

# Illegally Logged Timber (Prohibition of Import, Sale or Distribution) Bill

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## CONTENTS

- 1 Interpretation
- 2 Offences
- 3 Penalties, forfeiture, etc
- 4 Orders and regulations
- 5 Short title, commencement and extent

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**B I L L**

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Make it illegal in the United Kingdom for a person or company to import, export, transport, sell, receive, acquire or purchase timber or timber products illegally taken, harvested, possessed, transported, sold or exported from 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—

“applicable legislation” means the legislation in force in the country of harvest covering the following areas of law—

- (a) the conservation of biological diversity; 5
- (b) forest management and resource use rights;
- (c) environmental protection including environmental impact assessment;
- (d) rights to harvest timber within gazetted boundaries;
- (e) payments for harvest rights and timber including duties related to timber harvesting; 10
- (f) timber harvesting including directly related environmental and forest legislation;
- (g) property tenure;
- (h) the rights of indigenous peoples; 15
- (i) third parties’ legal rights concerning use and tenure that is affected by timber harvesting;
- (j) labour and community welfare legislation;
- (k) taxes, import and export duties, royalties and fees related to harvesting, transportation and marketing; and 20
- (l) trade and customs legislation, in so far as the forest sector is concerned;

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

- (a) manufactures and sells wood;
- (b) sells wood manufactured by another person; or
- (c) imports or exports wood into the United Kingdom;
- “illegally” means, in relation to wood which has been harvested, in contravention of the applicable legislation; 5
- “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;
- “person” includes any individual or organisation of any kind subject to any jurisdiction in the United Kingdom; 10
- “wood” means the timber and timber products set out as at 1 January 2011 in the Combined Nomenclature set out in Annex 1 to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.
- 2 Offences** 15
- (1) A distributor or importer who sells, keeps for sale, or offers for sale any wood that has been –
- (a) harvested, sold, taken or possessed illegally in the country from which the wood was originally harvested; or
- (b) exported illegally from a country from which it was originally harvested; or 20
- (c) imported illegally into a country through which it passed or was transhipped;
- shall be guilty of an offence.
- (2) A person (“P”) shall not be guilty of an offence under subsection (1) if P proves to the satisfaction of the court – 25
- (a) that at the time the alleged offence was committed P had no reason to believe that the wood had been harvested, sold, taken, possessed, exported or imported illegally; and
- (b) that at the time when the wood first came into his or her possession or control P made such enquiries as in the circumstances were reasonable in order to ascertain whether it had been harvested, sold, taken, possessed, exported or imported illegally. 30
- (3) Without prejudice to the generality of subsection (2), P shall be taken to have made such enquiries as are mentioned there if P provides to the court a statement by the person from whom P obtained possession or control of the wood (“the supplier”), which is signed by the supplier or by a person authorised by him or her, and which states that – 35
- (a) the supplier made enquiries at the time the wood came into his or her possession in order to ascertain whether it was wood which had been harvested, sold, taken, possessed, exported or imported illegally; and 40
- (b) the supplier had no reason to believe at the time he or she relinquished possession of the wood to P that the article was at that time wood which had been harvested, sold, taken, possessed, exported or imported illegally. 45
- (4) A person who provides, for the purposes of subsection (3), a statement which he or she knows to be false in a material particular, or recklessly provides for those purposes a certificate which is false in a material particular, shall be guilty of an offence.

- (5) A person who buys any wood that has been –
- (a) harvested, sold, taken or possessed illegally in the country from which the wood was originally harvested; or
  - (b) exported illegally from a country from which it was originally harvested; or
  - (c) imported illegally into a country through which it passed or was transhipped;
- and who at the time of purchase was aware that the wood was harvested, sold, taken, possessed, exported or imported illegally shall be guilty of an offence.

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**3 Penalties, forfeiture, etc**

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- (1) A distributor or importer guilty of an offence under –
- (a) section 2(1) shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years or a fine not exceeding £200,000, or both,
  - (b) section 2(4) 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) 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.
- (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 or wood product in respect of which the offence was committed.
- (5) A person found guilty of an offence under section 2(5) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

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**4 Orders and regulations**

- (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.
- (2) Regulations and orders under this Act shall be made by statutory instrument.
- (3) No order under section 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.

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**5 Short title, commencement and extent**

- (1) This Act may be cited as the Illegally Logged Timber (Prohibition of Import, Sale or Distribution) Act 2011.
- (2) This Act comes into force at the end of the period of 2 months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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To make it illegal in the United Kingdom for a person or company to import, export, transport, sell, receive, acquire or purchase timber or timber products illegally taken, harvested, possessed, transported, sold or exported from their country of origin; and for connected purposes.

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supported by  
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*Ordered, by The House of Commons,  
to be Printed, 16 September 2010.*

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