

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.](#)

Press release: Poor record keeping lands East Lothian boss with

directorship ban

Paul Gilhooley (48) from Tranent, East Lothian, was the sole director of Paul Gilhooley Consultancy Ltd. The consultancy was incorporated in May 2014, with registered offices in Dublin Street, Edinburgh.

However, the consultancy entered into a difficult trading period and was advised to enter into a Creditor Voluntary Liquidation (CVL) in June 2017, after Paul Gilhooley Consultancy had ceased trading.

In a CVL, insolvency practitioners are appointed to manage the winding up of the company and require full co-operation from the directors. Despite numerous requests, however, Paul Gilhooley failed to deliver any accounting records to the insolvency practitioners.

As a result, the insolvency practitioners could not determine from June 2016 what the consultancy had been doing, the exact reasons for the insolvency or the level of payment taken by Paul Gilhooley out of the company.

The administrators were also unable to verify a significant tax debt of just over £207,000 and could not establish the consultancy's debts, what happened to £14,000 of cash taken from the company's bank account or verify what happened to the consultancy's fixed assets.

On 11 September 2018, the Secretary of State accepted a disqualification undertaking from Paul Gilhooley, after he admitted that he failed to ensure Paul Gilhooley Consultancy Ltd maintained, preserved and /or delivered up adequate accounting records.

Effective from 2 October 2018, Paul Gilhooley is now banned for 7 years from directly or indirectly becoming involved, without the permission of the court, in the promotion, formation or management of a company.

Robert Clarke, Head of Company Investigation at the Insolvency Service said:

Directors have a legal duty to maintain proper accounting records and Paul Gilhooley has paid the price for failing to do that as he be banned for a significant amount of time cannot now carry on in business other than at his own risk.

The Insolvency Service will take action against directors who do not take their obligations seriously and abuse their position of trust

Paul Gilhooley is of Tranent, East Lothian and his date of birth is December 1969

Company Paul Gilhooley Consultancy Ltd (Company Reg no. SC478667).

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service administers the insolvency regime, investigating all compulsory liquidations and individual insolvencies (bankruptcies) through the Official Receiver to establish why they became insolvent. It may also use powers under the Companies Act 1985 to conduct confidential fact-finding investigations into the activities of live limited companies in the UK. In addition, the agency deals with disqualification of directors in corporate failures, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

You can also follow the Insolvency Service on:

[News story: Cleaner and more efficient railways: apply for contracts](#)

The £3.5 million funding opportunity for businesses will encourage innovation in the UK rail sector, demonstrate new technologies to customers and industry and build better railways for everyone.

Innovate UK is launching this competition on behalf of the [Department for Transport \(DfT\)](#).

It is being run through the Small Business Research Initiative (SBRI).

Growing demand and expectations

[Statistics show](#) that the UK rail industry transported more than 1.7 billion passengers as well as millions of tonnes of freight last year. The number is likely to double within a decade.

This, coupled with growing customer expectations, present a real challenge to the rail and light-rail industries.

New technologies could help to meet the demand and offer more sustainable, quality services, journeys and better value to users.

Greener railways and a better customer experience

We are looking for well-developed innovations that are ready to be tested in an environment with railway customers and industry.

The competition has 2 themes.

In the first, projects should look at reducing the carbon footprint of railways across stations, rolling stock and infrastructure. Your project could focus on:

- building stations with a zero carbon footprint
- improving air quality in stations and across the network
- reducing noise and pollution
- finding alternatives to fossil fuels, batteries or dual power systems, or supporting cheaper electrification
- developing lightweight, energy-efficient rolling stock
- transferring knowledge from other sectors, such as automotive or aerospace
- making better use of energy generation and storage

The second is inviting projects that use innovative technology to build a station of the future that improves the passenger experience. This could include:

- offering a seamless end-to-end journey
- supporting accessibility for all passengers
- developing ticketless gate lines and barrier-free access
- developing virtual assistant technology
- providing reliable, consistent information during disruption and delays

Addressing the big 4

Funding is for integration and direct testing with users. Your project should gather feedback, show how it would benefit passengers and demonstrate a significant change for the rail industry.

It must also look at:

- reducing costs by 50% or more

- doubling capacity
- halving carbon emissions
- improving the experiences of customers

Competition information

- the competition opens on 8 October 2018 and the deadline for registration is midday on 21 November 2018
 - it is open to organisations of all sizes and sectors
 - we expect to fund up to 12 projects with total costs of between £250,000 and £350,000, including VAT
 - projects will be 100% funded
 - briefing events will be held on [9 October 2018 in York](#), [11 October in London](#) as well as [an online webinar](#)
 - projects must start by 1 March 2019 and can last up to 9 months
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[News story: Make sure you submit your charity annual return on time](#)

Updated: Added information about the annual return deadline for 2017.

You will need to submit your annual return for 2017 before you can do the return for 2018.

Thousands of charities have already filed their annual returns, but there are still many that haven't.

If you haven't filed your return, your charity runs the risk of trying to file nearer to the deadline, potentially without the correct information or the password needed to access the service.

Not filing on time means you will go into default and that information will be displayed to the public on the charity register.

The deadline for submitting your 2017 annual return is 31 October 2018, if your charity has a 12-month accounting period.

[Send your annual return online now.](#)

If you are submitting your annual return for the first time, or you are not sure what you need to include, read our guidance about how to [prepare an annual return](#).

New questions for the 2018 annual return

The 2018 annual return will include new questions which you can view before you log in to send your annual return.

- [all 2018 annual return questions \(open document text file\)](#)
(ODT, 37.8KB)
- [all 2018 annual return questions \(Excel file\)](#)
(MS Excel Spreadsheet, 190KB)

We recognise that for some charities the new questions will create additional work. Certain questions will be optional this year to give you time to put the systems in place to collect the information easily, requiring less effort in future.

Why we are asking about salaries and benefits in charities

Our research into [public trust and confidence in charities](#) shows that the public is concerned about high levels of pay in charities.

Because of this we will be asking charities to provide more information about salaries to increase accountability.

In the annual return for 2018 we will ask for a breakdown of salaries across income bands, and the amount of total employee benefits for the highest paid member of staff.

But, in response to concerns raised during the consultation, we will not publish details of benefits given to the paid member of staff on the public register.

Why we are asking about overseas expenditure

We will build on the current annual return questions about charitable expenditure overseas, to establish how charities transfer and monitor funds sent overseas.

We are doing this because all money transfer processes bear risks, and it's important that charities take appropriate steps to manage these.

We recognise that some charities will need to make changes to their record keeping to answer parts of this question. For this reason the questions about methods of transferring money outside the regulated banking system, and about monitoring controls and risk management, will be optional for the 2018 annual

return.

These questions will be mandatory for the annual return 2019 onwards.

Why we are asking about income from outside the UK

To get a better understanding of the income sources from outside of the UK, we are introducing questions about the breakdown of sources of income from each country a charity receives funds from.

The options we've provided for you to choose from are:

- overseas governments or quasi government bodies
- overseas charities, non-governmental organisations or non-profit organisations (NGOs/NPOs)
- other overseas institutions (for example private company donations)
- individual donors resident overseas
- unknown

Some charities will need to make changes to their financial systems to collect and sort the information more easily.

For this reason, we have made those parts of the question set relating to other private institutions outside the UK (other than charities, Non-Governmental Organisations and Non-Profit Organisations) and individual donors outside the UK optional to answer for the 2018 annual return.

These questions will be mandatory from 2019 onwards.

[Press release: Minister of State for Asia and the Pacific Mark Field meets with Pacific Island leaders at UN General Assembly](#)

The Minister said:

This event was an excellent and welcome opportunity to deepen our already strong collaboration with Pacific Island partners. The UK is doubling our diplomatic presence in the Pacific through the opening of High Commissions in Samoa, Tonga and Vanuatu, underlining our deep commitment to the region.

With Pacific leaders today, I discussed work to strengthen climate

resilience. This is an immediate priority for the Pacific, but is not just a Pacific issue – it is a global issue, which requires a global response. The UK is at the forefront of this, helping to secure a long-term sustainable future for the region. We talked about clean oceans, where the UK is a committed co-Chair – with Vanuatu – of the Commonwealth Clean Oceans Alliance.

We also discussed the UK's determination to boost trade with the Pacific nations, in order to support the creation of sustainable economies, based not on aid or loans but on investment and exports.

Finally, I underlined our commitment to helping Pacific nations achieve their international objectives through successful engagement in multilateral fora, including the UN.

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