
WELSH STATUTORY INSTRUMENTS

2012 No. 3143 (W.315)

PLANT HEALTH, WALES

The Plant Health (Wales) (Amendment) Order 2012

Made - - - - 19 December 2012
*Laid before the National
Assembly for Wales* - - 20 December 2012
Coming into force - - 11 January 2013

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

Title, commencement and application

1. The title of this Order is the Plant Health (Wales) (Amendment) Order 2012. It comes into force on 11 January 2013 and applies in relation to Wales.

Amendment of the Plant Health (Wales) Order 2006

2.—(1) The Plant Health (Wales) Order 2006(3) is amended as follows.

(2) For paragraph (3) of article 19 (prohibitions on landing plant pests and relevant material), substitute—

“(3) Paragraph (4) applies to—

- (a) seed potatoes grown or suspected to have been grown in another member State or in Switzerland; and
- (b) potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or Spain.

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- (1) 1967 c. 8. 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”. The competent authority which is defined in section 1(2) is as regards the protection of forest trees and timber from attack by pests the Forestry Commissioners and otherwise, for Wales, is now the Welsh Ministers.
- (2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2006/1643 (W.158), as amended by S.I.2007/2716 (W.229), S.I. 2007/3305 (W.292), S.I. 2008/2781 (W.248), S.I. 2008/2913 (W.257), S.I. 2009/1376 (W.137), S.I. 2010/1795 (W.171) and S.I. 2010/2976 (W.247).

(4) Subject to article 22, no person is to land in Wales any such potatoes unless written notification is provided to an inspector, at least two days prior to the intended date of introduction into Wales of the potatoes, of the intention to land the potatoes and of the matters contained in paragraph (5).

(5) The matters are—

- (a) the intended time, date and means of introduction of the potatoes;
- (b) their intended point of entry into Wales;
- (c) their intended use and destination;
- (d) their variety and quantity; and
- (e) the producer's identification number.”.

(3) In Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Wales if special requirements are satisfied) of Schedule 4—

- (a) in the third column of item 15 of the table, for “item 16” substitute “items 16 and 19a”;
- (b) in the third column of item 19 of the table, for “There must be evidence” substitute “Without prejudice to item 19a, there must be evidence”; and
- (c) after item 19 of the table, insert—

“19a	Tubers of <i>Solanum tuberosum</i> L., other than those mentioned in column 2 of items 16 to 18, which originate in Poland	Without prejudice to item 19, the tubers must be accompanied by a certificate issued by the responsible official body of Poland confirming that they have been found to be free from <i>Clavibacter michiganensis</i> ssp <i>sepedonicus</i> (Spieckermann and Kotthoff) Davis <i>et al.</i> in official laboratory tests”.
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19 December 2012

John Griffiths
Minister for Environment and Sustainable
Development, one of the Welsh Ministers

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)).

Article 2(2) makes provision to prohibit a person from landing certain potatoes in Wales unless prior written notification has been given to an authorised inspector.

Article 2(3) makes provision to require certain potatoes which originate in Poland and are imported into Wales to be accompanied by an official certificate confirming that the potatoes have been found to be free from *Clavibacter michiganensis ssp sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* in official laboratory tests.

A preliminary impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Welsh Government, Natural Environment and Agriculture Team, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth SY23 3UR.