

Detailed guide: Tree health legislation

Relevant plant health forestry legislation is listed below. In many cases, the initial legislation is subsequently updated by amending statutory instruments, which should be consulted as well.

Plant Health (Forestry) Order 2005

Includes

[Unofficial Consolidation January 2018](#)

(PDF, 683KB, 87 pages)

, incorporating amendments:

- [SI 2006 No. 2696](#)
- [SI 2008 No. 644](#)
- [SI 2009 No. 594](#)
- [SI 2009 No. 3020](#)
- [SI 2012 No. 2707](#)
- [SI 2013 No. 2691](#)
- [SI 2014 No. 2420](#)

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[SI 2016 No. 1167](#)

(PDF, 103KB, 20 pages)

- [SI 2017 No. 1178](#)

This order:

- prohibits the landing of specified tree pests, trees and 'relevant material' (defined as wood and bark, soil, growing medium or used forestry machinery)
- lays down the conditions under which other relevant material may be permitted entry
- sets out the protected zones for various pests, and prescribes the conditions for entry into and movement within the zones for relevant material
- prohibits the keeping, storage, sale or release of tree pests
- sets conditions for sending relevant material to other Member States
- sets rules for registration of importers, forestry traders and producers
- sets rules for the issue of plant passports to accompany certain relevant material circulated in trade
- sets out the powers of inspectors to enter premises (other than private dwellings) and to undertake examinations etc, or order remedial action to be taken
- prescribes offences and penalties for failing to comply with the order

The order is the principal instrument in Great Britain implementing the plant health requirements in the European Union in respect of forestry material, as set out in Council Directive 2000/29/EC.

[The Plant Health \(Forestry\) \(Wood Packaging Material Marking\) Order 2006](#)

This order formalises the procedures for becoming accredited within the programme in Great Britain. It makes it an offence for any person to apply a mark to wood packaging material without the authority of the Forestry Commission. It also gives inspectors powers to enter premises (other than private dwelling houses) without a warrant where they believe wood packaging material is being fraudulently marked, or is being stored, to:

- seize marking equipment
- require any marks found on wood packaging material present there to be obliterated or removed

The order also prescribes the fees payable on application for a certificate and for renewal of certificates, which will no longer be subject to VAT.

[The Plant Health \(Export Certification\) \(Forestry\) \(Great Britain\) Order 2004](#)

This makes provision for the issue of phytosanitary certificates and re-forwarding 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.

[The Dutch Elm Disease \(Local Authorities\) Order 1984](#)

Subsequent amendments include [SI 1988 No. 604](#).

This order sets out the powers available to certain local authorities, as listed in the schedule to the order, to take steps to prevent the spread of Dutch elm disease. Each local authority may exercise the powers only in respect of their own area. Officers (appointed by the local authority) who suspect the presence on any premises of elm trees infected by this disease may, on production of their authority (if so required), enter on any land to inspect trees and to take samples. Where the disease is present the officer may either take action himself, or he may require the owner or occupier to do so, to prevent the spread of the disease by destroying the tree, usually by burning on site. Exceptionally, the officer may authorise the removal of the tree to another place for destruction. The order also prescribes offences and penalties for failing to comply with a notice served.

Plant Health Act 1967

The primary legislation governing plant health in Great Britain is the Plant Health Act 1967 (c.8). This prescribes the Forestry Commissioners as the “competent authority in Great Britain as regards the protection of forest trees and timber”.

The Act empowers the Forestry Commissioners to:

- make orders to prevent the introduction and spread of forestry pests and diseases
- require local authorities to undertake certain work to prevent the spread of specified pests or diseases

It also makes provision for the creation of offences and imposition of fees for certain work.

The Forestry Commissioners are also designated under section 2(2) of the European Communities Act 1972 (c.68) in relation to measures relating to the Common Agricultural Policy of the European Union in respect of forestry.

European Plant Health Review

The European Union plant health regime was set up to protect the union from harm caused by the introduction and spread of pests and diseases affecting plants, including trees. Although this has largely worked well over the years, a full evaluation was conducted to ensure that it continues to be able to meet its objectives. The evaluation set out a number of options to improve the regime, concluding that the best way forward was to:

- simplify the legislation converting it from a directive to a regulation
- increase prevention by introducing a new category of high-risk plant materials that will require completion of a risk analysis before entry, and by the removal of passenger luggage exemptions for such material
- implement further obligations for surveillance and contingency planning to be introduced

It's expected that these changes will take several years. [Read about current progress.](#)