



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 3541 (Cy.288)

2001 No. 3541 (W.288)

**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

**Gorchymyn Hysbysu ynghylch
Tatws sy'n Deillio o'r Almaen
(Cymru) 2001**

**The Potatoes Originating in
Germany, Notification (Wales)
Order 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn gosod gofynion penodol ynghylch hysbysu ar bersonau sy'n mewnfario tatws o'r Almaen, sydd wedi'u tyfu yn ystod 2001 neu'n ddiweddarach. Mae'r Gorchymyn yn ei gwneud yn ofynnol i fewnforwyr sy'n dod â thatws o'r fath i mewn i Gymru ar 30 Hydref 2001 neu ar ôl hynny hysbysu arolygydd sydd wedi'i awdurdodi o dan Orchymyn Iechyd Planhigion (Prydain Fawr) 1993 ("y prif Orchymyn") yn ysgrifenedig o leiaf ddau ddiwrnod ymlaen llaw, gan roi manylion penodol ynghylch, ymhlith pethau eraill, glanio'r tatws a'r ffordd y bwriedir eu defnyddio (erthygl 3(1)). Mae'n ei gwneud yn ofynnol hefyd i fewnforwyr tatws Almaenaidd, a gyrhaeddodd Gymru rhwng 1 Hydref 2001 a'r dyddiad y mae'r Gorchymyn yn dod i rym, sef ar 30 Hydref 2001, roi gwybodaeth benodol debyg i arolygydd erbyn 23 Tachwedd fan bellaf (erthygl 3(2)).

Mae'r Gorchymyn yn darparu bod arolygydd y mae ganddo seiliau rhesymol dros amau bod darpariaethau'r Gorchymyn wedi'u torri yn gallu arfer mewn perthynas â thatws Almaenaidd bwerau gorfodi penodol sy'n cael eu rhoi gan erthygl 22 o'r prif Orchymyn fel y'i darllenir gydag erthygl 24(1) i (3) o'r Gorchymyn hwnnw (erthygl 4(2)). Gall arolygydd sy'n gweithredu o dan y Gorchymyn hwn arfer pwerau hefyd i wirio cydymffurfedd (drwy archwilio, samplu a marcio eiddo a/neu safleoedd) sy'n cael eu rhoi gan erthygl 25, heblaw erthygl 25(1)(d), o'r prif Orchymyn (erthygl 4(3)). Mae i unrhyw hysbysiad sy'n cael ei gyflwyno neu unrhyw bŵer sy'n cael ei arfer o dan erthygl 4 o'r Gorchymyn hwn, os yw'r pŵer i wneud hynny yn cael

This Order places certain notification requirements upon persons importing potatoes from Germany, which have been grown during 2001 or later. The Order requires importers bringing such potatoes into Wales on or after 30th October 2001 to give at least two days' notice in writing to an inspector authorised under the Plant Health (Great Britain) Order 1993 ("the principal Order"), providing specified details as to, inter alia, the landing and intended use of the potatoes (article 3(1)). It also requires importers of German potatoes, which arrived in Wales between 1st October 2001 and the coming into force of the Order on 30th October 2001 to provide to an inspector specified information of a similar nature no later than 23rd November 2001 (article 3(2)).

This Order provides that an inspector who has reasonable grounds for suspecting a contravention of its provisions may exercise in respect of German potatoes certain enforcement powers conferred by article 22 of the principal Order as read with article 24(1) to (3) of that Order (article 4(2)). An inspector acting under this Order may also exercise powers to check compliance (by examining, sampling and marking property and/or premises) which are conferred by article 25, other than article 25(1)(d), of the principal Order (article 4(3)). Any notice served or power exercised under article 4 of this Order, where the power to do so is conferred by the principal Order, has the same effect as if served or exercised under the

ei roi gan y prif Orchymyn, yr un effaith â phetai wedi'i gyflwyno neu wedi'i arfer o dan yr erthygl berthnasol yn y prif Orchymyn (erthyglau 4(4) a (5)) fel bod darpariaethau canlyniadol perthnasol y prif Orchymyn, gan gynnwys darpariaethau ynghylch tramgwyddau, yn dod yn weithredol pan fydd hysbysiad wedi'i gyflwyno neu bŵer arall wedi'i arfer.

relevant article of the principal Order (articles 4(4) and (5)) so that once a notice is served or other power exercised, the relevant consequential provisions of the principal Order, including provisions as to offences, take effect.

2001 Rhif 3541 (Cy.288)**2001 No. 3541 (W.288)****IECHYD PLANHIGION,
CYMRU****PLANT HEALTH,
WALES****Gorchymyn Hysbysu ynghylch
Tatws sy'n Deillio o'r Almaen
(Cymru) 2001****The Potatoes Originating in
Germany, Notification (Wales)
Order 2001***Wedi'i wneud* 29 Hydref 2001*Made* 29th October 2001*Yn dod i rym* 30 Hydref 2001*Coming into force* 30th October 2001

Drwy arfer y pwerau a roddir gan adrannau 2(1) a (2), 3(1), (2) a (4) a 4(1) o Ddeddf Iechyd Planhigion 1967(a), fel y'i darllenir gydag adran 20 o Ddeddf Amaethyddiaeth (Darpariaethau Amrywiol) 1972(b), ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(c), mae Cynulliad Cenedlaethol Cymru yn gwneud y Gorchymyn canlynol:

In exercise of the powers conferred by sections 2(1) and (2), 3(1), (2) and (4) and 4(1) of the Plant Health Act 1967(a), as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b), and now vested in the National Assembly for Wales(c), the National Assembly for Wales makes the following Order:

Teitl, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Hysbysu ynghylch Tatws sy'n Deillio o'r Almaen (Cymru) 2001, bydd yn gymwys i Gymru, a daw i rym ar 30 Hydref 2001.

Title, extent and commencement

1. This Order may be cited as the Potatoes Originating in Germany, Notification (Wales) Order 2001, shall extend to Wales, and shall come into force on 30th October 2001.

Dehongli

2. -(1) Yn y Gorchymyn hwn -

ystyr "yr Almaen" ("*Germany*") yw Gweriniaeth Ffederal yr Almaen;

Interpretation

2.-(1) In this Order -

"inspector" ("*arolygydd*") means any person authorised to be an inspector for the purposes of the principal Order;

(a) 1967 p.8; diwygiwyd adrannau 2(1) a 3(1) a (2) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p.68), adran 4(1) ac Atodlen 4, paragraff 8; amnewidiwyd adran 3(4) gan adran 42 o Ddeddf Cyfiawnder Troseddol 1982 (p.48) ac fe'i diwygiwyd ymhellach gan adran 17(1) o Ddeddf Cyfiawnder Troseddol 1991 (p.53).

(b) 1972 p.62.

(c) Mae adran 1(2)(b) o Ddeddf Iechyd Planhigion 1967 yn darparu mai'r awdurdod cymwys yng Nghymru a Lloegr at ddibenion y Ddeddf honno yw'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd. Yn rhinwedd Gorchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967 a Ddeddf Amaethyddiaeth (Darpariaethau Amrywiol) 1972, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i'r Ysgrifennydd Gwladol; ac o dan erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo trosglwyddwyd y swyddogaethau hyn, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru.

(a) 1967 c.8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and further amended by section 17(1) of the Criminal Justice Act 1991 (c.53).

(b) 1972 c.62.

(c) Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister of Agriculture, Fisheries and Food. By virtue of the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 and the Agriculture (Miscellaneous Provisions) Act 1972 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State; and under article 2(a) and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) these functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales.

ystyr "arolygydd" ("*inspector*") yw unrhyw berson sydd wedi'i awdurdodi i fod yn arolygydd at ddibenion y prif Orchymyn;

ystyr "y prif Orchymyn" ("*the principal Order*") yw Gorchymyn Iechyd Planhigion (Prydain Fawr) 1993(a),

ystyr "sy'n deillio o'r Almaen" ("*originating in Germany*") yw wedi'u tyfu yn yr Almaen yn ystod y flwyddyn 2001 neu ar ôl hynny;

ystyr "taten" ("*potato*") yw unrhyw gloronen solanum tuberosum L. neu unrhyw had gwirioneddol neu blanhigyn arall ohono neu unrhyw rywogaeth arall o'r genws Solanum L. sy'n ffurfio cloron neu unrhyw gymysgryw ohono;

mae i "tatws Almaenaidd" ("*German potatoes*") yr ystyr a roddir iddo yn erthygl 3(1); ac

ystyr "taten hadyd" ("*seed potato*") yw unrhyw daten sydd wedi'i bwriadu i'w phlannu.

(2) Mae cyfeiriad yn y Gorchymyn hwn at erthygl â rhif yn gyfeiriad at yr erthygl sy'n dwyn y rhif hwnnw yn y Gorchymyn hwn oni ddywedir fel arall.

Hysbysu ynghylch mewnforyn

3.-(1) Ni chaiff neb fewnforio i Gymru datws Almaenaidd, hynny yw, unrhyw datws y maent yn gwybod neu y mae ganddynt sail resymol dros gredu eu bod wedi deillio o'r Almaen, oni bai eu bod wedi rhoi hysbysiad ysgrifenedig i arolygydd, o leiaf ddau ddiwrnod cyn y dyddiad yr oeddent yn bwriadu cyflwyno'r tatws i Gymru, ynghylch eu bwriad i fewnforio'r tatws ac ynghylch:

- (a) amser, dyddiad a dull arfaethedig eu cyflwyno;
- (b) y man arfaethedig ar gyfer dod â hwy i mewn i Gymru;
- (c) y defnydd arfaethedig ar y tatws;
- (ch) yn achos tatws hadyd neu datws sydd wedi'u bwriadu i'w prosesu, cyrchfan arfaethedig y tatws;
- (d) rhywogaeth y tatws;
- (dd) y maint o datws; ac
- (e) rhif adnabod y cynhyrchydd neu gyfeirnod y lot.

(2) Rhaid i unrhyw berson a fewnforiodd datws Almaenaidd i Gymru ar ôl 30 Medi 2001 a chyn i'r Gorchymyn hwn ddod i rym, roi hysbysiad ysgrifenedig i arolygydd erbyn 23 Tachwedd 2001 fan bellaf -

- (a) y dyddiad y mewnforywyd y tatws;
- (b) y man lle doed â hwy i mewn i Gymru;

"the principal Order" ("*y prif Orchymyn*") means the Plant Health (Great Britain) Order 1993(a),

"German potatoes" ("*tatws Almaenaidd*") has the meaning given to it in article 3(1);

"Germany" ("*yr Almaen*") means the Federal Republic of Germany;

"originating in Germany" ("*sy'n deillio o'r Almaen*") means grown in Germany during the year 2001 or subsequently;

"potato" ("*taten*") means any tuber or true seed or any other plant of solanum tuberosum L. or other tuber-forming species or hybrid of the genus Solanum L.; and

"seed potato" ("*taten hadyd*") means any potato intended for planting.

(2) A reference in this Order to a numbered article is a reference to the article so numbered in this Order unless otherwise stated.

Notification of imports

3.-(1) No person shall import into Wales German potatoes, that is to say, any potatoes which they know or have reasonable cause to suspect to have originated in Germany, unless they have given written notification to an inspector, at least two days prior to the intended date of introduction into Wales of the potatoes, of their intention to import the potatoes and of:

- (a) the proposed time, date and means of introduction;
- (b) the proposed point of entry into Wales;
- (c) the intended use of the potatoes;
- (d) in the case of seed potatoes or potatoes intended for processing, the proposed destination of the potatoes;
- (e) the variety of the potatoes;
- (f) the quantity of potatoes; and
- (g) the producer's identification number or the reference number of the lot.

(2) Any person who, after 30th September 2001 and before the coming into force of this Order, imported German potatoes into Wales shall, no later than 23rd November 2001 give written notification to an inspector of -

- (a) the date potatoes were imported;
- (b) the point of entry into Wales;

(a) O.S. 1993/1320; a ddiwygiwyd gan O.S. 1993/3213, 1995/1358 a 2929, 1996/25, 1165 a 3242, 1997/1145 a 2907, 1998/349, 1121 a 2245, 1999/2641 (Cy.8) a 2001/2500 (Cy.203).

(a) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, 1999/2641 (W.8) and 2001/2500 (W.203).

- (c) y defnydd arfaethedig ar y tatws;
- (ch) yn achos tatws hadyd neu datws sydd wedi'u bwriadu i'w prosesu, cyrchfan neu gyrchfan arfaethedig y tatws;
- (d) rhywogaeth y tatws;
- (dd) y maint o datws; ac
- (e) rhif adnabod y cynhyrchydd neu gyfeirnod y lot.

(3) Yn yr erthygl hon ystyr "prosesu" ("*processing*") yw unrhyw driniaeth ddiwydiannol, gan gynnwys graddio, didoli, golchi a phacio, p'un ai gyfer manwerthu neu beidio.

Pwerau arolygydd

4.-(1) Nid yw darpariaethau'r erthygl hon yn rhagfarnu o dan ba amgylchiadau y gall arolygydd yn rhinwedd y prif Orchymyn arfer y pwerau a roddwyd gan y Gorchymyn hwnnw.

(2) Pan fydd ganddo seiliau rhesymol dros amau bod erthygl 3 wedi'i thorri neu'n debygol o gael ei thorri, gall arolygydd, at ddibenion y Gorchymyn hwn, arfer -

- (a) y pŵer sy'n cael ei roi gan erthygl 22(1) o'r prif Orchymyn fel y'i darllenir gydag erthygl 24(1) i (3) o'r prif Orchymyn, fel petai taten Almaenaidd yn blanhigyn a oedd wedi'i lanio neu'n debygol o gael ei lanio yn groes i'r prif Orchymyn; a
- (b) y pŵer a roddwyd gan erthygl 22(2) o'r prif Orchymyn fel y'i darllenir gydag erthygl 24(1) i (3) o'r prif Orchymyn, fel petai taten Almaenaidd a oedd yn cael ei chadw ar safle neu'n cael ei symud ohono, neu a oedd yn debyg o gael ei chadw neu ei symud, yn blanhigyn a oedd yn cael ei gadw neu'n cael ei symud o'r safle yn groes i'r prif Orchymyn.

(3) Gall arolygydd, at ddibenion gwirio cydymffurfedd â'r Gorchymyn hwn, arfer y pwerau sy'n cael eu rhoi gan erthygl 25(1)(a) i (c) a 25(2) o'r prif Orchymyn, fel petai'n gwirio cydymffurfedd â'r prif Orchymyn.

(4) Bydd i unrhyw hysbysiad a gyflwynir yn rhinwedd yr erthygl hon drwy arfer pŵer sy'n cael ei roi gan erthygl 22(1) neu (2) o'r prif Orchymyn effaith fel petai wedi'i gyflwyno o dan erthygl 22(1) neu (2) o'r prif Orchymyn, a bydd erthyglau 24(4) i (6), 26 i 28, 32 a 33(1), (2) a (6) o'r prif Orchymyn yn gymwys yn unol â hynny.

(5) Rhaid ymdrin ag unrhyw bŵer sy'n cael ei roi gan erthygl 25 o'r prif Orchymyn ac sy'n cael ei arfer yn rhinwedd yr erthygl hon fel petai'r pŵer hwnnw wedi'i arfer o dan y prif Orchymyn, a bydd darpariaethau'r prif Orchymyn (gan gynnwys erthygl 33(1)(a) ac (c) a (6) (tramgwyddau)) yn gymwys yn unol â hynny.

- (c) the intended use of the potatoes;
- (d) in the case of seed potatoes or potatoes intended for processing, the destination or proposed destination of the potatoes;
- (e) the variety of the potatoes;
- (f) the quantity of potatoes; and
- (g) the producer's identification number or the reference number of the lot.

(3) In this article, "*processing*" ("*prosesu*") means any industrial treatment, including grading, sorting, washing and packing, whether for retail sale or not.

Powers of an inspector

4.-(1) The provisions of this article are without prejudice to the circumstances in which an inspector may by virtue of the principal Order exercise the powers conferred by that Order.

(2) On having reasonable grounds for suspecting a contravention or likely contravention of article 3, an inspector may, for the purposes of this Order, exercise -

- (a) the power conferred by article 22(1) of the principal Order as read with article 24(1) to (3) of the principal Order, as if a German potato were a plant landed or likely to be landed in contravention of the principal Order; and
- (b) the power conferred by article 22(2) of the principal Order as read with article 24(1) to (3) of the principal Order, as if a German potato kept on or moved from premises, or likely to be so, were a plant kept on or moved from the premises in contravention of the principal Order.

(3) An inspector may, for the purposes of checking compliance with this Order, exercise the powers conferred by article 25(1)(a) to (c) and 25(2) of the principal Order, as if checking compliance with the principal Order.

(4) Any notice served by virtue of this article in exercise of a power conferred by article 22(1) or (2) of the principal Order shall have effect as if served under article 22(1) or (2) of the principal Order, and articles 24(4) to (6), 26 to 28, 32 and 33(1), (2) and (6) of the principal Order shall apply accordingly.

(5) Any power conferred by article 25 of the principal Order which is exercised by virtue of this article shall be treated as if that power had been exercised under the principal Order, and the provisions of the principal Order (including article 33(1)(a) and (c), (2) and (6) (offences)) shall apply accordingly.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

29 Hydref 2001

29th October 2001

Jane E. Hutt

Ysgrifennydd Cynulliad

Assembly Secretary

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

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CYMRU**

Gorchymyn Hysbysu ynghylch
Tatws sy'n Deillio o'r Almaen
(Cymru) 2001

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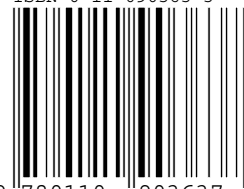
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