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STATUTORY INSTRUMENTS

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**2005 No. 2517**

**The Plant Health (Forestry) Order 2005**

**PART 4**

**REGISTRATION OF FORESTRY TRADERS AND  
AUTHORITY TO ISSUE PLANT PASSPORTS**

**Register of forestry traders**

**24.**—(1) The Commissioners shall maintain a register listing the following particulars with respect to each forestry trader who meets the requirements of this Part:

- (a) the name of the forestry trader;
- (b) the name of the person responsible for making the application where that person is not the forestry trader;
- (c) the trading name of the forestry trader where that name is different from that of the forestry trader;
- (d) details of those activities to which this Order applies which the forestry trader undertakes or intends to undertake;
- (e) the address of the premises at which the forestry trader undertakes or intends to undertake the activities referred to in sub-paragraph (d); and
- (f) a registration number unique to the forestry trader.

(2) The register maintained under paragraph (1) shall be open to inspection by the European Commission.

**Obligation to register**

**25.**—(1) Subject to paragraph (2), no forestry trader shall engage in any activity to which this Order applies unless he is registered in respect of the activity and the premises at which it takes place.

(2) The requirement in paragraph (1) for a forestry trader to be registered shall not apply to a producer whose entire production and sale of relevant material is intended for final use by persons who are not involved in tree production in the course of a trade or business.

(3) Entries on the register kept under article 15 of the Plant Health (Forestry) (Great Britain) Order 1993(1) on the day before the date of the coming into force of this Order shall, subject to the provisions of this Part, remain in effect for the purposes of this Order as if entered on the register maintained under article 24(1).

**Registration requirements**

**26.**—(1) An application for registration shall be made in writing to the Commissioners and shall be in such form and contain such information as the Commissioners may from time to time

reasonably require to enable them to register the plant trader in respect of the activity and premises in relation to which the application is made.

(2) If, after a forestry trader has applied to the Commissioners to be registered under paragraph (1) but before registration has taken place, there is any change in his circumstances recorded in the application, he shall notify the Commissioners immediately in writing of any such change.

(3) Every registered forestry trader shall notify the Commissioners immediately in writing of any change in the particulars listed in the register with respect to him.

(4) Subject to paragraph (5), the Commissioners shall register a forestry trader who meets the requirements of this article in respect of the activity and premises in relation to which he has applied to be registered and shall notify the plant trader when registration has taken place.

(5) The Commissioners shall only register a forestry trader in respect of an activity or premises if they are satisfied that he is able and willing to comply with the conditions specified in article 27(1).

### **Conditions for maintaining registration as a forestry trader**

**27.**—(1) A registered forestry trader shall in relation to the activities and premises to which his registration relates comply with the following conditions:

- (a) he shall keep an accurate plan of the premises;
- (b) he shall keep a record of relevant material purchased by him or brought onto the premises for storage, planting or production on those premises, and of relevant material under production on or dispatched from those premises;
- (c) he shall keep all documents, created or received by him, relating to the records kept under subparagraph (b), for at least one year from the date he created or received them;
- (d) he shall designate an individual (whether himself or another) who is technically experienced in relation to the activities carried out on the premises and related plant health matters affecting the premises who shall be available to liaise with the Commissioners in relation to matters arising under this Order;
- (e) he shall examine his premises and relevant material at such times and in a manner specified in guidelines issued from time to time by the Commissioners;
- (f) he shall make a declaration at such time and in such form as the Commissioners may from time to time require that he is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e); and
- (g) he shall comply with any other conditions which may be specified by the Commissioners which they consider necessary to enable them to assess the presence of or spread of any tree pest on the premises by reason of the condition of those premises.

(2) Where the Commissioners are satisfied that a registered forestry trader has failed to comply with any of the conditions specified in paragraph (1) they may suspend his registration until they are satisfied that he is able and willing to comply with those conditions.

### **Authority to issue plant passports**

**28.**—(1) Where a registered forestry trader wishes to issue plant passports in relation to any relevant material to be moved from his premises he shall apply to the Commissioners for the authority to do so.

(2) An application under paragraph (1) shall be in writing, shall give such notice as the Commissioners may reasonably specify to allow them to undertake any necessary examination of the premises to which the application relates and of any relevant material there and shall contain such particulars in relation to the relevant material produced, grown, stored or otherwise present on those premises as the Commissioners may from time to time reasonably require.

(3) The Commissioners shall grant an authority under paragraph (1) only if, having regard to any examination of the premises to which the application relates and of any relevant material there, they are satisfied—

- (a) that the premises and relevant material are free from any relevant organisms; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(4) The Commissioners' authority to issue plant passports shall be given in writing and may be granted subject to such conditions as they consider appropriate to ensure that the relevant requirements of this Order are complied with, including a condition limiting any territories in which such plant passports shall be valid.

(5) The Commissioners may suspend the operation of an authority to issue plant passports entirely or in relation to specified premises or relevant material if, having regard to any examination of any premises of the registered forestry trader and any relevant material there, they are not satisfied that—

- (a) the premises or the relevant material are free from any relevant organisms; or
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(6) The Commissioners may suspend the operation of or vary to the extent they consider necessary an authority to issue plant passports if they are satisfied that the registered forestry trader has—

- (a) failed to comply with any of the conditions specified in article 27(1);
- (b) failed to notify them in accordance with article 26(3) of any change in the particulars listed in the register with respect to him;
- (c) failed to comply with a requirement in a notice served on the trader under article 31; or
- (d) failed to comply with any conditions in the authority issued by them under paragraph (4).

(7) For the purposes of this article “relevant organism” means—

- (a) any tree pest specified in Schedule 1; or
- (b) in relation to relevant material of a description specified in Schedule 2, any tree pest of a description specified in that Schedule opposite the reference to that relevant material.