

**2003 No. 175**

**PLANT HEALTH**

**The Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2003**

*Made* - - - - - 14th March 2003

*Coming into operation* 12th April 2003

The Department of Agriculture and Rural Development(a) in exercise of the powers conferred on it by sections 2(b), 3(1)(c), 3A(d), 3B(1)(e) and 4(1)(f) of the Plant Health Act (Northern Ireland) 1967(g) and of every other power enabling it in that behalf, hereby makes the following Order:

**Title and commencement**

1. This Order may be cited as the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2003 and shall come into operation on 12th April 2003.

**Interpretation**

2.—(1) In this Order –

“inspector” means any person authorised to be an inspector for the purposes of the principal Order;

“land” means brought into Northern Ireland by any means whatsoever;

“origin” means in respect of susceptible material, the place where the material is grown or produced;

“*Phytophthora ramorum*” refers to the pest *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.;

“the principal Order” means the Plant Health (Wood and Bark) Order (Northern Ireland) 1993(h);

“susceptible bark” means isolated bark of *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus suber*;

“susceptible material” means susceptible bark and susceptible wood;

“susceptible wood” means the wood described in the first column of the Schedule.

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(a) Formerly the Department of Agriculture: see S.I. 1999/283 (N.I. 1) Article 3(4)  
(b) 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, Part II and S.I. 1984/702 (N.I. 2) Art. 15(2)  
(c) As amended by S.R. & O. (N.I.) 1972 No. 351 Art.3 and Sch.2  
(d) Inserted by S.I. 1975/1038 (N.I.8) Art. 11(2)  
(e) Inserted by S.I. 1984/702 (N.I.2) Art. 15(2)  
(f) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)  
(g) 1967 c. 28 (N.I.)  
(h) S.R. 1993 No. 460; amended by S.R. 1996 No. 18 and S.R. 1997 No. 11, S.R. 1999 No. 24, S.R. 1999 No 389 and S.R. 2001 No. 401

(2) In this Order the following words have the meaning given them in the principal Order –  
isolated bark  
phytosanitary certificate  
reforwarding phytosanitary certificate  
third country  
wood.

### **Prohibition against the introduction and spread of *Phytophthora ramorum* into and within Northern Ireland**

3. Subject to Article 8, a person shall not –  
(a) introduce *Phytophthora ramorum* into Northern Ireland; or  
(b) spread *Phytophthora ramorum* within Northern Ireland.

### **Landing susceptible material originating in the United States of America**

4.—(1) Subject to Article 5, a person shall not land in Northern Ireland susceptible wood originating in the United States of America (“USA”) unless it is accompanied by a phytosanitary certificate issued in accordance with the relevant requirements of the Schedule, or a certified copy in the case of material for which a reforwarding certificate has also been issued.

(2) Subject to Article 5, a person shall not land in Northern Ireland any susceptible wood originating in the USA unless he has notified an inspector in writing of his intention to land that relevant material and of the proposed point of entry and means of its introduction at least three days before the intended date of landing.

(3) A person shall not land in Northern Ireland susceptible bark originating in the USA.

### **Exemptions from the requirements of Article 4**

5. The requirements of article 4(1) and (2) shall not apply to susceptible wood originating in the USA which is despatched to the European Community from the USA before 12th April 2003.

### **Phytosanitary certificates**

6. The provisions of Articles 12(1) to (7) and 13 of the principal Order shall apply to any phytosanitary certificate required under this Order in respect of any susceptible material as if that material were the wood or isolated bark referred to in Article 12 of the principal Order.

### **Phytosanitary certificates issued outside of Northern Ireland**

7. Any phytosanitary certificate issued for the purposes of this Order by or with the authority of an official plant health service of a third country, shall be deemed to have been issued in accordance with the relevant requirements of the Schedule.

### **Licences for scientific or research purposes**

8. The provisions of Article 26A (“Article 26A”) of the principal Order (Licences for trial or scientific purposes and for work on varietal selection) shall apply in respect of the landing, movement and keeping of *Phytophthora ramorum* which would otherwise be prohibited under this Order as if that pest were a pest for the purposes of the principal Order and which, but for a licence granted under the principal Order would be subject to prohibitions thereunder.

### **Powers of an inspector**

9. An inspector may, for the purposes of checking compliance with this Order or with the terms of a licence granted under Article 8, exercise the powers conferred by Article 23 of the

principal Order (subject to Article 25 of that Order) as if checking compliance with the principal Order.

**Offences**

**10.**—(1) A person shall be guilty of an offence if, without reasonable excuse, proof of which shall lie on him, he contravenes with Article 3.

(2) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 14th March 2003.

(L.S.)

*Malcolm Beatty*

A Senior Officer of the Department of Agriculture and Rural Development

SCHEDULE

Article 4

<i>Susceptible material</i>	<i>Requirements in respect of the issue of a phytosanitary certificate (“the certificate”) referred to in Article 4</i>
<p>Susceptible wood</p> <p>1. Wood of:</p> <ul style="list-style-type: none"> <li>- <i>Acer macrophyllum</i> Pursh.</li> <li>- <i>Aesculus californica</i> Nutt.</li> <li>- <i>Lithocarpus densiflorus</i> (H &amp; A)</li> </ul> <p>2. Wood of all species of <i>Quercus</i> L.</p>	<p>One of the following alternatives is satisfied:</p> <p>(a) The certificate shall contain an additional declaration that the material originates in an area recognised by the relevant plant health service as being free from non-European isolates of <i>Phytophthora ramorum</i>, in which case the name of the area from where the material originates shall be specified under “place of origin”;</p> <p>(b) the certificate shall be issued only after official verification by the relevant plant health service that the wood has been stripped of its bark, and that at least one of the following applies:</p> <ul style="list-style-type: none"> <li>(i) that it has been squared so as to remove entirely the rounded surface;</li> <li>(ii) that the moisture content of the wood does not exceed 20% (expressed as a percentage of the dry matter); or</li> <li>(iii) that the wood has been disinfected by an appropriate hot-air or hot-water treatment;</li> </ul> <p>or</p> <p>(c) in addition to the issue of a certificate, in the case of sawn wood with or without residual bark attached, there is evidence by a mark “Kiln-dried”, “KD” or another internationally recognised mark put on the wood or on its packaging in accordance with current commercial usage, and it has undergone kiln-drying to below 20% moisture content (expressed as a percentage of dry matter) at the time of manufacture, achieved through an appropriate time/temperature schedule.</p> <p>Without prejudice to the requirements of item 3, Section 1 Schedule 4, Part A, of the principal Order, if the material originates in an area recognised by the relevant plant health service as being free from non-European isolates of <i>Phytophthora ramorum</i>, the certificate shall contain an additional declaration to that effect and the name of the area from where the material originates shall be specified under “place of origin”.</p>

## EXPLANATORY NOTE

(This note is not part of the Order.)

This Order implements Commission Decision 2002/757/EC of 19th September 2002 (O.J. No. L252, 20.9.2002, p. 37) in Northern Ireland in so far as it relates to wood and bark.

The Order prohibits the introduction and spread of the pest, *Phytophthora ramorum*, a fungus identified as causing Sudden Oak Death syndrome in species of oak in the USA and harm to other species of plants (Article 3).

It imposes landing controls on wood of four species of forest tree, *Acer macrophyllum* Pursh., *Aesculus californica* Nutt., *Lithocarpus densiflorus* (H & A) and *Quercus* L. Wood of this description which originates in the USA and is despatched to the EC after 12th April 2003 must be accompanied by a phytosanitary certificate issued in compliance with the various requirements of the Schedule (Article 4 and the Schedule). Imports of such material must be notified to an inspector at least three days before landing. The Order extends the ban in the principal Order on imports of isolated bark of *Quercus* to the other susceptible species.

There is provision (Article 8) for licensed importation, movement and keeping of the prohibited pest for research purposes.

Inspectors' enforcement powers are provided for in Article 9, and offences similar to those created in the principal Order are created. Offences are also created in respect of the spread of the pest and compliance with the key provisions of the Order (Article 10).

No regulatory impact assessment has been undertaken in respect of the measures in this Order.

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