# 2005 No. 2517

# **PLANT HEALTH**

The Plant Health (Forestry) Order 2005

Made	6th September 2005
Laid before Parliament	8th September 2005
Coming into force	1st October 2005

# THE PLANT HEALTH (FORESTRY) ORDER 2005

# PART 1

#### GENERAL

- 1. Title and commencement
- 2. General interpretation

### PART 2

#### IMPORTS FROM THIRD COUNTRIES

- 3. Interpretation of Part 2
- 4. Application of Part 2
- 5. Prohibitions and restrictions on landing tree pests and relevant material
- 6. Advance notification of landing
- 7. Requirements for certificates
- 8. Exceptions from certain prohibitions and requirements
- 9. Presentation and display of documents
- 10. Prohibition on removal of relevant material from an area of plant health control
- 11. Exceptions from prohibition on removal of relevant material from area of plant health control
- 12. Plant health discharge
- 13. Request to an officer for Revenue and Customs for material to be detained
- 14. Power of an officer for Revenue and Customs
- 15. General provisions relating to certificates
- 16. Requirements to be met by relevant material prior to inspection at its place or country of destination
- 17. Approved places of inspection

# PART 3

# INTERNAL COMMUNITY CONTROLS ON MOVEMENT

- 18. Prohibitions and restrictions on landing tree pests and relevant material
- 19. Prevention of the spread of tree pests
- 20. Requirements for plant passports
- 21. Exceptions from certain prohibitions and requirements
- 22. Validity of plant passports for Great Britain
- 23. General provisions relating to plant passports

#### PART 4

# REGISTRATION OF FORESTRY TRADERS AND AUTHORITY TO ISSUE PLANT PASSPORTS

- 24. Register of forestry traders
- 25. Obligation to register
- 26. Registration requirements
- 27. Conditions for maintaining registration as a forestry trader
- 28. Authority to issue plant passports

#### PART 5

#### SWISS TRADE AND SWISS PLANT PASSPORTS

29. Swiss trade and Swiss plant passports

#### PART 6

#### MEASURES TO CONTROL THE LANDING OF RELEVANT MATERIAL AND PREVENT THE SPREAD OF TREE PESTS

- 30. Examination, sampling and marking
- 31. Actions which may be required by an inspector
- 32. Actions which may be taken by an inspector
- 33. Miscellaneous provisions as to notices
- 34. Service of notices
- 35. Information as to compliance with notices
- 36. Failure to comply with a notice
- 37. Power to enter premises used wholly or mainly as a dwelling

#### PART 7

#### LICENCES

- 38. Licences to carry out activities prohibited by this Order
- 39. Licences for trial or scientific purposes and for work on varietal selections

#### PART 8

#### NOTIFICATIONS, PROVISION AND EXCHANGE OF INFORMATION

- 40. Notification of the presence or suspected presence of certain tree pests
- 41. Notification of the likely entry into, or presence in, a free zone of tree pests or relevant material
- 42. Information to be given

# PART 9

# OFFENCES

- 43. Offences
- 44. Penalties

# PART 10

# THE CUSTOMS ACT AND REVOCATION

45. The Customs Act

46. Revocation Signature

SCHEDULE 1 — Tree pests which shall not be landed in or spread within Great Britain Viruses and virus-like organisms

Parasitic plants

- SCHEDULE 2 Prohibitions on the landing in and movement within Great Britain of infected relevant material
  - PART A Relevant material which may not be landed in or moved within Great Britain if that material is carrying or infected with tree pests
  - PART B Relevant material which may not be landed in or moved within Great Britain (as a protected zone) if that material is carrying or infected with tree pests
- SCHEDULE 3 Relevant material which may not be landed in Great Britain if that material originates in certain third countries
- SCHEDULE 4 Restrictions on the landing in and movement within Great Britain of relevant material
  - PART A Relevant material, from third countries, which may only be landed in Great Britain if special requirements are satisfied
  - PART B Relevant material, from another part of the European Community, which may only be landed in or moved within Great Britain if special requirements are satisfied
  - PART C Relevant material, from a third country or another part of the European Community, which may only be landed in or moved within Great Britain (as a protected zone) if special requirements are satisfied
- SCHEDULE 5 Relevant material from a third country for which a phytosanitary certificate may be required
  - PART A Relevant material which may only be landed in Great Britain if accompanied by a phytosanitary certificate
- 1. Trees, other than seeds, intended for planting.
- 2. Parts of trees, other than fruit or seeds, of-
- 3. Isolated bark of— (a) conifers (Coniferales), originating in any country...
- 4. Wood referred to in paragraph (a) or (b) of the...
- 5. Soil or growing medium, which consists in whole or in...

- 6. Soil or growing medium attached to or appears to have...
  - PART B Relevant material which, if destined for certain protected zones, may only be landed in Great Britain if accompanied by a phytosanitary certificate
- 1. Wood referred to in paragraph (a) or (b) of the...
- 2. Parts of trees of Eucalyptus L'Hérit.
- 3. Isolated bark of conifers (Coniferales) originating in any third country...
  - SCHEDULE 6 Prohibitions on the landing in and movement within Great Britain of relevant material without a plant passport
    - PART A Relevant material, from another part of the European Community, which may only be landed or moved in Great Britain if accompanied by a plant passport
- 1. Wood referred to in paragraph (a) or (b) of the...
- 2. Trees, other than seeds, of the genera Abies Mill., Castanea...
  - PART B Relevant material, from another part of the European Community, which may only be landed or moved in Great Britain if accompanied by a plant passport which is valid for Great Britain (as a protected zone)
- 1. Trees of Abies Mill., Larix Mill., Picea A. Dietr., Pinus...
- 2. Trees, other than seeds, of Populus L., intended for planting....
- 3. Wood referred to in paragraph (a) or (b) of the...
- 4. Isolated bark of Castanea Mill. or conifers (Coniferales).

SCHEDULE 7 — Prohibitions on the consignment of relevant material to another part of the European Community without a plant passport

- PART A Relevant material which may only be consigned to another part of the European Community if accompanied by a plant passport
- 1. Wood referred to in paragraph (a) or (b) of the...
- Trees, other than seeds, of the genera Abies Mill., Castanea...
  PART B Relevant material which may only be consigned to a protected zone
  - in another part of the European Community if accompanied by a plant passport which is valid for that protected zone
- 1. Trees of Abies Mill., Larix Mill., Picea A. Dietr., Pinus...
- 2. Trees, other than seeds, of Populus L., intended for planting....
- 3. Trees, other than fruit or seeds, of Eucalyptus L'Hérit.
- 4. Wood referred to in paragraph (a) or (b) of the...
- 5. Isolated bark of Castanea Mill. or conifers (Coniferales).

SCHEDULE 8 — Swiss plant passports

2.

- PART A Relevant material originating in Switzerland which may be landed in or moved within Great Britain if accompanied by a Swiss plant passport
- 1. Wood referred to in paragraph (a) or (b) of the...
  - Trees, other than seeds, of Abies Mill., Castanea Mill., Larix...
    - PART B Relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Great Britain if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport or may be landed without phytosanitary documentation
- 1. Trees, other than seeds, intended for planting.
- 2. Parts of trees, other than fruit or seeds, of Acer...
- 3. Wood referred to in paragraph (a) or (b) of the...

- 4. Soil or growing medium, which consists in whole or in...
- 5. Soil or growing medium attached to or appears to have...
- 6. Isolated bark of conifers (Coniferales) originating in any country outside...

SCHEDULE 9 — Requirements for plant passports

- 1. A plant passport may only be issued in respect of...
- 2. A plant passport shall comprise either an official label or...
- 3. The references in paragraph 1 above to an official label...
- 4. (1) The information contained in a plant passport shall be—...
- 5. Where a plant passport comprises only an official label, it...
- 6. Where the plant passport comprises an official label and an...
- 7. The information referred to in paragraph 5 and 6 above...

SCHEDULE 10 — Form of phytosanitary certificate and form of phytosanitary certificate for re-export required by article 15(1)

- PART A Form of phytosanitary certificate
- PART B Form of phytosanitary certificate for re-export
- SCHEDULE 11 Form of phytosanitary certificate and form of phytosanitary certificate for re-export permitted by article 15(1)
  - PART A Form of a phytosanitary certificate
  - PART B Form of a phytosanitary certificate for re-export

SCHEDULE 12 — Notice of landing PART A

- 8. The notice of landing required under article 6(1) shall be...
- 9. The information contained in the notice in paragraph (1) shall... PART B

SCHEDULE 13 — Plant health movement document PART A

- 1. The plant health movement document required under article 16(2)(a) shall...
- 2. The information contained in the notice in paragraph (1) shall... PART B

SCHEDULE 14 — Revocation of Orders

Explanatory Note