
STATUTORY INSTRUMENTS

1994 No. 3094

The Plant Health (Forestry) (Great Britain) (Amendment) Order 1994

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (Great Britain) (Amendment) Order 1994 and shall come into force on 29th December 1994.

Amendment of the Plant Health (Forestry) (Great Britain) Order 1993

2. The Plant Health (Forestry) (Great Britain) Order 1993(1) shall be amended in accordance with articles 3 to 14 below.

3. In article 2(1) (interpretation) for the definition of “dunnage” there shall be substituted the following definition—

““dunnage” means wood of any kind used to wedge or support parts of a cargo and includes packing material, spacers and pallets;”.

4. For article 4 (prohibitions and restrictions on introduction into protected zones of tree pests and relevant material), there shall be substituted the following article—

“4. Subject to article 8A, no person shall, without the authority of the Commissioners or an inspector—

- (a) introduce into a protected zone described in column 2 of Part B of Schedule 2 any relevant material of a description specified in column 3 of that Part opposite the reference to that zone, where the relevant material carries or is infected with a tree pest of a description specified in column 4 of that Part opposite the reference to that relevant material;
- (b) land in Great Britain any relevant material, consigned directly from a Member State, which is of a description specified in column 2 of Part B of Schedule 4, unless the conditions specified in column 3 of that Part opposite the reference to that relevant material are complied with; or
- (c) introduce into the *Dendroctonus micans* protected zone any relevant material which is of a description specified in column 2 of Part C of Schedule 4, and which is consigned directly from a Member State, Northern Ireland, the Channel Islands, the Isle of Man or any part of Great Britain not comprised in that protected zone, unless the conditions specified in column 3 of that Part opposite the reference to that relevant material are complied with.”.

5. In article 8 (requirements for plant passports), for paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) Subject to article 8A, no person shall—

- (a) land in Great Britain any relevant material of a description specified in column 2 of Part B of Schedule 4 (other than wood actually in use as dunnage, wood of conifers which has been stripped of its bark or used forestry machinery), consigned directly from a Member State, Northern Ireland, the Channel Islands or the Isle of Man; or
 - (b) move within Great Britain any relevant material of a description specified in column 2 of Part B of Schedule 4 (other than wood actually in use as dunnage, wood of conifers which has been stripped of its bark, or used forestry machinery),
- unless that relevant material is accompanied by a plant passport valid for Great Britain.

(2) Subject to article 8A, no person shall—

- (a) introduce into the *Dendroctonus micans* protected zone any relevant material of a description specified in column 2 of Part C of Schedule 4 (other than wood of conifers actually in use as dunnage, wood of conifers which has been stripped of its bark, or used forestry machinery), consigned directly from a Member State, Northern Ireland, the Channel Islands, the Isle of Man or any part of Great Britain not comprised in that protected zone; or
- (b) move within the *Dendroctonus micans* protected zone any relevant material of a description specified in column 2 of Part C of Schedule 4 (other than wood of conifers actually in use as dunnage, wood of conifers which has been stripped of its bark, or used forestry machinery),

unless that relevant material is accompanied by a plant passport valid for that protected zone.”.

6. After article 8 there shall be inserted the following article—

“Exceptions from the requirements for plant passports

8A.—(1) Where a person moves through a protected zone described in column 2 of Part B of Schedule 2 to a destination outside that protected zone any relevant material of a description specified in column 3 of that Part opposite the reference to that protected zone, he shall not be required to produce a plant passport valid for that protected zone, provided that—

- (a) the relevant material originates in that protected zone; or
 - (b) the conditions set out in paragraph (2) below are satisfied.
- (2) The conditions referred to in paragraph (1)(b) above are as follows:
- (a) any substance used for the packaging of the relevant material and any vehicle used in connection with the transit of the relevant material through the protected zone shall—
 - (i) be free of soil and plant debris;
 - (ii) be free from any tree pest of a description specified in column 4 of Part B of Schedule 2 opposite the reference to the relevant material;
 - (iii) be of such a nature or construction as to ensure that, if any such 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) be sealed immediately after packaging or loading, as the case may be, and remain sealed during transit through the protected zone; and
 - (b) during transit through the protected zone, the relevant material shall be accompanied by a document of a type normally used for trade purposes which

certifies that the relevant material originates outside the protected zone and is in transit to a final destination outside the protected zone.”.

7. For article 11 (official statements) there shall be substituted the following provision:

“**11.**—(1) Any condition specified in column 3 of Part A of Schedule 4 requiring an official statement in respect of any relevant material shall be deemed to have been fulfilled by a phytosanitary certificate accompanying that relevant material in accordance with this Order.

(2) Any condition specified in column 3 of Part B of Schedule 4 requiring an official statement in respect of any relevant material shall be deemed to have been fulfilled by a plant passport accompanying that relevant material in accordance with this Order.”.

8. In article 21(2)(e) (actions which may be required by an inspector), after the words “under article 6” there shall be inserted the words “or article 8A”.

9. In article 30(1) (information to be given), for the words “of this article”, wherever they occur, there shall be substituted the words “of this paragraph”.

10. For Parts B and C of Schedule 4 there shall be substituted the contents of Schedule 1 to this Order.

11. In Part B of Schedule 5 (RELEVANT MATERIAL WHOSE CONSIGNMENT TO A PROTECTED ZONE OUTSIDE GREAT BRITAIN IS SUBJECT TO SPECIAL CONDITIONS) the word “Italy” wherever it appears in column 4 shall be deleted.

12. For Schedule 6 (DESCRIPTION OF THE *DENDROCTONUS MICANS* PROTECTED ZONE) there shall be substituted the contents of Schedule 2 to this Order.

13. At the end of Schedule 7 (MEANING OF “DIRECTIVE 77/93/EEC”: INSTRUMENTS AMENDING COUNCIL DIRECTIVE 77/93/EEC) there shall be inserted the following:

“Council Directive [93/110/EC](#)

OJNo. L303, 10.12.93, p.19.”.

14. In Schedule 8 (REQUIREMENTS FOR PLANT PASSPORTS)—

- (a) in the heading, the words “PART A” shall be deleted;
- (b) for paragraph 2, there shall be substituted the following paragraph—

“2. The references in paragraph 1 above to an official label are references to a label which—

- (a) has not previously been used and is made of a material suitable for its purposes under this Order, and
- (b) in the case of an adhesive label, is in a form approved by the Commissioners for use as an official label.”;

(c) for paragraph 6(i) there shall be substituted the following subparagraph:

- “(i) in the case of a replacement plant passport, the marking “RP” and
 - (i) the registration number of the forestry trader who attached the original plant passport, together with the code for the relevant Member State and, where appropriate, the code for the responsible official body, or
 - (ii) a code assigned by the forestry trader who issues the replacement plant passport, from which he is able to identify, on the basis of records created by him for this purpose, the information referred to in (i) above;”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

In witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on

L.S.

1st December 1994.

T J D Rollinson
Secretary to the Forestry Commissioners