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STATUTORY INSTRUMENTS

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**2005 No. 2517**

**The Plant Health (Forestry) Order 2005**

**PART 3**

**INTERNAL COMMUNITY CONTROLS ON MOVEMENT**

**Prohibitions and restrictions on landing tree pests and relevant material**

**18.**—(1) Subject to paragraph (2), the landing in Great Britain of tree pests or relevant material of the following descriptions which are introduced into Great Britain from another part of the European Community, whether as country of origin or country of transit, is prohibited—

- (a) any tree pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a tree pest of a description specified in column 3 of that Schedule opposite the reference to that relevant material;
- (c) any tree pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in column 3 opposite the reference to that relevant material;
- (e) subject to article 21, any relevant material not prohibited under sub-paragraph (d) which is of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with;
- (f) subject to article 21, any relevant material not prohibited under sub-paragraph (d) which is of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in column 3 of that Part opposite the reference to that relevant material have been complied with; and
- (g) subject to article 21 and without prejudice to any requirements specified in column 3 of Part A of Schedule 4 or in column 3 of Part B of Schedule 4 relating to the relevant material, any relevant material which is of a description specified in column 2 of Part C of Schedule 4 and which is not prohibited under sub-paragraph (d), unless the requirements specified in column 3 of Part C of Schedule 4 opposite the reference to that relevant material have been complied with.

(2) Paragraph (1) shall not apply to relevant material prohibited from landing in Great Britain by article 5(1)(e) or (f).

**Prevention of the spread of tree pests**

**19.**—(1) No person shall knowingly keep, store, sell, plant, move or otherwise dispose of or knowingly cause or permit to be kept, stored, sold, planted, moved or otherwise disposed of—

- (a) any tree pest of a description specified in Schedule 1;

- (b) any relevant material of a description specified in column 2 of Schedule 2 carrying or infected with a tree pest of a description specified in column 3 of that Schedule in relation to that relevant material;
- (c) any tree pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain; or
- (d) any relevant material landed in contravention of article 5(1)(d), (e) or (f) or article 18(1)(d) (e), (f) or (g).

(2) Nothing in paragraph (1) shall prohibit the keeping, storing, moving or otherwise disposing of any tree pest or relevant material referred to in that paragraph in compliance with any requirement imposed by an inspector under Part 6 in respect of that tree pest or relevant material.

### **Requirements for plant passports**

**20.**—(1) Subject to paragraph (7) and article 21, the landing in or movement within Great Britain by any person of any relevant material of a description specified in Part A of Schedule 6 comprising EC transit goods or material consigned to Great Britain from another part of the European Community is prohibited, unless that relevant material is accompanied by a plant passport.

(2) Subject to paragraph (7) and articles 21 and 22, the landing in or movement within Great Britain by any person of any relevant material of a description specified in Part B of Schedule 6 comprising EC transit goods or material consigned to Great Britain from another part of the European Community is prohibited, unless that relevant material is accompanied by a plant passport which is valid for Great Britain as a protected zone.

(3) No person shall move within Great Britain any relevant material, which if comprised of EC transit goods or relevant material consigned to Great Britain from another part of the European Community would be subject to paragraph (1), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport.

(4) Subject to article 22, no person shall move within Great Britain any relevant material, which if comprised of EC transit goods or material consigned to Great Britain from another part of the European Community would be subject to paragraph (2), after the phytosanitary certificate accompanying it has been officially stamped in accordance with article 12(7)(a) unless it is accompanied by a plant passport which is valid for Great Britain as a protected zone.

(5) Subject to article 21, no person shall consign from Great Britain to another part of the European Community any relevant material of a description specified in Part A of Schedule 7 unless that relevant material is accompanied by a plant passport.

(6) Subject to article 21, no person shall consign from Great Britain to a protected zone in another part of the European Community any relevant material of a description specified in Part B of Schedule 7 unless that relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) The prohibitions imposed on landing by paragraphs (1) and (2) shall not apply to relevant material in respect of which the Commissioners have agreed, pursuant to an agreement described in article 12(6), to carry out a plant health check.

### **Exceptions from certain prohibitions and requirements**

**21.** The prohibitions on landing in article 18(1)(e), (f) and (g) and the requirements in article 20(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of any relevant material, not showing any signs of the presence of any tree pest, which—

- (a) is not intended for use in the course of a trade or business; and
- (b) is intended for household use.

### **Validity of plant passports for Great Britain**

**22.**—(1) Where a person moves relevant material of a description specified in Part B of Schedule 6 through Great Britain to a destination outside Great Britain, he shall not be required to produce a plant passport which is valid for Great Britain as a protected zone, if paragraph (2) or (3) applies.

(2) A plant passport shall not be required in respect of relevant material described in paragraph (1) if that material originates in Great Britain.

(3) A plant passport shall not be required in respect of relevant material described in paragraph (1)

- (a) which during transit through Great Britain is accompanied by a document of a type normally used for trade purposes which certifies that the material originates outside Great Britain and is in transit to a final destination outside Great Britain; and
- (b) whose packaging and any vehicle used in connection with whose transit through Great Britain is—
  - (i) free from soil and plant debris;
  - (ii) free from any relevant tree pest in relation to which Great Britain is a protected zone;
  - (iii) of such a nature or construction as to ensure that, if any relevant tree pest is present in the relevant material, there is no risk of its spreading from the packaging or the vehicle as the case may be; and
  - (iv) sealed immediately after packaging or where appropriate after loading, and remains sealed during transit through Great Britain.

### **General provisions relating to plant passports**

**23.**—(1) Any alteration or erasure in a plant passport shall automatically invalidate that plant passport unless the alteration or erasure is certified by the authorised officer or the forestry trader authorised under article 28 to issue the plant passport placing his hand written initials next to the alteration or erasure.

(2) A plant passport relating to any relevant material shall be treated as accompanying that relevant material only if the plant passport is—

- (a) affixed to the relevant material or to the packaging of that material by an authorised officer, the forestry trader authorised to issue it or an inspector; or
- (b) carried in the vehicle transporting that material.

(3) A plant passport, insofar as it comprises an official label, shall be affixed in such a way that it cannot be re-used.

(4) A person may only issue a replacement plant passport—

- (a) to replace a plant passport issued in respect of a consignment—
  - (i) that has been divided up;
  - (ii) that has been combined, or part of which has been combined, with another consignment; or
  - (iii) whose plant health status has changed; and
- (b) if he is satisfied that the relevant material to which the replacement plant passport will relate—

- (i) can be identified; and
- (ii) is free from any risk of infestation by a tree pest specified in either Schedule 1 or 2.