



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 2939 (Cy. 287)

2013 No. 2939 (W. 287)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) (Rhif 2) 2013**

**The Plant Health (Wales)
(Amendment) (No. 2) Order 2013**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy.158)) ("y prif Orchymyn").

Mae erthygl 2(2) yn gwneud mân ddiwygiadau i'r materion y mae'n ofynnol eu hysbysu o dan erthygl 19(4) o'r prif orchymyn. Nid yw'n ofynnol cynnwys materion penodol yn yr hysbysiad mwyach.

Mae erthygl 2(3) yn gwneud darpariaeth i wahardd person rhag glanio yng Nghymru blanhigion penodol sydd wedi eu tyfu neu yr amheuir eu bod wedi eu tyfu mewn Aelod-wladwriaeth arall neu yn y Swistir, oni bai bod hysbysiad ysgrifenedig wedi ei roi ymlaen llaw i arolygydd awdurdodedig.

Mae erthygl 2(4) yn gwneud mân ddiwygiadau i erthygl 22 o'r prif orchymyn i adlewyrchu rhifau'r paragraffau.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Er hynny mae asesiad rhagarweiniol o effaith erthygl 2(3) ar fusnes, y sector gwirfoddol a'r sector cyhoeddus wedi ei gynnwys ym Memorandwm Esboniadol yr offeryn hwn, sydd ar gael ochr yn ochr â'r offeryn ar <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm>.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W.158)) ("the principal order").

Article 2(2) makes minor amendments to the matters which are required to be notified under article 19(4) of the principal order. Certain matters are no longer required to be included in the notification.

Article 2(3) makes provision to prohibit a person from landing in Wales certain plants which have been grown or are suspected to have been grown in another member State or in Switzerland, unless prior written notification has been given to an authorised inspector.

Article 2(4) makes minor amendments to article 22 of the principal order to reflect paragraph numbering.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order. However a preliminary assessment of the impact of article 2(3) on business, the voluntary sector and the public sector is included in the Explanatory Memorandum for this instrument, which is available alongside the instrument on <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm>.

2013 Rhif 2939 (Cy. 287)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) (Rhif 2) 2013**

Gwnaed 18 Tachwedd 2013

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 20 Tachwedd 2013

Yn dod i rym 13 Rhagfyr 2013

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 2(1) a 3(1) o Ddeddf Iechyd Planhigion 1967(1).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2013.

(2) Daw'r Gorchymyn hwn i rym ar 13 Rhagfyr 2013 ac mae'n gymwys o ran Cymru.

**Diwygio Gorchymyn Iechyd Planhigion (Cymru)
2006**

2.—(1) Diwygir Gorchymyn Iechyd Planhigion (Cymru) 2006(2) fel a ganlyn.

(2) Yn lle paragraff (5) o erthygl 19 (gwahardd glanio plâu planhigion a deunydd perthnasol), rhodder—

“(5) The matters are—

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- (1) 1967 p. 8; diwygiwyd adran 1(2) gan Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013/755 (Cy. 90), Atodlen 2, paragraff 43. Diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8. Mae'r pwerau a roddir gan adrannau 2 a 3 yn cael eu rhoi i “competent authority”, a ddiffinnir yn adran 1(2), o ran Cymru, fel Gweinidogion Cymru.
- (2) O.S. 2006/1643 (Cy.158); offerynnau diwygio perthnasol yw O.S. 2008/2781 (Cy.248), O.S. 2012/3143 (Cy.315) ac O.S. 2013/888 (Cy.100).

2013 No. 2939 (W. 287)

PLANT HEALTH, WALES

**The Plant Health (Wales)
(Amendment) (No. 2) Order 2013**

Made 18 November 2013

Laid before the National Assembly for Wales 20 November 2013

Coming into force 13 December 2013

The Welsh Ministers, make the following Order in exercise of the powers conferred by sections 2(1) and 3(1) of the Plant Health Act 1967(1).

Title, commencement and application

1.—(1) The title of this Order is the Plant Health (Wales) (Amendment) (No. 2) Order 2013.

(2) This Order comes into force on 13 December 2013 and applies in relation to Wales.

**Amendment of the Plant Health (Wales) Order
2006**

2.—(1) The Plant Health (Wales) Order 2006(2) is amended as follows.

(2) For paragraph (5) of article 19 (prohibitions on landing plant pests and relevant material), substitute—

“(5) The matters are—

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- (1) 1967 c. 8; section 1(2) was amended by the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90), Schedule 2, paragraph 43. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2), for Wales, as the Welsh Ministers.
- (2) S.I. 2006/1643 (W.158); relevant amending instruments are S.I. 2008/2781 (W.248), S.I. 2012/3143 (W.315) and S.I. 2013/888 (W.100).

- (a) the intended time and date of introduction of the potatoes;
- (b) their intended use;
- (c) their intended destination;
- (d) their variety and quantity; and
- (e) the producer's identification number."

(3) Ar ôl paragraff (5) o erthygl 19, mewnosoder—

“(6) Paragraph (7) applies to—

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Platanus* L. or *Quercus* L. intended for planting, which have been grown or are suspected to have been grown in another member State; or
- (b) plants of *Castanea* Mill., *Platanus* L. or *Quercus* L. intended for planting, which have been grown or are suspected to have been grown in Switzerland and to which the requirements of article 6 do not apply.

(7) Subject to article 22, no person shall land in Wales any such plants unless written notification of the intention to land the plants and of the matters contained in paragraph (8) is provided to an inspector prior to such landing.

(8) The matters are—

- (a) the intended date of introduction of the plants;
- (b) their intended destination;
- (c) the quantity of the plants;
- (d) their genus and species; and
- (e) the producer's identification number."

(4) Ym mharagraff (1) o erthygl 22 (eithriadau rhag gwaharddiadau a gofynion penodol) yn lle “and (3)” rhodder “, (4) and (7)”.

- (a) the intended time and date of introduction of the potatoes;
- (b) their intended use;
- (c) their intended destination;
- (d) their variety and quantity; and
- (e) the producer's identification number."

(3) After paragraph (5) of article 19, insert—

“(6) Paragraph (7) applies to—

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Platanus* L. or *Quercus* L. intended for planting, which have been grown or are suspected to have been grown in another member State; or
- (b) plants of *Castanea* Mill., *Platanus* L. or *Quercus* L. intended for planting, which have been grown or are suspected to have been grown in Switzerland and to which the requirements of article 6 do not apply.

(7) Subject to article 22, no person shall land in Wales any such plants unless written notification of the intention to land the plants and of the matters contained in paragraph (8) is provided to an inspector prior to such landing.

(8) The matters are—

- (a) the intended date of introduction of the plants;
- (b) their intended destination;
- (c) the quantity of the plants;
- (d) their genus and species; and
- (e) the producer's identification number."

(4) In paragraph (1) of article 22 (exceptions from certain prohibitions and requirements) for “and (3)” substitute “, (4) and (7)”.

Alun Davies

Y Gweinidog Adnoddau Naturiol a Bwyd, un o Weinidogion Cymru

18 Tachwedd 2013

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Minister for Natural Resources and Food, one of the Welsh Ministers

18 November 2013

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PLANT HEALTH, WALES

Gorchymyn Iechyd Planhigion
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