

1956/154



THE FOREST PRODUCE IMPORT AND EXPORT REGULATIONS 1956

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 17th day
of September 1956

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Forests Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. (1) These regulations may be cited as the Forest Produce Import and Export Regulations 1956.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

(3) These regulations are arranged in Parts as follows:

Part I—Preliminary.

Part II—Inspection of forest produce being imported.

Part III—Treatment of injurious imported forest produce and quarantine.

Part IV—Inspection of forest produce to be exported.

Part V—Miscellaneous.

Part VI—Offences and penalties.

2. (1) Subject to the provisions of subclause (2) of this regulation and unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning as they have in the Forests Act 1949.

(2) In these regulations, unless the context otherwise requires,—

“Conservator” means the Conservator of Forests for the conservancy in which is situated the port or other place of entry of any imported forest produce and the port or other place from which forest produce is to be exported:

“Exporter” includes the owner, consignor, or agent for the owner or consignor of any forest produce which it is intended to export:

“Exotic timber” means timber of a tree of a species which is not a native of New Zealand:

“Forest produce” means timber, timber produce, the produce of trees, and dunnage; but does not include any living tree or plant or any portion thereof or any tree seed:

“Importer” means the owner, consignee, or agent for the owner or consignee of any forest produce which it is intended to import:

“Island Territories” means Western Samoa, the Cook Islands, the Fiji Islands, and the Tonga Islands:

“Quarantine ground” includes any area in which forest produce may be detained by direction of a Quarantine Officer:

“Quarantine Officer” means a person appointed to act as a Quarantine Officer under regulation 3 hereof.

(3) In these regulations a reference to a numbered form is a reference to the form so numbered in the First Schedule to these regulations.

3. The Minister may from time to time appoint any Forest Officer, Timber Inspector, or other suitable person to act as a Quarantine Officer for the purposes of these regulations, and every Quarantine Officer so appointed shall have all the powers and authorities conferred on him by the Forests Acts 1949 and these regulations.

4. Any Quarantine Officer may at any time enter into any conveyance, or upon any wharf, airport, land, or premises, or on board any ship or aircraft for the purposes of these regulations and of inspecting any forest produce; and may take all such steps and have all such powers and authorities as are necessary to enable him to enforce these regulations.

PART II—INSPECTION OF FOREST PRODUCE BEING IMPORTED

5. All imported forest produce shall, immediately upon arrival into New Zealand, be produced by the importer to a Quarantine Officer for inspection.

6. A Quarantine Officer shall make an inspection for the purposes of these regulations of all forest produce imported into New Zealand.

7. (1) If upon such inspection the forest produce is (in the opinion of the Quarantine Officer) free from every insect, fungus, bacterium, virus, and other organism in any of the life stages of those agencies that might be injurious to or cause an unhealthy condition in the forest produce or in any other forest produce and the Quarantine Officer is satisfied that the forest produce may be imported by the importer without danger of introducing into New Zealand any such insect, fungus, bacterium, virus, or other organism, he shall authorise the importer to take delivery thereof; and if the forest produce concerned is dunnage shall sign a certificate to the Importer and to the Collector of Customs in Form 1.

(2) If upon such inspection the forest produce or any part thereof is found not to be free (in the opinion of the Quarantine Officer) from every insect, fungus, bacterium, virus, or other organism in any of the life stages of these agencies that might be injurious to, or cause an

unhealthy condition in the forest produce or in any other forest produce, or if the Quarantine Officer is not satisfied that the forest produce can be delivered to the importer without danger of introducing into New Zealand any such insect, fungus, bacterium, virus, or other organism, the Quarantine Officer may—

- (a) Deposit the forest produce in a quarantine ground for observation, treatment, or disinfection; and notify the importer in Form 2 that the forest produce has been so deposited:
- (b) Treat or disinfect the forest produce in such manner and for such period of time as the Quarantine Officer may direct in order to free the forest produce from every such insect, fungus, bacterium, virus, and other organism:
- (c) If in the opinion of the Quarantine Officer the forest produce cannot be treated or disinfected effectively, or if after the forest produce has been treated or disinfected as directed by a Quarantine Officer the forest produce is not (in the opinion of the Quarantine Officer) free from every such insect, fungus, bacterium, virus, and other organism, he may, by notice in writing to the importer in Form 3, direct that the forest produce be reshipped, destroyed, or otherwise disposed of.

8. No forest produce imported into New Zealand shall be removed from any wharf, airport, or other place at which it is first landed without the permission of a Quarantine Officer:

Provided that a Quarantine Officer may issue a notice in Form 4 directing the importer to remove the forest produce to a place to be specified in the notice for inspection there by a Quarantine Officer, and the importer shall not utilise the forest produce or remove it from the specified place unless permission to do so has been given by a Quarantine Officer.

9. (1) The costs of inspection of any such forest produce shall be paid on demand by the importer to the Collector of Customs at the rates prescribed in the Second Schedule hereto, and shall be a debt due to the Crown. The issuing of any certificate or notice under regulation 7 hereof shall be sufficient evidence of the inspection in the absence of proof to the contrary.

(2) No charge will be made for the costs of inspecting imported dunnage.

PART III—TREATMENT OF INJURIOUS IMPORTED FOREST PRODUCE AND QUARANTINE

10. If any person fails to deposit any forest produce in a specified place in pursuance of a notice given under regulation 8 hereof it shall be lawful for any Quarantine Officer to take possession of the forest produce and cause it to be conveyed to and deposited in the specified place or in any quarantine ground.

11. All costs and expenses incurred in the deposit in or transport to a quarantine ground, and in the handling, treatment, and disinfection, and the reshipping, destruction, or other disposal of any forest produce under regulation 7 hereof shall upon demand be payable by the importer to the Conservator and shall be a debt due to the Crown.

12. No person shall enter, or take any vehicle into, a quarantine ground without the permission of a Quarantine Officer.

13. No forest produce or goods of any description whatsoever shall be taken into a quarantine ground without the permission of a Quarantine Officer and without compliance with any conditions specified by the Quarantine Officer when granting permission, and if any forest produce or goods other than those permitted by the Quarantine Officer are found on a quarantine ground, the forest produce or goods shall be destroyed, or otherwise dealt with as the Minister directs.

14. All persons employed in any quarantine ground shall obey all orders and carry out all instructions given by any Quarantine Officer, and shall assist in every way in their power to prevent the spread of every insect, fungus, bacterium, virus, or other organism referred to in regulation 7 hereof.

15. All persons on a quarantine ground shall comply with all directions given by any Quarantine Officer.

16. On the completion of the treatment of the forest produce referred to in regulation 7 hereof, and on being satisfied that the forest produce is in his opinion free from every insect, fungus, bacterium, virus, and other organism referred to in that regulation, a Quarantine Officer shall give a clearance certificate in Form 5 in respect of the forest produce which may then be imported into New Zealand.

17. (1) The importer shall remove the forest produce from the quarantine ground within a period of seven days after he is given a clearance certificate in Form 1 or Form 5, as the case may be.

(2) If the importer fails to remove the forest produce from the quarantine ground within the said period of seven days, the importer shall, on demand, pay the costs of storing the forest produce after the expiry of that period to the Conservator at the rate prescribed in the Second Schedule hereto, and those costs shall be a debt due to the Crown.

(3) If the importer fails to remove the forest produce from the quarantine ground, or fails to pay any costs or expenses incurred in respect of any forest produce, within a period of two months after he is given a clearance certificate in Form 1 or Form 5, the forest produce may (if the Minister so authorises) be sold and the proceeds paid into the Public Account:

Provided that, if the amount realised from the sale is more than the total amount of the costs and expenses payable in respect thereof, the balance of the proceeds after deducting those costs and expenses shall be paid to the importer.

18. No forest produce shall be removed from a quarantine ground without the permission of a Quarantine Officer, and any forest produce so removed may be seized and placed in any quarantine ground by any Quarantine Officer.

19. Where any imported forest produce is lost or damaged while being conveyed to or from or while in a quarantine ground (whether by accident, or by infestation by any insect, fungus, bacterium, virus, or other organism, or by any treatment carried out under the direction of a Quarantine Officer) the loss or damage shall be borne by the importer of the forest produce, and neither the Crown nor any Quarantine Officer

shall be liable for any loss or damage suffered by any importer of any forest produce through any act of any Quarantine Officer unless the loss or damage has been caused by the wilful neglect or default of the Quarantine Officer.

PART IV—INSPECTION OF FOREST PRODUCE TO BE EXPORTED

20. Any person intending to export any forest produce from New Zealand shall give to the Conservator not less than ten days' previous notice in writing or by telegram of his intention; and the notice shall contain a full description of the forest produce (including the quantity, marks, and brands), the name of the ship or particulars of the aircraft on which, and the port or airport or other place from which, and the date on which, and the place to which, the forest produce is being exported.

21. All forest produce to be exported shall be produced by the exporter to a Quarantine Officer for inspection and shall be in an exportable condition.

22. No forest produce shall be exported from New Zealand until a certificate in Form 6 has been applied for by the exporter and issued by a Quarantine Officer to the Collector of Customs.

23. A Quarantine Officer shall make an inspection of all forest produce to be exported from New Zealand.

24. (1) If upon such inspection as aforesaid any forest produce is (in the opinion of a Quarantine Officer) free from bark and from every insect, fungus, bacterium, virus, and other organism in any of the life stages of those organisms that might be injurious to or cause an unhealthy condition in the forest produce or in any other forest produce, or if any forest produce has been treated so as to protect it from the said organisms to the satisfaction of the Quarantine Officer and the Quarantine Officer is satisfied that the forest produce may be exported without danger of introducing into any other country any such insect, fungus, bacterium, virus, or other organism, and if (in the opinion of the Quarantine Officer) the forest produce, in the case of exotic timber, complies with the provisions of regulation 25 hereof, he shall issue a certificate to the Collector of Customs in Form 6.

(2) If the forest produce or any part of it is not exported by the date specified in the certificate, a Quarantine Officer may cancel the certificate, in which case the Quarantine Officer shall notify the Collector of Customs in Form 7 of the cancellation. If the forest produce or any part of it has in the opinion of the Quarantine Officer become infected by any insect, fungus, bacterium, virus, or other organism since the granting of the certificate, the certificate shall be cancelled, and the Quarantine Officer shall notify the Collector of Customs in Form 7 of the cancellation.

(3) If upon any such inspection any forest produce (in the opinion of a Quarantine Officer) is not free from bark and from every insect, fungus, bacterium, virus, and other organism in any of the life stages of those organisms that might be injurious to or cause an unhealthy condition in the forest produce or in any other forest produce, or if the Quarantine Officer is not satisfied that the forest produce may be exported without danger of introducing into any other country any such insect, fungus,

bacterium, virus or other organism or if the forest produce does not otherwise comply with these regulations, the Quarantine Officer shall by notice in writing in Form 8 to the Collector of Customs direct that the forest produce shall not be exported.

25. No exotic timber shall be exported unless,—

(a) In the case of timber which is to be exported to the Island Territories,—

(i) If the timber is intended for other than temporary uses, it has been treated with a preservative to the satisfaction of a Quarantine Officer; or

(ii) If the timber is intended for temporary uses, it has been dried to a moisture content not more than 22 per cent of its oven dried weight:

(b) In the case of timber to be exported to places other than the Island Territories,—

(i) If the timber is to be exported in a green condition, it has been dipped immediately after sawing in an anti-sapstain solution to the satisfaction of a Quarantine Officer; or

(ii) If the timber has not been dipped as provided in subparagraph (i) of this paragraph, the timber has been dried to a moisture content not more than 22 per cent of its oven dried weight.

26. The costs of inspection of forest produce to be exported shall be paid by the exporter to the Collector of Customs at such rates as are prescribed in the Second Schedule hereto and shall be payable on demand and shall be a debt due to the Crown. The issuing of any certificate under regulation 24 hereof shall be sufficient evidence of the inspection in the absence of proof to the contrary.

PART V—MISCELLANEOUS

27. The Crown shall not be liable for any loss or damage suffered by any importer or exporter of forest produce as a result of any delay in inspecting or treating any forest produce.

PART VI—OFFENCES AND PENALTIES

28. (1) Every person commits an offence against these regulations who—

(a) Imports or attempts to import into New Zealand any forest produce contrary to the provisions of these regulations:

(b) Exports or attempts to export from New Zealand any forest produce contrary to the provisions of these regulations:

(c) Removes or attempts to remove any forest produce imported into New Zealand from any wharf, seaport, airport, landing place, or a place specified in regulation 8 hereof without first having obtained the permission of a Quarantine Officer:

(d) Takes any forest produce into or from a quarantine ground without the permission of a Quarantine Officer:

(e) Enters or leaves any quarantine ground without the permission of a Quarantine Officer:

- (f) Obstructs any Quarantine Officer acting under the authority of these regulations.
- (g) Otherwise acts in contravention of, or fails to comply in any respect with, the provisions of these regulations, or any notice, certificate, requirement, stipulation, direction, or condition given, issued, or imposed under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction in the case of an individual to imprisonment for a term not exceeding one month or to a fine not exceeding one hundred pounds or to both, and if the offence is a continuing one to a further fine not exceeding ten pounds for every day during which the offence continues; and in the case of a body corporate to a fine not exceeding five hundred pounds, and if the offence is a continuing one to a further fine not exceeding fifty pounds for every day during which the offence continues.

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SCHEDULES
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FIRST SCHEDULE

FORMS

CLEARANCE CERTIFICATE

Reg. 7 (1)

Form No. 1

FOREST PRODUCE TO BE IMPORTED

Forest Produce Import and Export Regulations 1956

To and to the Collector of Customs

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.....

I,, of, a Quarantine Officer authorised under the Forest Produce Import and Export Regulations 1956, hereby certify that on I inspected the forest produce specified hereunder, and in my opinion that forest produce was, at the time of the inspection, free from any injurious insect, fungus, bacterium, virus, or other organism, and may be imported into New Zealand.

Dated at, this day of 19.....

.....
Quarantine Officer.

FOREST PRODUCE

Species	Size	Description	Consignee	Brands (Marks)	Quantity (Board Feet)
		Dunnage			

FIRST SCHEDULE—*continued*

Reg. 7 (2) (a)

Form No. 2

NOTICE REGARDING DEPOSIT OF IMPORTED FOREST PRODUCE IN
A QUARANTINE GROUND*Forest Produce Import and Export Regulations 1956*

To

NOTICE is hereby given to you that the undermentioned forest produce was inspected by me on, and in my opinion is not free from; and in accordance with regulation 7 (2) (a) of the Forest Produce Import and Export Regulations 1956 the said forest produce has been deposited for observation, treatment, and disinfection in the quarantine ground situated at

Dated at, this day of 19.....

.....
Quarantine Officer.

FOREST PRODUCE

Species	Size	Description	Consignee	Brands (Marks)	Quantity (Board Feet)

Reg. 7 (2) (c)

Form No. 3

DIRECTION TO DISPOSE OF IMPORTED FOREST PRODUCE

Forest Produce Import and Export Regulations 1956

To

NOTICE is hereby given to you that the undermentioned forest produce was inspected by me on and was found to contain, and in my opinion cannot be treated or disinfected effectively; and pursuant to regulation 7 (2) (c) of the Forest Produce Import and Export Regulations 1956, I hereby direct that the said forest produce shall forthwith be destroyed or shall be retained on the ship.

Dated at, this day of 19.....

.....
Quarantine Officer.

FOREST PRODUCE

Species	Size	Description	Consignee	Brands (Marks)	Quantity (Board Feet)

FIRST SCHEDULE—*continued*

Reg. 8

Form No. 4

NOTICE TO REMOVE IMPORTED FOREST PRODUCE FOR
INSPECTION AT SPECIFIED PLACE

Forest Produce Import and Export Regulations 1956

To

PURSUANT to regulation 8 of the Forest Produce Import and Export Regulations 1956, you are hereby directed to remove the undermentioned forest produce to the place specified herein for inspection by a Quarantine Officer. The said forest produce shall not be used or removed from the specified place before inspection.

Specified place:

Dated at, this day of 19.....

.....
Quarantine Officer.

FOREST PRODUCE

Species	Size	Description	Consignee	Brands (Marks)	Quantity (Board Feet)

Reg. 16

Form No. 5

CLEARANCE CERTIFICATE AFTER TREATMENT OF FOREST
PRODUCE TO BE IMPORTED

Forest Produce Import and Export Regulations 1956

To

I, of, a Quarantine Officer authorised under the Forest Produce Import and Export Regulations 1956, hereby certify that on I inspected the forest produce specified hereunder after the treatment and disinfection of that forest produce had been completed, and in my opinion that forest produce was at the time of the inspection free from every injurious insect, fungus, bacterium, virus, and other organism, and may be imported into New Zealand.

Dated at, this day of 19.....

.....
Quarantine Officer.

FOREST PRODUCE

Species	Size	Description	Consignee	Brands (Marks)	Quantity (Board Feet)

Reg. 22

FIRST SCHEDULE—*continued*

Form No. 6

CLEARANCE CERTIFICATE

FOREST PRODUCE TO BE EXPORTED

Forest Produce Import and Export Regulations 1956

To the Collector of Customs,

I,, of, a Quarantine Officer authorised under the Forest Produce Import and Export Regulations 1956, hereby certify that on I inspected the forest produce specified hereunder, and in my opinion that forest produce was at the time of inspection free from bark, and from every injurious insect, fungus, bacterium, virus, and other organism, and is authorised for export.

Dated at, this day of 19....

.....
Quarantine Officer.

Date of intended shipment:.....

FOREST PRODUCE

Ship	Loading at	Discharging at	Consignor	Consignee	Brands (Marks)	Quantity (Board Feet)	Species

Reg. 24 (2)

Form No. 7

NOTICE OF CANCELLATION OF CERTIFICATE FOR FOREST
PRODUCE TO BE EXPORTED

Forest Produce Import and Export Regulations 1956

To the Collector of Customs,

NOTICE is hereby given that, pursuant to regulation 24 (2) of the Forest Produce Import and Export Regulations 1956, the certificate issued on, 19.... in respect of the undermentioned forest produce is cancelled for the reason that:

- (a) The said forest produce has since the date of inspection become infected by injurious
- (b) The said forest produce was not shipped by the date of intended shipment specified in the certificate.

Dated at, this day of 19....

.....
Quarantine Officer.

Date of intended shipment:.....

FIRST SCHEDULE—*continued*

FOREST PRODUCE

Ship	Loading at	Discharging at	Consignor	Consignee	Brands (Marks)	Quantity (Board Feet)	Species

Reg. 24 (3)

Form No. 8

NOTICE OF FOREST PRODUCE NOT APPROVED FOR EXPORT

Forest Produce Import and Export Regulations 1956

To the Collector of Customs,

.....

NOTICE is hereby given to you that the undermentioned forest produce was inspected by me on 19.....; and pursuant to regulation 24 (3) of the Forest Produce Import and Export Regulations 1956, the same shall not be exported for the following reason or reasons:

- (a) The said forest produce contains bark:
- (b) The said forest produce contains injurious
- (c) The said forest produce does not comply with the provisions of regulation 25 of the said regulations in respect to
- (d) The provisions of regulation 20 of the said regulations in respect to notice of intention to export have not been complied with.

Dated at, this day of 19.....

.....
Quarantine Officer.

Date of intended shipment:.....

FOREST PRODUCE

Ship	Loading at	Discharging at	Consignor	Consignee	Brands (Marks)	Quantity (Board Feet)	Species

SECOND SCHEDULE

Reg. 9 (1)

COST OF INSPECTING FOREST PRODUCE

THE cost of inspecting forest produce imported into or exported from New Zealand shall be calculated at the rate of 3½d. for each 100 superficial or board feet, except that for forest produce in the form of box shooks the rate shall be calculated at the rate of 2d. for each 100 superficial or board feet.

SECOND SCHEDULE—*continued*

Reg. 17 (2)

COST OF STORING FOREST PRODUCE

THE cost of storing forest produce shall be calculated at the rate of 6d. a day for each 100 superficial or board feet.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under section 69 of the Forests Act 1949 and aim at controlling the spread of diseases and organisms injurious to trees and forest produce. They provide for the inspection, treatment, and quarantine of forest produce which is being imported and for the inspection of forest produce which is being exported. Charges are prescribed for inspecting and storing forest produce.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 September 1956.

These regulations are administered in the New Zealand Forest Service.