

2004 No. 1684

PLANT HEALTH

The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004

<i>Made</i> - - - -	<i>30th June 2004</i>
<i>Laid before Parliament</i>	<i>5th July 2004</i>
<i>Coming into force</i> - -	<i>28th July 2004</i>

The Forestry Commissioners, in exercise of the powers conferred on them by sections 3(1) and (4) and 4A of the Plant Health Act 1967(a), with the consent of the Treasury, make the following Order:

Title and commencement

1. This Order may be cited as The Plant Health (Export Certification) (Forestry) (Great Britain) Order 2004 and shall come into force on 28th July 2004.

Interpretation

2. In this Order—

“authorised officer” means an officer of the Forestry Commissioners or any person, whether or not an officer of the Forestry Commissioners, authorised by the Forestry Commissioners to be an inspector for the purposes of the Plant Health (Forestry) (Great Britain) Order 1993(b);

“certificate”, in relation to an application made pursuant to this Order, means either a phytosanitary certificate or a reforwarding phytosanitary certificate, as the case may be;

“phytosanitary certificate” means a certificate duly completed in the form set out in Schedule 1 or in such other similar form as may be agreed between the Forestry Commissioners and the third country whose phytosanitary requirements the certificate is intended to meet;

“reforwarding phytosanitary certificate” means a certificate duly completed in the form set out in Schedule 2 or in such other similar form as may be agreed between the Forestry Commissioners and the third country whose phytosanitary requirements the certificate is intended to meet;

“relevant material” means:—

(a) any tree, wood, isolated bark, soil or growing medium, as those terms are defined in the Plant Health (Forestry) (Great Britain) Order 1993;

(a) 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).
(b) S.I. 1993/1283, amended by SI 2001/2995; there are other amending instruments but none is relevant to this Order.

- (b) non-manufactured wood which is in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards and pallet collars, whether or not in use in the transport of objects; and
 - (c) used forestry machinery;
- “third country” has the same meaning in this Order as in the Plant Health (Forestry) (Great Britain) Order 1993.

Certificates for export or re-export of relevant material to third countries

3.—(1) A person who intends exporting or re-exporting relevant material to a third country may apply to the Forestry Commissioners, in such form and manner as they may specify, for a certificate under this Order.

(2) Where the Forestry Commissioners have received an application, made in accordance with paragraph (1), an authorised officer shall —

- (a) carry out any of the services listed in the first column of Schedule 3 which he considers necessary to allow him to issue the certificate; and
- (b) if he is satisfied that a certificate should be issued, issue the certificate on behalf of the Forestry Commissioners.

Charges

4. An applicant for a certificate shall pay to the Forestry Commissioners, in respect of the services referred to in the first column of Schedule 3, the fee set out opposite in the second column of that Schedule.

Offences

5.—(1) A person shall be guilty of an offence if, for the purposes of procuring the issue of a certificate under this Order, he—

- (a) makes a statement which he knows to be false in a material particular;
- (b) recklessly makes a statement which is false in a material particular; or
- (c) intentionally fails to disclose any material information.

(2) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Wilma Harper
Secretary to the Forestry Commissioners

The Official Seal
of the Forestry Commissioners
25th June 2004

We consent,

Nick Ainger
Joan Ryan
Two of the Lords Commissioners
of Her Majesty's Treasury

30th June 2004

SCHEDULE 1

Article 2

FORM OF A PHYTOSANITARY CERTIFICATE

1 Name and address of exporter		2 PHYTOSANITARY CERTIFICATE No.[EC/ / /]	
3 Declared name and address of consignee		4 Plant Protection Organisation of	
		to Plant Protection Organisation(s) of	
6 Declared means of conveyance		5 Place of origin	
		7 Declared point of entry	
8 Distinguishing marks: number and description; name of produce; botanical name of plants		9 Quantity declared	
10 This is to certify that the plants or plant products described above —have been inspected according to appropriate procedures, and —are considered to be free from quarantine pests, and practically free from other injurious pests; and that they —are considered to conform with the current phytosanitary regulations of the importing country.			
11 Additional declaration			
DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of issue:	
12 Treatment		Date: Name and signature Stamp of of authorised Organisation: officer:	
13 Chemical (active ingredient)	14 Duration and temperature		
15 Concentration	16 Date		
17 Additional information			

SCHEDULE 2

Article 2

FORM OF A REFORWARDING PHYTOSANITARY CERTIFICATE

1 Name and address of exporter	2 REFORWARDING PHYTOSANITARY CERTIFICATE [No. EC/ / /]	
3 Declared name and address of consignee	4 Plant Protection Organisation of	
	to Plant Protection Organisation(s) of	
6 Declared means of conveyance	5 Place of origin	
7 Declared point of entry		
8 Distinguishing marks: number and description; name of produce; botanical name of plants	9 Quantity declared	
<p>10 This is to certify</p> <p style="margin-left: 40px;">—that the plants or plant products described above were imported into (country of re-export) from (country of origin) covered by Phytosanitary Certificate No</p> <p style="margin-left: 40px;">* <input type="checkbox"/> original <input type="checkbox"/> certified true copy of which is attached to this Certificate, that they are</p> <p style="margin-left: 40px;">* <input type="checkbox"/> packed <input type="checkbox"/> repacked in <input type="checkbox"/> original <input type="checkbox"/> new containers,</p> <p style="margin-left: 40px;">—that based on the</p> <p style="margin-left: 40px;">* <input type="checkbox"/> original Phytosanitary Certificate and <input type="checkbox"/> additional inspection, they are considered to conform with the current Phytosanitary regulations of the importing country, and</p> <p style="margin-left: 40px;">—that during storage in (country of re-export) the consignment has not been subjected to the risk of infestation or infection.</p> <p style="margin-left: 40px;">* Insert tick in the appropriate boxes.</p>		
11 Additional declaration		
DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of issue: Date: Name and signature of authorised officer: Stamp of Organisation:
12 Treatment		
13 Chemical (active ingredient)	14 Duration and temperature	
15 Concentration	16 Date	
17 Additional information		

SCHEDULE 3

Articles 3 and 4

<i>Services in respect of applications for certificates</i>	<i>Fee</i>
Consideration of an application, including the issue, where appropriate, of a certificate.	£15.00
Examination or testing of relevant material and associated activities (including travelling and office time).	£7.50 for each quarter hour or part thereof with a minimum fee of £27.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which extends to Great Britain and comes into force on 28th July 2004, makes provision for the issue of phytosanitary certificates and reforwarding phytosanitary certificates for export of relevant material (any tree, wood, isolated bark, soil or growing medium, non-manufactured wood or used forestry machinery) to third countries to satisfy the requirements of those countries' phytosanitary regulations.

Article 3 makes provision for the making of applications for and the issue of phytosanitary certificates and reforwarding phytosanitary certificates.

Article 4 and Schedule 3 prescribe the fees payable by applicants for such certificates.

Article 5 provides that it shall be an offence knowingly or recklessly to make a false statement or to intentionally fail to disclose material information for the purpose of obtaining the issue of a certificate.

A Regulatory Impact Assessment has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from the Plant Health Service of the Forestry Commission, Silvan House, 231 Corstorphine Road, Edinburgh EH12 7AT.

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Britain) Order 2004**

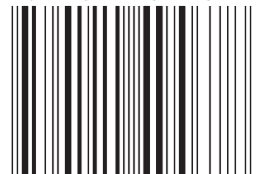
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