
EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements International Standard for Phytosanitary Measures No. 15 of March 2002 on Guidelines for regulating wood packaging material in international trade⁽¹⁾, prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations.

Under the Order, no person may: apply an ISPM No. 15 mark to any wood packaging material except as authorised by a certificate issued under the Order; apply any mark other than an ISPM No. 15 mark to wood packaging material for the purpose of indicating that it has been subject to an approved measure; or, without the authorisation of the Commissioners, manufacture, remanufacture, recycle or repair any wood without first removing any existing ISPM No. 15 mark (article 3).

Articles 4 to 8 provide procedures for applications for certificates, renewal of certificates and reassessment, including the fees payable in respect of those applications (which are specified in Schedule 1), and for the issue and validity of certificates.

Inspectors have powers to enter premises reasonably believed to be used for the manufacture, collection, storage, trade, transportation or importation of wood packaging material and to carry out certain investigations for the purpose of ascertaining whether an approved measure has been properly carried out on wood packaging material to which an ISPM No. 15 mark has been applied, or for any other purpose of this Order, including checking compliance with it (article 9). An inspector may remove, or require another person to remove, a mark if he has reasonable grounds for suspecting that it has been applied to wood packaging material other than in accordance with this Order (article 9(4)).

An inspector may also seize items he knows or suspects were used to apply a mark to wood packaging material other than in accordance with this Order, or were intended to be so used, and provision is made for claims to be made against seizure, referral to the Court and destruction of seized items (article 10).

The Commissioners may, orally or in writing, withdraw a certificate issued under this Order if, in their opinion, a wood packaging material manufacturer to whom a certificate has been issued has not properly carried out an approved measure to which the certificate relates or has not complied with any provision of this Order (article 11).

It is an offence: to contravene any of the provisions of article 3; to contravene a notice served under article 10(3) prohibiting the movement of seized items; intentionally to obstruct an inspector in the exercise of his powers given by this Order; knowingly or recklessly to make a false statement or intentionally to fail to disclose any material information for the purposes of procuring the issue of a certificate under this Order; to dishonestly alter a certificate; or to dishonestly create an instrument which purports to be a certificate (article 12).

A person found guilty of an offence under the Order is liable on summary conviction to a fine of up to level 5 on the standard scale (article 12(8)).

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.

(1) Available from the IPPC Secretariat, AGPP-FAO, Vialle Delle Terme di Caracella, 00100 Rome, Italy and <http://www.ippc.int/IPPC/En/default.htm>.

Status: *This is the original version (as it was originally made).*