REFORWARDING PHYTOSANITARY CERTIFICATE

Note: The certificate shall be completed in typescript or in block capitals.

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SCHEDULE 5

PART II

FORM OF REFORWARDING PHYTOSANITARY CERTIFICATE

1 Name and address of exporter		2 REFORWARDING PHYTOSANITARY CERTIFICATE No EEC/ /	
3 Declared name and address of consignee		4 Plant Protection Organization of to Plant Protection Organization(s) of	
		5 Place of origin	
6 Declared means of conveyance			
7 Declared point of entry			
8 Distinguishing marks: number and description of packages; name of produce; botanical name of plants		9 Quantity declared	
<p>10 This is to certify</p> <p>—that the plants or plant products described above were imported into (country of re-export) from (country of origin) covered by Phytosanitary Certificate No</p> <p>(*) <input type="checkbox"/> original <input type="checkbox"/> certified true copy of which is attached to this Certificate.</p> <p>—that they are</p> <p>(*) <input type="checkbox"/> packed <input type="checkbox"/> repacked in <input type="checkbox"/> original <input type="checkbox"/> new containers.</p> <p>—that based on the</p> <p>(*) <input type="checkbox"/> original Phytosanitary Certificate and <input type="checkbox"/> additional inspection, they are considered to conform with the current phytosanitary regulations of the importing country, and</p> <p>—that during storage in (country of re-export) the consignment has not been subjected to the risk of infestation or infection.</p> <p>(*) Insert tick in appropriate boxes.</p>			
11 Additional declaration			
DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of issue Date Name and signature Stamp of of authorized Organization officer	
12 Treatment			
13 Chemical (active ingredient)	14 Duration and temperature		
15 Concentration	16 Date		
17 Additional information			

Note: The certificate shall be completed in typescript or in block capitals.

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PART III

FORM OF MILL CERTIFICATE

Note: The certificate shall be completed in typescript or in block capitals.

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SCHEDULE 5

PART III

FORM OF MILL CERTIFICATE

MILL CERTIFICATE	
MILL	Name and address or Mill Identity number
Exporter (name and address)	Reference No
Consignee (name and address)	Country of origin
Transport details	In case of aggregated consignments:
Vessel	Port of loading
Port of discharge	Attached Invoice No Originating Mill Certificate Nos
Marks & Nos	Number and kind of packages Description of goods
Lot/Bundle No	Wood species/grade
	Volume m ³
All other details as per attached copy of invoice	
Other information	
Contract/Order No (as appropriate)	
This wood has been examined by our graders or other authorised person and found to have been stripped of its bark to conform with the bark removal requirements of the importing country based on the provisions of the EEC Plant Health Directive 77/93. This document has been issued under the programme officially approved by the Plant Protection Service, and the products covered by this document are subject to occasional pre-shipment inspection by that agency.	Place and date of issue
	Authorised person and signature
	Graders ref no (where appropriate)

Note: The certificate shall be completed in typescript or in block capitals.

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SCHEDULE 6

Article 2

MEANING OF “DIRECTIVE [77/93/EEC](#)” INSTRUMENTS
AMENDING COUNCIL DIRECTIVE [77/93/EEC](#)

Instrument	Reference
Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties	OJNo. L291, 19.11.79, p. 17.
Council Directive 80/392/EEC	OJ No. L100, 17.4.80, p. 32.
Council Directive 80/393/EEC	OJ No. L100, 17.4.80, p. 35.
Council Directive 81/7/EEC	OJ No. L14, 16.1.81, p. 23.
Council Directive 84/378/EEC	OJ No. L207, 2.8.84, p. 1.
Council Directive 85/173/EEC	OJ No. L65, 6.3.85, p. 23.
Council Regulation (EEC) No. 3768/85	OJ No. L362, 31.12.85, p. 8.
Council Directive 85/574/EEC	OJ No. L372, 31.12.85, p. 25.
Commission Directive 86/546/EEC	OJ No. L323, 18.11.86, p. 16.
Commission Directive 86/547/EEC	OJ No. L323, 18.11.86, p. 21.
Council Directive 86/651/EEC	OJ No. L382, 31.12.86, p. 13.
Council Directive 87/298/EEC	OJ No. L151, 11.6.87, p. 1.
Council Directive 88/271/EEC	OJ No. L116, 4.5.88, p. 13.
Council Directive 88/272/EEC	OJ No. L116, 4.5.88, p. 19.
Council Directive 88/430/EEC	OJ No. L208, 2.8.88, p. 36.
Council Directive 88/572/EEC	OJ No. L313, 14.11.88, p. 39.

SCHEDULE 7

Article 28

REVOCATION OF PREVIOUS ORDERS

Orders revoked (1)	References (2)	Extent of revocation (3)
The Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980	S.I. 1980/449	The whole Order
The Tree Pests (Great Britain) Order 1980	S.I. 1980/450	The whole Order
The Import and Export of Trees, Wood and Bark (Health) (Great Britain) (Amendment) Order 1983	S.I. 1983/807	The whole Order

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Orders revoked (1)	References (2)	Extent of revocation (3)
The Import and Export of Trees, Wood and Bark (Health) (Great Britain) (Amendment) Order 1984	S.I. 1984/1892	The whole Order
The Import and Export of Trees, Wood and Bark (Health) (Great Britain) (Amendment) Order 1986	S.I. 1986/196	The whole Order
The Tree Pests (Great Britain) (Amendment) Order 1986	S.I. 1986/197	The whole Order

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Great Britain, revokes and supersedes the Import and Export of Trees, Wood and Bark (Health) (Great Britain) Order 1980 and the Tree Pests (Great Britain) Order 1980. The Order implements Council Directive [77/93/EEC](#) (as amended by the instruments listed in Schedule 6) on protective measures against the introduction into the Member States of the European Community of organisms harmful to forest trees, and contains additional provisions to prevent the spread of tree pests in Great Britain.

The Order—

- (a) prohibits the landing of certain tree pests, trees, wood, isolated bark, used forestry machinery, soil, growing medium and genetically manipulated material and specifies conditions subject to which the landing of other specified trees, wood, isolated bark, soil and growing medium may be permitted (article 3);
- (b) prohibits the keeping, sale, planting, release, delivery or other disposal of certain tree pests, trees etc. and prohibits work involving genetic manipulation of a tree pest or genetically manipulated material (article 4);
- (c) contains various provisions concerning phytosanitary certificates, reforwarding phytosanitary certificates and mill certificates (articles 2, 3 and 5 to 11);
- (d) provides that certain parts of trees and wood etc. may be landed without a phytosanitary certificate if they are contained in the baggage of passengers or if they are directly consigned to Great Britain from Northern Ireland, the Channel Islands or the Isle of Man (article 7);
- (e) requires that certain trees, wood, isolated bark, soil and growing medium when exported to a Member State are to be accompanied by a phytosanitary certificate or a reforwarding phytosanitary certificate (article 11);
- (f) requires notification of the presence of certain tree pests, trees, wood etc. (articles 12 and 13);

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- (g) enables an inspector to take remedial or precautionary action where certain tree pests, trees, wood etc. are or are likely to be landed in contravention of the Order or where certain tree pests, trees, wood etc. are or are likely to be present on premises (articles 14 and 15);
- (h) enables an inspector to enter premises, to carry out examinations, mark and take samples and to take remedial action where the requirements of notices served under the Order have not been complied with (articles 17 and 19);
- (i) requires an inspector to obtain a warrant from a justice of the peace or a sheriff before entering a dwelling house (article 20);
- (j) provides that anything prohibited by the Order may be done under the authority of a licence (article 21);
- (k) provides that officers of Customs and Excise may detain trees, wood etc. for examination by an inspector (article 22);
- (l) enables an inspector to seek information in respect of certain tree pests, trees, wood etc. (article 23);
- (m) provides that the contravention of, or failure to comply with, any provisions of the Order (other than those relating to landing) shall be an offence punishable by a fine not exceeding £2,000 (articles 24 and 25). (Any person who lands articles in contravention of a prohibition imposed by this Order with intent to evade such prohibition is guilty of an offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) and may be detained. A person guilty of such offence is liable, on summary conviction, to a penalty of £2,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both, and, on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 2 years, or to both.)

In addition to numerous minor and drafting amendments, the Order makes the following changes of substance—

1. the controls over wood have been extended to include wood chips, particles, sawdust, wood waste and scrap (article 2);
2. the conditions laid down for the importation of certain trees from New Zealand have been set out in the Order as opposed to the previous practice of setting them out in licences (article 3 and Schedule 3, Part I);
3. the use of mill certificates in place of phytosanitary certificates is permitted where their use has been authorized by the Forestry Commissioners in conjunction with the plant health services of the exporting countries (articles 3, 5 and 9 and Schedules 3 and 5);
4. revised controls have been introduced in respect of the import of trees in tissue culture (articles 2 and 3 and Schedules 2 and 3);
5. certain parts of trees and wood within specified quantities or numbers may be landed in a passenger's baggage without a phytosanitary certificate or a mill certificate (article 7);
6. re-exports of certain trees, wood etc. to Member States are now required to be accompanied by the phytosanitary certificate issued in the country of origin as well as a reforwarding phytosanitary certificate (article 11 and Schedule 4);
7. notification of the presence of certain tree pests is required by persons who become aware of such presence in the course of their duties or business (article 12);
8. notification by the responsible authority is required of the likely entry into, or presence in, a free zone of imported tree pests, trees etc. (article 13);

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9. entry to private dwellings may be obtained only under the authority of a warrant granted by a justice of the peace or a sheriff (article 20);

10. the maximum fine which may be imposed for an offence under the Order has been increased to £2,000 (level 5 on the Standard Scale) (article 25);

11. the Restriction on Movement of Spruce Wood Order 1982 has been amended so that it accords with this Order (article 27).