

1974 No. 2

## PLANT HEALTH

**The Importation of Wood (Prohibition) (Great Britain)  
Order 1974**

<i>Made - - - -</i>	<i>2nd January 1974</i>
<i>Laid before Parliament</i>	<i>10th January 1974</i>
<i>Coming into Operation</i>	<i>1st February 1974</i>

The Forestry Commissioners, in exercise of the powers vested in them by sections 2 and 3(1), (2) and (4) of the Plant Health Act 1967(a), as amended by section 92(2) of, and Part II of Schedule 3 to, the Criminal Justice Act 1967(b) and by section 4(1) of, and paragraph 8(1) and (3) of Schedule 4 to, the European Communities Act 1972(c), and as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(d), and of all other powers enabling them in that behalf, hereby make the following Order:—

*Citation, commencement and extent*

1. This Order, which may be cited as the Importation of Wood (Prohibition) (Great Britain) Order 1974, shall come into operation on 1st February 1974 and shall apply to Great Britain.

*Interpretation*

2.—(1) In this Order, unless the context otherwise requires—

“importer”, in relation to any wood, includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way entitled to the custody or control of the wood;

“inspector” means any person authorised by the Forestry Commissioners for the purposes of this Order;

“landed” includes unloaded from an aircraft or a hovercraft, and “landing” shall be construed accordingly;

“log” means the trunk of any felled or fallen tree which has been trimmed or any length of such trunk which has been trimmed, or any branch, or any length of such branch, which has been trimmed, severed from a living or felled or fallen tree;

“premises” includes any vehicle, vessel, aircraft, hovercraft or freight container;

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(a) 1967 c. 8.  
(c) 1972 c. 68.

(b) 1967 c. 80.  
(d) 1972 c. 62.

“wood” means—

- (a) any log in the round of a coniferous species which retains some or all of its bark, and
- (b) any log or part of a log of a non-coniferous species which retains some or all of its bark or any part of the rounded surface of the tissues immediately below the bark, but does not include chips.

(2) Any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.

(3) The Interpretation Act 1889<sup>(a)</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

*Restrictions on the landing of wood*

3.—(1) Except as provided by paragraph (2) of this Article, the landing in Great Britain of wood of any of the descriptions specified in the second column of the Schedule is prohibited unless the conditions specified in the third column of the Schedule in relation to such wood have been complied with.

(2) If, on the application of an importer for a licence under this paragraph, the Forestry Commissioners shall be satisfied that any wood, the landing of which is prohibited under paragraph (1) of this Article, is intended for use solely for scientific purposes, such wood may be landed in Great Britain under and in accordance with the terms of a licence granted by the Forestry Commissioners.

(3) For the purposes of this Order wood shall not be taken to be imported from a country by reason only that the vessel, aircraft or hovercraft in which the wood is carried calls at a place in that country in the course of carriage to Great Britain, if the wood is not there unloaded; but wood which is so unloaded and is subsequently reloaded and carried to, and landed in, Great Britain shall be deemed to have been imported into Great Britain from such country.

*Examination and sampling*

4. An inspector, upon production if so required of his authority, may—

- (a) enter any premises and examine and take samples of any consignment or part of a consignment of wood of any of the genera mentioned in the second column of the Schedule (and any packing material or containers accompanying it and any fungi or insects found therein) landed, or which he has reasonable grounds for suspecting to have been landed or to be likely to be landed, in Great Britain,
- (b) for the purposes of such examination, open, authorise any person to open on his behalf or require the importer or the person in charge of such wood to open any container, bundle or other package in the consignment or part of a consignment, and
- (c) if and so far as is necessary for the purposes of such examination (including examination and analysis of samples), prohibit entirely or to

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(a) 1889 c. 63.

the extent indicated by him the movement of any consignment or part of a consignment of such wood which has been landed or which he has reasonable grounds for suspecting to have been landed in Great Britain.

*Destruction, re-exportation or disposal under licence*

5.—(1) Without prejudice to the provisions of the customs Acts as defined in the Customs and Excise Act 1952(a), if any wood is landed in Great Britain in contravention of this Order, it shall be destroyed forthwith by and at the expense of the importer unless it is immediately re-exported by him and at his expense from the place of landing, or is disposed of in accordance with the terms of a licence granted by the Forestry Commissioners or an inspector.

(2) If the Forestry Commissioners are, or an inspector is, satisfied that any wood of any of the descriptions specified in the second column of the Schedule landed in Great Britain was at the time of its landing not free from the pests and diseases mentioned in the conditions specified in the third column of the Schedule in relation to such wood, or did not at the time of its landing conform with any statement in any official certificate required to accompany it, and the owner or the person in charge of the wood has been notified accordingly, the wood and any part of the consignment of which it formed part which is in the custody or control of such owner or person shall be destroyed forthwith by and at the expense of such owner or person unless it is disposed of in accordance with the terms of a licence granted by the Forestry Commissioners or an inspector.

(3) Any destruction required by paragraph (1) or paragraph (2) of this Article shall be carried out to the satisfaction of an inspector at a place designated by him and, except with the written authority of the Forestry Commissioners or an inspector, no wood referred to in the said paragraph (1) and no wood, nor any part of a consignment of which the wood formed part, referred to in the said paragraph (2) shall be moved other than to such place.

(4) If any person shall have failed to destroy or re-export any wood in accordance with paragraph (1) or paragraph (2) of this Article, or to dispose of it in accordance with the terms of a licence granted under either of the said paragraphs then, without prejudice to any proceedings under this Order consequent upon such failure, an inspector or a person authorised by him for the purpose may enter any premises in which the wood may be and may remove and destroy it, and the expenses incurred in connection with such removal or destruction shall be recoverable by the Forestry Commissioners from the owner of the wood so destroyed as a civil debt.

*Information regarding imported wood*

6. Every person who has or has had in his possession or under his charge any wood of any of the genera mentioned in the second column of the Schedule which the Forestry Commissioners know or have reasonable grounds for suspecting, or an inspector knows or has reasonable grounds for suspecting, to have been landed in Great Britain, and every person who, as auctioneer, salesman or otherwise, has sold or offered for sale any such wood shall, if so required by demand in writing by the Forestry Commissioners or an inspector, give to the Forestry Commissioners or the inspector within the time specified in that demand all such information as he possesses as to the persons who have

or have had or are likely to have or to have had the said wood in their possession or under their custody or control:

Provided that any information given under this Article shall not be available as evidence against the person giving the same in any prosecution under this Order, except in respect of an alleged failure to comply with this Article.

*Offences*

7.—(1) Every person who wilfully obstructs or impedes an inspector in the exercise of his powers under this Order or who does any act in contravention of this Order, or of the terms and conditions of any licence granted thereunder, or of the requirements of the Forestry Commissioners or an inspector thereunder, or of a prohibition imposed thereunder by an inspector, or who fails to do any act which he is required to do thereunder by the Forestry Commissioners or an inspector or by this Order or by any such licence shall be liable on conviction to a penalty not exceeding £100 or in respect of a second or subsequent offence to a penalty not exceeding £200.

(2) Paragraph (1) of this Article shall not apply in respect of any landing of wood in contravention of this Order for which a penalty may be imposed under the Customs and Excise Act 1952.

*Revocation*

8. The Landing of Unbarked Coniferous Timber Order 1961(a) and the Landing of Unbarked Coniferous Timber (Amendment) Order 1973(b) are hereby revoked.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 2nd January 1974.

(L.S.)

*J. M. Hunter,*  
Secretary to the Forestry Commissioners.

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(a) S.I. 1961/656 (1961 I, p. 1395).

(b) S.I. 1973/1107 (1973 II, p. 3386).

## SCHEDULE

Article 3

## DESCRIPTIONS OF AND CONDITIONS FOR THE LANDING OF WOOD

Item	Description of wood (as defined in Article 2(1) of this Order)	Conditions subject to which landing is permitted
(1) (a)	Wood of the genus <i>Castanea</i> or of the genus <i>Quercus</i> grown in or imported from any country other than Northern Ireland, the Republic of Ireland, the Isle of Man, the Channel Islands, North America, the Union of Soviet Socialist Republics or Romania	Either— (a) the bark of all the wood in each consignment shall have been removed before export to Great Britain, or (b) each consignment of wood shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the wood in that consignment comes from a named region or named regions in which <i>Endothia parasitica</i> does not occur.
(1) (b)	Wood of the genus <i>Castanea</i> or of the genus <i>Quercus</i> grown in or imported from North America, the Union of Soviet Socialist Republics or Romania.	Either— (a) the bark of all the wood in each consignment shall have been removed before export to Great Britain and the consignment shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that all the wood in the consignment has been debarked and that either its moisture content has been reduced to a maximum of 20% of its oven-dry weight or the wood has been disinfected against <i>Ceratocystis fagacearum</i> and <i>Ophiostoma roboris</i> , using either chloropicrin or methyl bromide, or (b) each consignment of wood shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the wood comes from a

Item	Description of wood (as defined in Article 2(1) of this Order)	Conditions subject to which landing is permitted
(2)	Wood of the genus <i>Ulmus</i> grown in or imported from any country not in Europe.	<p>named region or named regions in which <i>Endothia parasitica</i>, <i>Ceratocystis fagacearum</i> and <i>Ophiostoma roboris</i> do not occur.</p> <p>(a) Before export to Great Britain, the bark of all the wood in each consignment shall have been removed and the wood shall have been disinfected against vectors of Dutch elm disease (<i>Ceratocystis ulmi</i>) and elm Phloem necrosis by spraying with a 0.1% emulsion of malathion in water applied in such a way as to cause thorough wetting of the rounded surface of the wood after the removal of the bark, and</p> <p>(b) each consignment shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that the bark has been removed and that the wood has been so disinfected.</p>
(3)	Wood of any of the coniferous genera grown in or imported from Belgium, Denmark, the Federal Republic of Germany or the Netherlands.	Each consignment of wood shall be accompanied by an official certificate of the plant protection service of the country from which it is exported to Great Britain, endorsed by or on behalf of that service not more than 14 days prior to the date of the despatch of the consignment, certifying that it has been examined and found to be free from <i>Ips typographus</i> and <i>Dendroctonus micans</i> .

## EXPLANATORY NOTE

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

This Order prohibits the importation into Great Britain of certain kinds of wood (as defined in Article 2(1)) of the genera specified in the second column of the Schedule from the countries referred to in that column unless the relevant conditions laid down in the third column have been fulfilled, or unless, in the case of wood intended for scientific purposes, the Forestry Commissioners have granted a special licence allowing its importation.

This Order provides that inspectors authorised by the Commissioners may examine and take samples of wood imported or about to be imported, and that wood landed in contravention of the Order shall be destroyed by the importer, unless it is immediately re-exported or disposed of under licence.

The Order also provides that any wood appearing to the Commissioners or an inspector not to have been free at the time of landing from the pests and diseases mentioned in the Schedule, or not to have conformed with any statement in an accompanying certificate, shall be destroyed or disposed of under licence.

In addition, the Order lays down penalties for its contravention, and provides for the furnishing of information regarding imported wood.

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