

## 1991 No. 435

## PLANT HEALTH

**Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 1991**

*Made* . . . . . 20th September 1991

*Coming into operation* . . . . . 11th October 1991

The Department of Agriculture, in exercise of the powers conferred on it by sections 2(a) and 3(1)(b) of the Plant Health Act (Northern Ireland) 1967(c) and of every other power enabling it in that behalf, hereby makes the following Order:

*Citation and commencement*

1. This Order may be cited as the Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 1991 and shall come into operation on 11th October 1991.

*Amendment of Plant Health (Wood and Bark) Order (Northern Ireland) 1989*

2. The Plant Health (Wood and Bark) Order (Northern Ireland) 1989(d) shall be amended as provided in Articles 3 to 11.

*Interpretation*

3. In Article 2(1)—

(a) after the definition of “Europe” there shall be inserted the following definition—

“ “fuel wood” means wood for fuel in the form of logs, billets, twigs, faggots or in similar forms;”;

(b) in the definition of “Member State” there shall be omitted the words “the French overseas departments,”; and

(c) in the definition of “mill certificate of debarking” there shall be omitted the words “of debarking”.

*Phytosanitary certificates and mill certificates*

4. There shall be omitted the words “of debarking” wherever they occur in the following, that is to say—

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- (a) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
- (b) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
- (c) 1967 c. 28 (N.I.) as amended by S.I. 1975/1038 (N.I. 8) Art. 11(2) and S.I. 1984/702 (N.I. 2) Art. 15(2)
- (d) S.R. 1989 No. 154 as amended by S.R. 1989 No. 484

- (a) in the heading of Article 5 and in Article 5(1) and (2);
- (b) in the heading of Article 7 and in Article 7;
- (c) in Article 9(1), (5)(a) and (b), (6) and (7); and
- (d) in the title of Schedule 5, Part III.

**5. In Article 5—**

- (a) in paragraph (1) for “Subject to paragraphs (2) and (3)” there shall be substituted “Subject to paragraphs (2) to (4)”;
- (b) after paragraph (3) there shall be inserted the following paragraph—
  - “(4) A phytosanitary certificate may be issued in a country other than the country of origin in relation to any item listed in column (1) of Schedule 3—
  - (a) in the case of wood which complies with the conditions of landing specified opposite thereto in column (2) by virtue of it having been stripped of its bark; and
  - (b) in any other case, to the extent that the conditions of landing specified opposite thereto in column (2) can be fulfilled at a place other than in the country of origin.”.

*Exports of wood and isolated bark to Member States*

**6. In Article 11 for paragraph (4) there shall be substituted the following paragraphs—**

“(4) Subject to paragraph (4A) a person shall not export from Northern Ireland any consignment of wood or isolated bark which—

- (a) is listed in column (1) of Part II of Schedule 4; and
- (b) originated in Northern Ireland, another Member State or a third country,

to a Member State listed in column (2) of Part II of Schedule 4 opposite the reference to such wood or isolated bark unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or a certified copy of that certificate.

(4A) A phytosanitary certificate may be issued in a country other than the country of origin in relation to any item listed both in column (1) of Part II of Schedule 4 and in column (1) of Schedule 3—

- (a) in the case of wood which complies with the conditions of landing specified opposite thereto in column (2) of Schedule 3 by virtue of it having been stripped of its bark; and
- (b) in any other case, to the extent that the conditions of landing specified opposite thereto in column (2) of Schedule 3 can be fulfilled at a place other than in the country of origin.”.

*Changes to the description of pests which may not be landed, kept, etc*

**7. In Schedule 1, Part I—**

- (a) in paragraph 2 for the word “Steier” there shall be substituted the word “Steiner”;

- (b) in paragraph 4A for the words “Wood Borers of Conifers (Coniferae)” there shall be substituted the words “Sawyer Beetles, vectors of *Bursaphelenchus xylophilus*”;
- (c) in paragraph 5 for the words “the non-European Pine Weevil” there shall be substituted the word “Weevils”.

*Restriction on landing of fuel wood originating in certain countries*

8. In Schedule 2—

- (a) in the title the word “Isolated” shall be replaced by “Fuel wood, isolated”; and
- (b) after Item 6 there shall be inserted the following Item—

“7. Fuel wood of conifers  
(*Coniferae*)

Canada, China, Japan, Korea or the  
United States of America.”

*Conditions subject to which wood and isolated bark may be landed*

9. In Schedule 3, for Item 5, there shall be substituted the following Items—

“5. Wood of Conifers (*Coniferae*)  
originating in non-European  
countries other than Canada,  
China, Japan, Korea or the  
United States of America (other  
than wood described in column  
(1) of Item 10).

- (1) The consignment shall be accompanied by—
- (a) a phytosanitary certificate;  
or
- (b) in the case of wood which has been stripped of its bark, a mill certificate; or
- (c) in the case of kiln-dried wood a declaration that such wood has been treated as required by the conditions specified in column (2) of item 1(2), such declaration to be made on accompanying commercial invoices or shipping documents.
- (2) The wood shall have—
- (a) been stripped of its bark and shall be free from *Monochamus* spp. and any bore holes greater than 3 mm across; or
- (b) undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2).
- (3) In the case of wood chips, particles of wood, wood waste or scrap, an official statement shall

- have been made that the product has been produced exclusively from:—
- (a) wood from which all of the bark has been removed; or
  - (b) wood which has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter achieved at the time of manufacture, through an appropriate time/temperature schedule or which has undergone fumigation; and is shipped in sealed containers or in such a way as to prevent any re-infestation.
- 5A. Wood of Conifers (*Coniferae*) originating in Canada, China, Japan, Korea or the United States of America (other than wood described in column (1) of Items 10 or 10A).
- (1) The consignment shall be accompanied by—
    - (a) a phytosanitary certificate; or
    - (b) a declaration that such wood has been treated as required by the conditions specified in column (2) of item 1(2), such declaration to be made on accompanying commercial invoices or shipping documents.
  - (2) The wood shall have undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2).
  - (3) In the case of wood chips, particles of wood, wood waste or scrap, an official statement shall have been made that the product has been produced exclusively from wood which has undergone kiln-drying in accordance with the conditions specified in column (2) of item 5(3)(b).
- 5B. Wood of Conifers (*Coniferae*) originating in European countries (other than wood described in column (1) of Item 10).
- (1) The consignment shall be accompanied by—
    - (a) a phytosanitary certificate; or
    - (b) in the case of wood which has been stripped of its bark, a mill certificate; or

- (c) in the case of kiln-dried wood, a declaration that such wood has been treated as required by the conditions specified in column (2) of item 1(2), such declaration to be made on accompanying commercial invoices or shipping documents.
- (2) The wood shall have—
  - (a) been stripped of its bark; or
  - (b) undergone kiln-drying in accordance with the conditions specified in column (2) of item 1(2).
- (3) In the case of wood chips, particles of wood, wood waste or scrap, an official statement shall have been made that the product has been produced exclusively from:—
  - (a) wood from which all of the bark has been removed; or
  - (b) wood which has undergone kiln-drying in accordance with column (2) of item 1(2).''.

10. In Schedule 3, for Item 10 there shall be substituted the following Items—

“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 (Coniferae)* originating in countries other than Canada, China, Japan, Korea or the United States of America,  
*Acer saccharum* originating in the United States of America,  
*Castanea*,  
*Populus* originating in any country of the American continent,

- (1) The wood shall have—
  - (a) undergone kiln-drying in accordance with column (2) of item 1(2); or
  - (b) in the case of wood of *Conifers (Coniferae)* only—
    - (i) been stripped of its bark; or
    - (ii) been adequately impregnated with an effective wood preservative permitted in the European Community; or
  - (c) in the case of wood of *Populus* only, been stripped of its bark.

*Platanus*,  
*Quercus*.

10A. Wood comprising dunnage, pallets or packing material, of conifers (*Coniferae*) grown in Canada, China, Japan, Korea or the United States of America.

The wood shall have undergone kiln-drying in accordance with column (2) of item 1(2).''.

*Instruments Amending Council Directive 77/93/EEC*

**11.** In Schedule 6—

(a) for the words ‘‘Council Directive 88/271/EEC’’ there shall be inserted ‘‘Commission Directive 88/271/EEC’’;

(b) at the end there shall be inserted the following—

‘‘Council Directive 89/439/EEC

O.J. No. L. 212, 22.7.89, p. 106.

Commission Directive 90/490/EEC

O.J. No. L. 271, 3.10.90, p. 28.’’.

Sealed with the Official Seal of the Department of Agriculture on 20th September 1991.

(L.S.)

*W. J. Wright*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order further amends the Plant Health (Wood and Bark) Order (Northern Ireland) 1989 ("the Principal Order") which implements Council Directive 77/93/EEC (O.J. No. L. 26, 31.1.77, p. 20), as amended by the instruments listed in Schedule 6 of the principal Order (which Article 11 of this Order updates).

This Order implements that part of Council Directive 89/439/EEC (O.J. No. L. 212, 22.7.89, p. 106) relating to wood and isolated bark which, in certain cases, allows the issue of a phytosanitary certificate in a country other than that of its origin (Articles 5 and 6).

This Order also implements Commission Directive 90/490/EEC (O.J. No. L. 271, 3.10.90, p. 28). It alters the conditions of landing with regard to wood, wood chips, particles of wood, wood waste or scrap of conifers grown in Canada, China, Japan, Korea or the United States of America (Articles 9 and 10) and prohibits the landing of fuel wood of conifers from those countries (Article 8).

This Order also makes minor amendments to the principal Order. These include the renaming of "mill certificates of debarking" as "mill certificates" (Articles 3(c) and 4).

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**1991 No. 436**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.