

# Island of Guernsey

## Ordinance of the States **XXIV**

**1982**

Made ..... 29th September, 1982.

Came into Operation ..... 29th September, 1982.

### **The Import and Export of Trees, Wood and Bark (Health) Ordinance, 1982.**

#### ARRANGEMENT OF SECTIONS

##### *Section*

1. Interpretation.
2. Exception of certain trees, wood, isolated bark and soil.
3. Prohibition of the landing of certain tree pests and genetically manipulated material.
4. Prohibition of the landing of trees, wood and isolated bark when carrying or infected with certain tree pests.
5. Prohibition of the landing of trees and isolated bark specified in the Third Schedule and grown in certain countries.
6. Special conditions for the landing of trees, wood, isolated bark and soil specified in the Fourth Schedule.
7. Certificates to accompany consignments of trees, wood, isolated bark or soil imported from Member States.

8. Certificates to accompany consignments of trees, wood, isolated bark or soil imported from third countries.
9. Consignments of wood or isolated bark the origin of which is to be declared.
10. Certificates to accompany consignments of trees, wood, isolated bark or soil exported from this Island to Member States.
11. General provisions relating to phytosanitary certificates and re-forwarding phytosanitary certificates.
12. Examination, sampling and marking.
13. Procedure when trees, wood, isolated bark or soil are landed or likely to be landed in contravention of this Ordinance.
14. Procedure when a tree pest or genetically manipulated material is landed or likely to be landed in contravention of this Ordinance.
15. Powers of the Committee to make orders and to issue licences.
16. Orders to be laid before the States.
17. Duties of the Chief Revenue Officer.
18. Persons accompanying the Inspector.
19. Information to be given.
20. Service of notices.
21. Offences.
22. Offences by bodies corporate.
23. Extent.
24. Citation.

## ARRANGEMENT OF SCHEDULES

FIRST SCHEDULE	Tree pests the landing of which is prohibited.
-------------------	--

SECOND  
SCHEDULE

Tree pests the landing of which is prohibited if carried on or infecting certain trees or wood.

THIRD  
SCHEDULE

Trees and isolated bark the landing of which is prohibited when grown in specified countries.

FOURTH  
SCHEDULE

Special conditions subject to which the landing is permitted in this Island of specified trees, wood, isolated bark and soil.

FIFTH  
SCHEDULE

Phytosanitary certificates to accompany imported trees, wood, isolated bark and soil.

SIXTH  
SCHEDULE

Wood and isolated bark the origin of which is to be declared.

SEVENTH  
SCHEDULE

Trees, wood, isolated bark and soil which, subject to the provisions of section ten, must be accompanied by a phytosanitary certificate before being exported from this Island to a Member State.

EIGHTH  
SCHEDULE

Phytosanitary certificate and re-forwarding phytosanitary certificate forms.

## ORDINANCE OF THE STATES

entitled

**The Import and Export of Trees,  
Wood and Bark (Health)  
Ordinance, 1982.**

THE STATES, in pursuance of their Resolution of the thirtieth day of June, nineteen hundred and eighty-two, hereby order:—

Interpretation.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Chief Revenue Officer” means the Chief Revenue Officer for the time being appointed by the States Civil Service Board and includes any States Revenue Officer acting by or under the authority of the Chief Revenue Officer;

“the Committee” means the States Committee for Horticulture;

“the Court” means the Magistrate’s Court constituted under the Magistrate’s Court (Guernsey) Law, 1954(a);

“Europe” includes the Canary Islands but does not include the Azores, Cyprus or Malta or the following regions of the Union of Soviet Socialist Republics namely the Kazakh, Kirghiz, Tadzhik, Turkmen and Uzbek Soviet Socialist Republics and the following regions of the Russian Soviet Federal Socialist Republic namely the Buryat, Yakut and Tuva Autonomous Soviet Socialist Republics, the Altai, Khabarovsk, Krasnoyarsk and Maritime

Krais and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts;

“genetically manipulated material” means material derived from any activity which has involved genetic manipulation and which is in the opinion of the Committee likely to result in the production of a tree pest;

“genetic manipulation” means the formation of new combinations of heritable material by the insertion of nucleic acid molecules, produced by whatever means outside the cell, into any virus, bacterial plasmid, or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

“importer” in relation to any tree, wood isolated bark, soil, tree pest or genetically manipulated material includes:—

- (a) any person who, whether as owner, consignor or consignee, agent, broker or otherwise is in possession of or in any way entitled to the custody or control of the tree, wood, isolated bark, soil, tree pest or genetically manipulated material; and
- (b) any person by whose action the tree, wood, isolated bark, soil, tree pest or genetically manipulated material is likely to be landed or has been landed in this Island;

“the Inspector” means the States Plant Health Inspector for the time being appointed by the States Civil Service Board and includes a person authorised by the Committee to

- execute and perform the powers and duties of the Inspector under the provisions of this Ordinance;
- “this Island” includes the Islands of Herm and Jethou;
- “isolated bark” means bark which has been removed or become detached from a living, felled or fallen tree or from any part of such tree, and where the context admits includes any packing material or container associated therewith;
- “landed” includes unloaded from an aircraft and imported by post and transhipped, and the expressions “to land”, “lands” 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;
- “Member State” means a Member State of the European Community other than the United Kingdom and does not include the Isle of Man or any of the Channel Islands;
- “non-indigenous tree pest” means a tree pest which in the opinion of the Committee is not established in this Island and includes *Ceratocystis ulmi* (Buism.), the cause of Dutch Elm Disease;
- “North America” means the geographical area comprising the following countries namely Canada, Mexico and the United States of America (except the State of Hawaii);
- “official statement” means in relation to any tree, wood, isolated bark or soil a statement given by or on behalf of the Plant

- Protection Service of the country in which the tree, wood, isolated bark or soil was grown or originated;
- “phytosanitary certificate” means a certificate either in the form set out in Part I of the Eighth Schedule to this Ordinance or the equivalent written in a language other than English or French;
- “place of production” means any nursery, forest or area of land normally worked as a unit for the production of trees;
- “premises” includes any land, building, vehicle, vessel, aircraft, hovercraft, or freight container;
- “re-forwarding phytosanitary certificate” means a certificate either in the form set out in Part II of the Eighth Schedule to this Ordinance, or the equivalent written in a language other than English or French;
- “third country” means a country or territory other than a Member State or any of the British Islands;
- “tree” means a living tree or any living part thereof at any stage of its growth, including any tissue culture of such tree or living part of such tree or any raw fruit or seed of a tree, of a genus or species some or all of the forms or varieties of which are grown in any of the British Islands for the production of wood and includes, where the context so admits, any soil or other growing medium, packing material or container associated therewith;
- “tree pest” means a living organism, other than a vertebrate animal, or a pathogen, which is injurious to any tree or the wood thereof and includes a culture of such organism or pathogen;

“wood” means any log, sawn wood and any dunnage, pallet, container or other packing material consisting of wood, 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) A reference in this Ordinance to a Member State or third country includes reference to a state, province or region within the Member State or third country.
- (3) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

Exception of certain trees, wood, isolated bark and soil.

2. The provisions of this Ordinance except sections ten, eleven, nineteen and twenty-one thereof shall not apply in relation to any tree, wood or isolated bark grown in this Island, or any soil originating therefrom, except that all the provisions of this Ordinance shall apply in relation to any such tree, wood, isolated bark or soil which has been exported from this Island and subsequently re-imported into this Island.

Prohibition of the landing of certain tree pests and genetically manipulated material.

3. The landing in this Island of—
- (a) any tree pest of a description specified in the First Schedule or in the first column of the Second Schedule to this Ordinance;
  - (b) any non-indigenous tree pest not being a tree pest of a description specified in the First Schedule or in the first column of the Second Schedule to this Ordinance;

(c) any tree pest which has been subjected to genetic manipulation or any genetically manipulated material;  
is hereby prohibited.

4. The landing in this Island of—

- (a) any tree, wood or isolated bark which is carrying or is infected with any tree pest of a description specified in the First Schedule to this Ordinance;
- (b) any tree or wood of a description specified in the second column of the Second Schedule to this Ordinance which is carrying or is infected with any tree pest specified in the first column of that Schedule opposite the description of such tree or wood;

Prohibition of the landing of trees, wood and isolated bark when carrying or infected with certain tree pests.

is hereby prohibited.

5. The landing in this Island of any tree or isolated bark specified in the first column of the Third Schedule to this Ordinance and which originates in a country falling within the description specified in the second column of that Schedule in relation to such tree or isolated bark is hereby prohibited.

Prohibition of the landing of trees and isolated bark specified in the Third Schedule and grown in certain countries.

6. (1) Subject to the provisions of subsection (2) of this section, the landing in this Island of any tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of section five of and the Third Schedule to this Ordinance) of a description specified in the first column of the Fourth Schedule to this Ordinance is hereby prohibited unless the conditions specified in the second column of the Fourth Schedule to this Ordinance opposite the description of such tree, wood, isolated bark or soil are complied with.

Special conditions for the landing of trees, wood, isolated bark and soil specified in the Fourth Schedule.

(2) The provisions of subsection (1) of this section shall not apply to any tree, wood, isolated bark or soil which is directly consigned to this Island from any other of the British Islands.

Certificates  
to accompany  
consignments  
of trees,  
wood,  
isolated bark  
or soil  
imported  
from  
Member  
States.

7. (1) Any tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of section five of and the Third Schedule to this Ordinance) which is directly consigned to this Island from within a Member State and is of a description specified in Part I of the Fifth Schedule to this Ordinance shall not be landed in this Island unless it is accompanied by a phytosanitary certificate issued in the country in which the tree, wood or isolated bark was grown or, in the case of soil, in which it originated and a re-forwarding phytosanitary certificate issued in each other country from within which it has been consigned before being landed in this Island.

(2) Any tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of section five of and the Third Schedule to this Ordinance) which is directly consigned to this Island from within a Member State and is of a description specified in Part II of the Fifth Schedule to this Ordinance shall not be landed in this Island unless it is accompanied by a phytosanitary certificate issued in that Member State, except that where such tree, wood, isolated bark or soil has previously been consigned from within any other country before being consigned from within that Member State to this Island it may instead be accompanied by the latest phytosanitary certificate relating to it issued in one of the countries from within which it was previously consigned and a re-forwarding phytosanitary certificate issued in each other country from within which it has been

consigned subsequent to its consignment from within the country in which the latest phytosanitary certificate relating to such tree, wood, isolated bark or soil was issued.

(3) The requirements relating to re-forwarding phytosanitary certificates contained in subsections (1) and (2) of this section shall only apply to the re-export of a consignment of trees, wood, isolated bark or soil to this Island from a particular country if —

- (a) such consignment has been stored, re-packed or split up in that country before being consigned; or
- (b) in the case of any wood of the description specified in the entry numbered 7 in the Fourth Schedule to this Ordinance, the address of the consignee in the description of the consignment in the phytosanitary certificate accompanying the consignment is not in this Island.

8. (1) Any tree, wood, isolated bark or soil (being material the import of which is not prohibited under the provisions of section five of and the Third Schedule to this Ordinance) which is directly consigned to this Island from within a third country and is of a description specified in Part III of the Fifth Schedule to this Ordinance shall not be landed in this Island unless it is accompanied by a phytosanitary certificate issued in the country in which it was grown or, in the case of soil, in which it originated and a re-forwarding phytosanitary certificate issued in each other country from within which it has been consigned before being landed in this Island.

(2) The requirements contained in subsection (1) of this section in relation to re-forwarding phytosanitary certificates shall only apply to the re-export of a consignment of trees,

Certificates to accompany consignments of trees, wood isolated bark or soil imported from third countries.

wood, isolated bark or soil to this Island from a particular country if —

- (a) such consignment has been stored, re-packed or split up in that country before being consigned; or
- (b) the address of the consignee in the description of the consignment in the phytosanitary certificate accompanying the consignment is not in this Island.

Consignments of wood or isolated bark the origin of which is to be declared.

9. (1) Subject to the provisions of subsection (1) of this section, any wood or isolated bark of a description specified in the Sixth Schedule to this Ordinance shall not be landed in this Island unless it is accompanied by an official statement declaring the name of the country in which it was grown either in the form of a separate document or, in those cases in which the provisions of section seven or section eight of this Ordinance require a phytosanitary certificate, as a part of that certificate.

(2) The provisions of subsection (1) of this section shall not apply to any wood or isolated bark which is directly consigned to this Island from any other of the British Islands.

Certificates to accompany consignments of trees, wood, isolated bark or soil exported from this Island to Member States.

10. (1) Any tree, wood, isolated bark or soil of a description specified in the Seventh Schedule to this Ordinance shall not be exported from this Island to a place within a Member State unless when exported from this Island such tree, wood, isolated bark or soil is accompanied by a phytosanitary certificate or a re-forwarding phytosanitary certificate issued by the Inspector.

(2) Applications for phytosanitary certificates and re-forwarding phytosanitary certificates shall be made to the Committee with such information, in such form and in such manner as the Committee may require.

11. (1) Except for an inspection which is required to be carried out for the purposes of making an official statement in accordance with a condition referred to in the second column of the Fourth Schedule to this Ordinance, an inspection carried out for the purposes of issuing a phytosanitary certificate or a re-forwarding phytosanitary certificate shall be carried out not more than fourteen days before the date of despatch of the consignment to which the inspection relates.

General provisions relating to phytosanitary certificates and re-forwarding phytosanitary certificates.

(2) A phytosanitary certificate or a re-forwarding phytosanitary certificate shall not be valid for the purposes of this Ordinance unless it is completed and signed by an authorised officer not more than fourteen days before the date of despatch of the consignment which it is to accompany and after the carrying out of any inspection referred to in subsection (1) of this section which relates to that consignment.

(3) An official statement required to be given in accordance with the conditions referred to in the second column of the Fourth Schedule to this Ordinance shall be deemed to have been given by the issue of a phytosanitary certificate to accompany the tree, wood, isolated bark or soil to which it relates.

(4) Where a phytosanitary certificate or a re-forwarding phytosanitary certificate is issued in a third country of which the language is other than English or French it shall incorporate or be accompanied by a translation into the English or French language which translation, if it is a document separate from the certificate, shall be completed and signed by an authorised officer.

(5) Subject to subsection (6) of this section, where a consignment of trees, wood, isolated bark or soil has been consigned between two or

more countries before being directly consigned to this Island it may be accompanied in the place of any certificate required by this Ordinance by a facsimile copy of such certificate issued in the country from within which the consignment has been directly consigned to this Island and certified as a true copy of the original or a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(6) Subsection (5) of this section shall not apply in the case of a re-forwarding phytosanitary certificate issued in the country from within which the consignment was directly consigned to this Island in which case the original re-forwarding phytosanitary certificate issued in that country must be produced.

(7) For the purposes of subsections (2), (4) and (5) of this section, the expression “authorised officer” shall mean —

(a) in relation to a certificate, translation or facsimile copy issued in this Island, the Inspector; and

(b) in relation to a certificate, translation or facsimile copy issued in a place other than this Island, a representative of the Plant Protection Service of the country in which the certificate, translation or facsimile copy was issued.

(8) Except in the case of consignments imported into this Island by post, a phytosanitary certificate and any re-forwarding phytosanitary certificate, shall be delivered to the Chief Revenue Officer at the time of landing of the consignments to which the certificates relate.

(9) In the case of a consignment imported into this Island by post, any phytosanitary certificate and any re-forwarding phytosanitary certificate shall be affixed to the package comprising

the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to one of the packages and copies thereof affixed to each of the remaining packages.

(10) A certificate issued by or on behalf of a state, province or other regional or local government authority of part of a country, or by or on behalf of any department, service or other organ of such authority shall not be deemed to be a valid phytosanitary certificate or a valid re-forwarding phytosanitary certificate for the purposes of this Ordinance unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary certificates or re-forwarding phytosanitary certificates to accord with the requirements of this Ordinance.

12. The Inspector, upon production, if so required, of his authority, may —

Examination  
sampling  
and  
marking.

- (a) enter for the purposes of this Ordinance any premises and examine the said premises and mark any part thereof and —
  - (i) examine, take samples and mark any trees, wood, isolated bark or soil landed or reasonably suspected by him of having been landed or being likely to be landed in this Island, whether or not such consignment was or ought to have been accompanied by a certificate required by this Ordinance; and
  - (ii) examine and take samples of any tree pest or any pest which appears to be a tree pest or any genetically manipulated material landed or reasonably suspected by him of having been landed or being likely to be landed in this Island;

- (b) for the purposes of the examinations referred to in paragraph (a) of this section, open, authorise any person to open on his behalf or require the importer or any person in charge of the consignment to open in such manner as the Inspector may specify, any container, bundle or any other package comprising the whole or part of the consignment;
- (c) if and so far as is necessary for the purposes of the examinations referred to in paragraph (a) of this section, prohibit entirely, or to the extent indicated by him, the movement of any consignment or part of a consignment or of any material or object by means of which in his opinion a tree pest is likely to be spread;
- (d) enter for the purposes of this Ordinance any premises and examine and take samples of and mark any trees, wood or isolated bark which have been landed or are reasonably suspected by him of having been landed in this Island during the previous twelve months or which have been derived from or are reasonably suspected by him to have been derived from any trees, wood or isolated bark as aforesaid which have been so landed.

13. (1) If the Inspector has reasonable grounds for suspecting that any tree, wood, isolated bark or soil in a consignment or part of a consignment is likely to be landed in this Island and —

- (a) if landed would be landed in contravention of the provisions of this Ordinance;
- or

Procedure when trees, wood, isolated bark or soil are landed or likely to be landed in contravention of this Ordinance.

- (b) such tree, wood, isolated bark or soil is to a substantial extent carrying or infected with any tree pest other than a tree pest of a description specified in the First Schedule or in the first column of the Second Schedule to this Ordinance; or
- (c) such tree, wood, isolated bark or soil is carrying or infected with a non-indigenous tree pest;

he may serve upon the importer or upon any person in control of the landing or unloading of the consignment from a vessel, aircraft, vehicle, hovercraft or freight container a notice in writing —

- (i) prohibiting the landing or unloading of the consignment containing the tree, wood, isolated bark or soil; or
- (ii) specifying the manner in which the landing or unloading of the consignment is to be carried out and the precautions which are to be taken in the course thereof and the further precautions which are to be taken immediately subsequent to such landing; or
- (iii) requiring that if landed the consignment or such part thereof as may be specified shall be destroyed or treated in some other way within such time and in such manner as may also be specified in the notice.

(2) If the Inspector has reasonable grounds for suspecting that any tree, wood, isolated bark or soil in a consignment or part of a consignment has been landed in this Island and —

- (a) such landing is in contravention of the provisions of this Ordinance; or
- (b) such tree, wood, isolated bark or soil is to a substantial extent carrying or infected with any tree pest other than a tree pest of a description specified in the First Schedule or in the first column of the Second Schedule to this Ordinance; or
- (c) such tree, wood, isolated bark or soil is carrying or infected with a non-indigenous tree pest;

he may serve upon the importer a notice in writing requiring him within such time and in such manner as may be specified in the notice to destroy or treat in some other way any tree, wood, isolated bark or soil contained in the consignment or such part of the consignment as may be specified in the notice and to take such other steps as may also be specified in the notice to prevent the spread of any tree pest which appears to the Inspector to have been landed with such tree, wood, isolated bark or soil.

(3) Where treatment, other than destruction, is required by a notice served under subsection (1) or subsection (2) of this section, the importer upon whom the notice was served shall be permitted within the period specified in the notice to destroy any tree, wood, isolated bark or soil to which the notice relates, and if he shall so carry out such destruction to the satisfaction of the Inspector he shall be deemed to have complied with the notice so far as it relates to such tree, wood, isolated bark or soil.

(4) Any destruction or other treatment required by a notice served under subsection (1) or subsection (2) of this section shall be carried out by the importer upon whom the notice is

served to the satisfaction of the Inspector at a place designated by the Inspector and, except with the written authority of the Committee, no consignment to which such a notice relates shall be moved otherwise than directly to such place.

(5) A notice served under subsection (1) or subsection (2) of this section may at any time be amended or withdrawn by a further notice in writing served by the Inspector upon the person upon whom the first-mentioned notice was served.

(6) If an importer shall fail to comply with the requirements of a notice served under subsection (1) or subsection (2) of this section (including where relevant a notice which has been amended under subsection (5) of this section) then, without prejudice to any proceedings under this Ordinance consequent upon such failure, the Committee may apply ex parte to the Court for an order authorising the Inspector to enter any premises in which the trees, wood, isolated bark or soil to which the notice relates may be and take such steps as appear to the Inspector to be necessary either to ensure compliance with the requirements of the said notice or to remedy the consequences of the failure to carry them out; and the cost of taking such steps shall be recoverable by the Committee as a civil debt from the person upon whom the notice was served.

14. (1) If the Inspector has reasonable grounds for suspecting that a tree pest or any genetically manipulated material is likely to be landed or has been landed in this Island in contravention of this Ordinance, he may serve upon the importer a notice in writing requiring him to destroy the said tree pest or genetically manipulated material within such time and in such manner as may be specified in the notice and to take such steps as may also be specified in the notice to prevent its spread.

Procedure when a tree pest or genetically manipulated material is landed or likely to be landed in contravention of this Ordinance.

(2) Any destruction or any steps required by a notice under subsection (1) of this section shall be carried out by the person upon whom the notice is served to the satisfaction of the Inspector at a place designated by the Inspector and, except with the written authority of the Committee or the Inspector, no tree pest or genetically manipulated material to which any such notice refers shall be moved otherwise than to such a place.

(3) A notice served under subsection (1) of this section may at any time be amended or withdrawn by a further notice in writing served by the Inspector upon the person upon whom the first-mentioned notice was served.

(4) If an importer shall fail to comply with the requirements of a notice served under subsection (1) of this section (including where relevant a notice which has been amended under subsection (3) of this section) then, without prejudice to any proceedings under this Ordinance consequent upon such failure, the Committee may apply ex parte to the Court for an order authorising the Inspector to enter any premises in which the tree pest or genetically manipulated material to which the notice relates may be and take such steps as appear to the Inspector to be necessary either to ensure compliance with the requirements of the said notice or to remedy the consequences of the failure to carry them out; and the cost of taking such steps shall be recoverable by the Committee as a civil debt from the person upon whom the notice was served.

Powers of the  
Committee to  
make orders  
and to issue  
licences.

15. (1) The Committee may at any time in its discretion by order prohibit, restrict or impose conditions on the landing in this Island or on the landing in the Island of Guernsey from the Islands of Herm or Jethou of any tree, wood, isolated bark, soil or genetically manipulated material.

(2) Notwithstanding any provision hereinbefore contained the Committee may at any time in its discretion by order or by licence permit the landing in this Island on such terms and conditions, if any, as it may impose, of any tree, wood, isolated bark or soil and may vary such terms and conditions or revoke or vary such licence.

16. Every order made by the Committee under the provisions of this Ordinance shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the States resolve that the order be annulled the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Committee of a new order.

Orders to be  
laid before  
the States.

17. (1) If any consignment of trees, wood, isolated bark or soil is landed in this Island in contravention of any of the provisions of this Ordinance or of any order made thereunder or of any condition imposed in a licence issued thereunder, the consignment shall be detained by the Chief Revenue Officer who shall forthwith inform the Committee of the fact of such detention and the reason therefor.

Duties of the  
Chief  
Revenue  
Officer.

(2) In the case where a consignment has been detained under the provisions of subsection (1) of this section by reason that the consignment was not accompanied by the required certificate or certificates the Chief Revenue Officer may delay informing the Committee of the fact until the expiration of such time as shall be specified by the Chief Revenue Officer to the consignee for the submission to him of the certificates required to have accompanied the consignment and if such certificate is or certificates are so submitted within the period so specified he may

release the consignment and where a consignment is so released the requirements imposed on him to inform the Committee of the detention of the consignment shall cease to have effect.

Persons  
accompany-  
ing the  
Inspector.

18. The Inspector entering any premises for any of the purposes of this Ordinance may be accompanied by such other persons acting under his instructions and by such equipment as appear to him to be necessary, and such other persons, whether or not accompanied by the Inspector, upon production if so required of their authority in that behalf given by the Committee, may remain on the premises and from time to time re-enter the premises with such equipment as aforesaid and carry out such work for the purposes aforesaid and in such manner as the Inspector may direct.

Information  
to be given.

19. (1) Every person who has or has had in his possession or under his charge any tree, wood, isolated bark, tree pest, genetically manipulated material or soil which the Committee knows to have been landed or suspects has been landed in this Island or exported therefrom, and every person who as auctioneer, salesman or otherwise, has sold or offered for sale or is reasonably suspected by the Committee to have sold or offered for sale any such tree, wood, isolated bark, tree pest, genetically manipulated material or soil shall, if so required by a notice in writing from the Committee, give to the Committee or, if so specified in the notice, to the Inspector within such time as shall also be specified in the notice, all such information as he possesses as to the persons who have or have had or are likely to have had any such tree, wood, isolated bark, tree pest, genetically manipulated material or soil to which the said notice relates in their possession or under their custody or control.

(2) Any information given under the provisions of this section shall not be available as evidence against the person giving the same in any prosecution under this Ordinance, except in respect of an alleged failure to comply with the provisions of this section.

(3) Any person who without reasonable excuse fails to give information in compliance with a notice served under the provisions of subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

(4) If any person, in purported compliance with a notice served under the provisions of subsection (1) of this section knowingly or recklessly gives any information which is false in any material particular he shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds.

20. Any notice which may be served for the purposes of this Ordinance shall be validly served—

Service of notices

- (a) on any person, if delivered to him, left, or sent by registered post or recorded delivery service to him, at his usual or last known place of abode;
- (b) on any firm, if delivered to any partner of the firm or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

Offences.

21. If any person—

- (a) knowingly lands or attempts to land or exports or attempts to export any tree, wood, isolated bark, tree pest, genetically manipulated material or soil in contravention of any provisions of this Ordinance or of any order made thereunder or who, having been granted a licence under the provisions of this Ordinance fails to comply with the terms or conditions of such licence; or
- (b) wilfully impedes or obstructs or attempts to impede or obstruct the Chief Revenue Officer or the Inspector or any person authorised by the Committee in the exercise of their powers or duties under any of the provisions of this Ordinance or of any order made thereunder; or
- (c) does any act in contravention of the provisions of this Ordinance or of any order made thereunder or of the terms or conditions of any notice served or licence granted thereunder, or of the requirements of, or of a prohibition imposed by the Committee or the Chief Revenue Officer or the Inspector; or
- (d) fails to do any act which he is required to do by the Committee or the Chief Revenue Officer or the Inspector or under any of the provisions of this Ordinance or of any order made thereunder or under any notice served or licence granted thereunder;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding five hundred pounds, and the Court by which the person is convicted shall, in addition, have power to authorise the Inspector to seize, destroy or otherwise dispose of any tree, wood, isolated bark, tree pest, genetically manipulated material or soil to which the conviction relates at the expense of the convicted person.

22. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences  
by bodies  
corporate.

23. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Extent.

24. This Ordinance may be cited as the Import and Export of Trees, Wood and Bark (Health) Ordinance, 1982.

Citation.

K. H. TOUGH

Her Majesty's Greffier.

## FIRST SCHEDULE

## TREE PESTS THE LANDING OF WHICH IS PROHIBITED

## PART I

**Live organisms of the animal kingdom at all stages of their development**

1. *Arrhenodes minutus* Drury, the Oak Timberworm.
2. *Hylurgopinus rufipes* (Eichhoff), the American Dark Elm Bark Beetle.
3. *Hyphantria cunea* (Drury), the Fall Webworm.
4. *Pseudopityophthorus minutissimus* (Zimmerman) } Oak Bark Beetles.
5. *Pseudopityophthorus pruinus* (Eichhoff) }
6. *Scaphoideus luteolus* Van Duz., the White-banded Elm Leaf Hopper.
7. *Scolytus multistriatus* (Marsham), the Small Elm Bark Beetle.
8. *Scolytus scolytus* (Fabricius), the Large Elm Bark Beetle.

## PART II

**Bacteria**

*Aplanobacter populi* Ridé, the cause of Bacterial Canker of Poplar.

## PART III

**Cryptogamia**

1. *Ceratocystis fagacearum* (Bretz) Hunt, the cause of Oak Wilt.
2. *Ceratocystis ulmi* (Buism.) C. Moreau, the cause of Dutch Elm Disease.
3. *Chrysomyxa arctostaphyli* Diet., the Spruce Broom Rust.
4. *Cronartium comptoniae* Arthur, the Sweet-fern Blister Rust.
5. *Cronartium fusiforme* Hedge & Hunt ex Cumm., the Fusiform Rust.
6. *Cronartium quercuum* (Berk.) Miyabe ex Shirai, the Eastern Gall Rust.
7. *Endocronartium harknessii* (J. P. Moore) Y. Hiratsuka (*Peridermium harknessii* (J. P. Moore), the Western Gall Rust.
8. *Endothia parasitica* (Murrill) P. J. & H. W. Anderson, the cause of Sweet Chestnut Blight.
9. *Guignardia loricata* (Saw.) Yamamoto & Ito, the cause of Shoot Blight of Larch
10. *Hypoxyton pruinaum* (Klotzsche) Cke., the cause of Hypoxyton Canker of Poplar.
11. *Melampsora farlowii* (Arthur) Davis, the Hemlock Rust.
12. *Melampsora medusae* Thüm. (*M. albertensis* Arthur), the Conifer-aspens Rust.
13. *Mycosphaerella populorum* Thomp. (*Septoria musiva* Peck), the cause of Septoria Canker of Poplar.
14. *Ophiostoma (Ceratocystis) roboris* C. Georgescu and I. Teodoru, associated with Vascular Mycosis of Oak.
15. *Poria weirii* Murr., the cause of Poria Root Rot.

## PART IV

**Viruses and mycoplasmas**

Elm Phloem Necrosis.

## PART V

**Phanerogams**

Non-European *Arceuthobium* spp., the dwarf mistletoes.

## SECOND SCHEDULE

TREE PESTS THE LANDING OF WHICH IS PROHIBITED IF CARRIED  
ON OR INFECTING CERTAIN TREES OR WOOD

Species	Subject of Contamination
<b>PART I</b>	
<b>Live organisms of the animal kingdom at all stages of their development</b>	
1. <i>Scolytidae</i> (Bark Beetles) of conifers ( <i>Coniferae</i> ).	Wood of conifers ( <i>Coniferae</i> ) with bark grown in any country or part of a country not in Europe.
2. <i>Dendroctonus micans</i> (Kugelmann), the Great Spruce Bark Beetle.	Wood of conifers ( <i>Coniferae</i> ) with bark.
3. <i>Ips amitinus</i> Eichhoff, the Smaller Eight-Toothed Spruce Bark Beetle.	Wood of conifers ( <i>Coniferae</i> ) with bark.
4. <i>Ips duplicatus</i> Sahlb., the Northern Spruce Bark Beetle.	Wood of conifers ( <i>Coniferae</i> ) with bark.
5. <i>Ips typographus</i> (L.), the Larger Eight-Toothed Bark Beetle.	Wood of conifers ( <i>Coniferae</i> ) with bark.
<b>PART II</b>	
<b>Cryptogamia</b>	
<i>Atropellis</i> spp., the cause of <i>Atropellis</i> Canker.	Trees of <i>Pinus</i> .

Section five

## THIRD SCHEDULE

TREES AND ISOLATED BARK THE LANDING OF WHICH IS  
PROHIBITED WHEN GROWN IN SPECIFIED COUNTRIES

Genera of Trees and Isolated Bark	Country of Origin
1. Trees of <i>Abies</i> , <i>Castanea</i> , <i>Larix</i> , <i>Picea</i> , <i>Pinus</i> , <i>Pseudotsuga</i> , <i>Quercus</i> , <i>Tsuga</i> and <i>Ulmus</i> other than fruit and seeds.	Any country or part of a country not in Europe.
2. Trees of <i>Populus</i> , with leaves, other than fruit and seeds.	Any country or part of a country not in Europe.
3. Isolated bark of conifers ( <i>Coniferae</i> ).	Any country or part of a country not in Europe.
4. Isolated bark of <i>Castanea</i> .	All countries.
5. Isolated bark of <i>Populus</i> .	Any country of the American continent.
6. Isolated bark of <i>Quercus</i> (other than <i>Quercus suber</i> ).	North America, Romania or the Union of Soviet Socialist Republics.
7. Isolated bark of <i>Ulmus</i> .	All countries.
8. Isolated bark of <i>Picea</i> .	All countries.

FOURTH SCHEDULE  
SPECIAL CONDITIONS SUBJECT TO WHICH THE LANDING IS  
PERMITTED IN THIS ISLAND OF SPECIFIED TREES, WOOD,  
ISOLATED BARK AND SOIL

Genera and Origin	Conditions subject to which landing is permitted
1. Wood of conifers ( <i>Coniferae</i> ) grown in any country or part of a country not in Europe.	1. The wood shall have been stripped of its bark.
2. Wood of <i>Castanea</i> and <i>Quercus</i> grown in North America.	2. Each consignment shall be accompanied by an official statement certifying that the wood has been stripped of its bark and that in addition one of the following conditions has been fulfilled— <ul style="list-style-type: none"> <li>(i) the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter;</li> <li>(ii) the wood has been disinfected by hot air or hot water treatment; or</li> <li>(iii) the wood has been squared so as to remove all of the natural rounded surface.</li> </ul>
3. Wood of <i>Castanea</i> and <i>Quercus</i> grown in Romania or the Union of Soviet Socialist Republics.	3. (a) Each consignment shall be accompanied by an official statement certifying that the wood was grown in regions known to be free from <i>Ophiostoma roboris</i> and <i>Endothia parasitica</i> ; or (b) each consignment shall be accompanied by an official statement certifying that the wood has been stripped of its bark and that in addition one of the following conditions has been fulfilled— <ul style="list-style-type: none"> <li>(i) the moisture content of the wood does not exceed 20% expressed as a percentage of the dry matter;</li> <li>(ii) the wood has been disinfected by hot air or hot water treatment; or</li> <li>(iii) the wood has been squared so as to remove all of the natural rounded surface.</li> </ul>

## Fourth Schedule

Genera and Origin	Conditions subject to which landing is permitted
4. Wood of <i>Castanea</i> and <i>Quercus</i> grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.	4. (a) Each consignment shall be accompanied by an official statement certifying that the wood was grown in regions known to be free from <i>Endothia parasitica</i> ; or (b) the wood shall have been stripped of its bark.
5. Wood of <i>Populus</i> grown in any country of the American continent.	5. The wood shall have been stripped of its bark.
6. Wood of <i>Ulmus</i> .	6. The wood shall have been stripped of its bark.
7. Wood of <i>Picea</i> .	7. The wood shall have been stripped of its bark.
8. Isolated bark of <i>Quercus</i> (other than <i>Quercus suber</i> ) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.	8. Each consignment shall be accompanied by an official statement certifying that the bark was grown in regions known to be free from <i>Endothia parasitica</i> .
9. Trees of <i>Castanea</i> grown in any country or part of a country in Europe.	9. Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Endothia parasitica</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
10. Trees of <i>Pinus</i> , other than fruit and seeds, grown in any country or part of a country in Europe.	10. Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Cronartium quercuum</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.
11. (a) Trees of <i>Populus</i> , other than fruit and seeds, grown in any country not in the American continent.	11. (a) Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Mycosphaerella populorum</i> ( <i>Septoria musiva</i> ) have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.

## Fourth Schedule

Genera and Origin	Conditions subject to which landing is permitted
<p>(b) Trees of <i>Populus</i>, other than fruit and seeds, grown in any country of the American continent.</p>	<p>(b) Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Mycosphaerella populorum</i> (<i>Septoria musiva</i>), <i>Hypoxyton pruinatum</i> or <i>Melampsora medusae</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.</p>
<p>12. (a) Trees of <i>Quercus</i> grown in any country or part of a country in Europe other than Romania or the Union of Soviet Socialist Republics.</p> <p>(b) Trees of <i>Quercus</i> grown in Romania or in such parts of the Union of Soviet Socialist Republics as lie in Europe.</p>	<p>12. (a) Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Endothia parasitica</i> or <i>Cronartium quercuum</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.</p> <p>(b) Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Endothia parasitica</i> or <i>Cronartium quercuum</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation, and that the trees originate in regions known to be free from <i>Ophiostoma roboris</i>.</p>
<p>13. Trees of <i>Ulmus</i> grown in any country or part of a country in Europe and <i>Zelkova</i>, other than fruit and seeds.</p>	<p>13. Each consignment shall be accompanied by an official statement certifying that no symptoms of <i>Ceratocystis ulmi</i> have been observed at the place of production, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation.</p>
<p>14. Trees with soil attached grown in any country or part of a country not in Europe.</p>	<p>14. Each consignment shall be accompanied by an official statement certifying that any soil attached has been found free from harmful organisms.</p>

## FIFTH SCHEDULE

PHYTOSANITARY CERTIFICATES TO ACCOMPANY IMPORTED  
TREES, WOOD, ISOLATED BARK AND SOIL

## PART I

**Trees, wood, isolated bark and soil which, subject to the provisions of subsection (1) of section seven of this Ordinance, must be accompanied by a phytosanitary certificate from the country of origin before being imported into this Island from a Member State.**

1. Wood of *Castanea* and *Quercus* grown in North America.
2. Wood of *Castanea* and *Quercus* grown in any country other than a country in North America which has not been stripped of its bark.
3. Isolated bark of *Quercus* (other than *Quercus suber*) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.
4. Trees of *Castanea* grown in any country or part of a country in Europe.
5. Trees of *Pinus*, other than fruit and seeds, grown in any country or part of a country in Europe.
6. Trees of *Populus*, other than fruit and seeds.
7. Trees of *Quercus* grown in any country or part of a country in Europe.
8. Trees of *Ulmus*, other than fruit and seeds, grown in any country or part of a country in Europe.
9. Trees of *Zelkova*, other than fruit and seeds.
10. Trees with soil attached or added to them grown in any country or part of a country not in Europe (other than trees of a description specified in the entries numbered 6 and 9 in this Part of this Schedule).

## PART II

**Trees, wood, isolated bark and soil which, subject to the provisions of subsection (2) of section seven of this Ordinance, must be accompanied by a phytosanitary certificate either from the country of origin or from another consignee country before being imported into this Island from a Member State.**

1. Trees planted or intended for planting (other than seeds) other than trees of a description specified in the entries numbered 4, 5, 6, 7, 8, 9 and 10 in Part I of this Schedule.
2. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
3. Wood of *Castanea* and *Quercus* grown in any country other than a country in North America which has been stripped of its bark.
4. Wood of *Picea*.
5. Wood of *Populus* grown in any country of the American continent.
6. Wood of *Ulmus*.
7. Soil attached or added to trees grown in any country or part of a country in Europe (other than trees planted or intended for planting).

## PART III

**Trees, wood, isolated bark and soil which, subject to the provisions of section eight of this Ordinance, must be accompanied by a phytosanitary certificate from the country of origin before being imported into this Island from a third country.**

1. Trees planted or intended for planting (other than seeds).
2. Wood of *Castanea*, *Picea*, *Quercus* and *Ulmus*.
3. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
4. Wood of *Populus* grown in any country of the American continent.
5. Isolated bark of conifers (*Coniferae*) grown in any country or part of a country in Europe.
6. Isolated bark of *Populus* grown in any country not in the American continent.
7. Isolated bark of *Quercus* (other than *Quercus suber*) grown in any country other than a country in North America, Romania or the Union of Soviet Socialist Republics.
8. Soil attached or added to trees (other than trees planted or intended for planting).

Section nine

## SIXTH SCHEDULE

**WOOD AND ISOLATED BARK THE ORIGIN OF WHICH IS TO BE DECLARED**

1. Wood of conifers (*Coniferae*).
2. Wood of *Populus*.
3. Isolated bark of conifers (*Coniferae*).
4. Isolated bark of *Populus*.

Section ten

## SEVENTH SCHEDULE

**TREES, WOOD, ISOLATED BARK AND SOIL WHICH, SUBJECT TO THE PROVISIONS OF SECTION TEN, MUST BE ACCOMPANIED BY A PHYTOSANITARY CERTIFICATE BEFORE BEING EXPORTED FROM THIS ISLAND TO A MEMBER STATE**

1. Trees, planted or intended for planting (other than seeds).
2. Wood of conifers (*Coniferae*) grown in any country or part of a country not in Europe.
3. Wood of *Castanea*, *Quercus* and *Ulmus*.
4. Wood of *Populus* grown in any country of the American continent.
5. Isolated bark of *Quercus* (other than *Quercus suber*).
6. Soil attached or added to trees (other than trees planted or intended for planting).

Sections one, seven,  
eight, nine, ten and  
eleven

EIGHTH SCHEDULE  
PHYTOSANITARY CERTIFICATE AND RE-FORWARDING  
PHYTOSANITARY CERTIFICATE FORMS  
PART I

Model Phytosanitary Certificate

PLANT PROTECTION SERVICE

of..... No. ....  
This is to certify that the plants, parts of plants or plant products described  
below or representative samples of them were thoroughly examined on (date) .....  
by (name) ..... an authorised officer of the  
(service) ..... and were found to the best of his knowledge  
to be substantially free from injurious diseases and pests; and that the consignment  
is believed to conform with the current phytosanitary regulations of the importing  
country both as stated in the additional declaration hereon and otherwise.

Fumigation or disinfection treatment (if any):

Date ..... Treatment.....  
Duration of Exposure ..... Chemical and Concentration .....

Additional Declaration:

.....19.....  
.....  
(Signature)  
.....  
(Rank)

(Stamp of the Service)

Description of the Consignment

Name and address of exporter: .....  
Name and address of consignee: .....  
Number and description of packages: .....  
Distinguishing marks: .....  
Origin (Grown at)\*: .....  
Means of conveyance: .....  
Point of entry: .....  
Quantity and name of produce: .....  
Botanical name: .....

\*State precise location.

NOTE: The certificate shall be completed in typescript or in block capitals.

PART II  
Model Re-forwarding Phytosanitary Certificate

No. ....

PLANT PROTECTION SERVICE  
of ..... (country of re-export)  
TO: PLANT PROTECTION SERVICE(S)  
of ..... (country/countries of destination)

Description of the Consignment

Name and address of exporter: .....  
Name and address of consignee: .....  
Number and description of packages: .....  
Distinguishing marks: .....  
Place of origin: .....  
Declared means of conveyance: .....  
Declared point of entry: .....  
Name of produce and quantity declared: .....  
Botanical name of plants: .....

This is to certify that the plants or plant products described above were imported into ..... (country of re-export) from ..... (country of origin) covered by phytosanitary certificate No. .... original  certified true copy  of which is attached to this certificate; that they are packed  repacked  in original containers  new containers ; that based on the original phytosanitary certificate  and additional inspection  they are considered to conform with the current plant health regulations of the importing country, and that during storage in ..... (country of re-export) this consignment has not been subjected to the risk of infestation or infection.

Tick appropriate boxes.

Disinfestation and/or Disinfection Treatment

Date: ..... Treatment: .....  
Chemical (active ingredient): .....  
Duration and temperature: .....  
Concentration: .....  
Additional information: .....

Additional declaration: .....

Place of issue: .....

Name of Authorised Officer: .....  
(Stamp of the service) Date: .....

(Signature)

(Rank)

**NOTE: The certificate shall be completed in typescript or in block capitals,**