
STATUTORY INSTRUMENTS

2005 No. 2517

The Plant Health (Forestry) Order 2005

PART 2

IMPORTS FROM THIRD COUNTRIES

Plant health discharge

12.—(1) An inspector may discharge relevant material pursuant to article 10(1) if he is satisfied as to the matters referred to in paragraph (2).

(2) Subject to paragraphs (5) and (6), an inspector shall satisfy himself—

- (a) that the relevant material is free from any tree pest of a description specified in Schedule 1;
- (b) if listed in column 2 of Schedule 2, that the relevant material is not carrying or infected with a tree pest of a description specified in column 3 of that Schedule opposite the reference to the relevant material;
- (c) if listed in the second column of Annex II Part B of the Directive and in the course of its consignment to a protected zone listed in the fourth column opposite the reference to the relevant material, that the relevant material is not carrying or infected with a tree pest of a description specified in the first column opposite the reference to the relevant material;
- (d) if listed in column 2 of Part A or C of Schedule 4, that the relevant material complies with the requirements specified in column 3 of Part A or C, respectively, opposite the reference to the relevant material and, where there is one or more alternative requirement, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (e) if listed in the first column in Annex IV, Part B of the Directive and in the course of its consignment to a protected zone listed in the third column opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column opposite the reference to the relevant material and, where there is one or more alternative requirement, the requirement declared in the phytosanitary certificate or phytosanitary certificate for re-export;
- (f) that the relevant material corresponds with the description given to it in the phytosanitary certificate, phytosanitary certificate for re-export or industry certificate; and
- (g) that the relevant material is accompanied by the certificate or certificates required by article 7 and, where applicable, by a plant health movement document.

(3) For the purpose of satisfying himself as to any of the matters in paragraph (2)(a) to (e), an inspector may carry out an examination of a consignment or lot of relevant material and its packaging, including any wood packaging material and, where necessary, the vehicle transporting that consignment or lot—

- (a) in its entirety; or
- (b) on the basis of one or more representative samples from the consignment or from each lot forming part of the consignment.

(4) For the purpose of satisfying himself as to the matters in paragraph (2)(f), an inspector may carry out an identity check.

(5) Where the official body of destination of any relevant material landed in Great Britain for the purpose of transit has agreed with the Commissioners that it will be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), an inspector shall only satisfy himself as to the matters referred to in paragraph (2)(g) and any matters referred to in paragraph (2)(a) to (f) not subject to the agreement.

(6) Where the official body of point of entry of any relevant material that has been consigned to Great Britain via another part of the European Community by way of transit has agreed with the Commissioners, as the official body of destination, that the Commissioners shall be responsible for some or all of the matters referred to in paragraph (2)(a) to (f), the matters as to which an inspector shall satisfy himself shall be limited accordingly.

(7) Where an inspector is satisfied as to the matters referred to in paragraph (2)(g) he shall—

- (a) stamp the phytosanitary certificate, phytosanitary certificate for re-export or industry certificate with the official stamp of the Commissioners and the date the certificate was delivered in accordance with article 9(1); and
- (b) where applicable, complete the relevant headings of the plant health movement document.

(8) An inspector may, for the purpose of performing a plant health check, require the occupier or other person in charge of the premises in which the checks is to take place to provide—

- (a) where appropriate, suitable areas of inspection; and
- (b) adequate lighting.