

# Illegally Logged Timber (Prohibition of Sale) Bill

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**B I L L**

TO

Prohibit the sale in the United Kingdom of timber and wood products that were obtained or produced illegally in their country of origin; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Interpretation**

In this Act—

“distributor” means any person who, for professional and commercial purposes, irrespective of the selling technique used—

- (a) manufactures and sells wood, 5
- (b) sells wood manufactured by another person, or
- (c) imports or exports wood into the United Kingdom;

“importer” means any person established within the United Kingdom who is responsible for the physical introduction for commercial purposes of wood or wood products into the United Kingdom; 10

“person” includes any individual or organisation of any kind subject to any jurisdiction in the United Kingdom;

“wood” means any timber, bamboo or rattan and products thereof.

**2 Prohibited acts**

A distributor or importer who— 15

- (a) sells, or offers for sale, any wood that has been—
  - (i) harvested, sold, taken or possessed illegally in the country from which the wood was originally harvested, or
  - (ii) exported illegally from a country from which it was originally harvested or imported illegally into a country through which it passed or was transhipped, 20
- (b) attempts to commit any act falling within paragraph (a),

- (c) commits any act falling within paragraph (a) not knowingly but recklessly and where he should have known that such an act was being committed,
- (d) commits any act falling within paragraph (a) in good faith, or
- (e) falsifies labels or records in connection with the acts falling within paragraph (a),

is guilty of an offence.

### **3 Penalties, forfeiture, etc**

- (1) A distributor or importer guilty of an offence under –
  - (a) section 2(a) or (b) shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine not exceeding £100,000, or both, 10
  - (b) section 2(c) shall be liable on conviction on indictment to imprisonment for a term not exceeding 1 year or a fine not exceeding £50,000, or both,
  - (c) section 2(d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, 15
  - (d) section 2(e) shall be liable on conviction on indictment to imprisonment for a term not exceeding 1 year or a fine not exceeding £10,000, or both.
- (2) Where an offence under section 2 has been committed, the maximum fine which may be imposed under subsection (1) shall be determined as if the person convicted had been convicted of an offence in respect of each consignment of wood or wood products. 20
- (3) The Secretary of State may, by order, increase the penalties specified in subsection (1).
- (4) The court by which any distributor or importer is convicted of an offence under section 2 shall order the forfeiture of any wood product, tree, plant or other thing in respect of which the offence was committed. 25

### **4 Subordinate legislation**

- (1) The Secretary of State may by regulations make such supplementary provision as appears appropriate in consequence of, or otherwise in connection with, this Act. 30
- (2) Regulations and orders under this Act shall be made by statutory instrument.
- (3) No order under subsection 3(3) may be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations under subsection (1) are subject to annulment in pursuance of a resolution of either House of Parliament. 35

### **5 Citation**

- (1) This Act may be cited as the Illegally Logged Timber (Prohibition of Sale) Act 2009.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed. 40
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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## **B I L L**

To prohibit the sale in the United Kingdom of timber and wood products that were obtained or produced illegally in their country of origin; and for connected purposes.

*Presented by Mr Andrew Dismore  
supported by  
Mr Virendra Sharma, John Austin,  
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*Ordered, by The House of Commons,  
to be Printed, 26 January 2009.*

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