



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 3143 (Cy.315)

2012 No. 3143 (W.315)

**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2012

The Plant Health (Wales)
(Amendment) Order 2012

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 diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy. 158)).

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

Mae erthygl 2(2) yn gwneud darpariaeth i wahardd person rhag glanio tatws penodol yng Nghymru oni bai bod hysbysiad ysgrifenedig ymlaen llaw wedi cael ei roi i arolygydd awdurdodedig.

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.

Mae erthygl 2(3) yn gwneud darpariaeth i'w gwneud yn ofynnol i datws penodol sy'n dod o Wlad Pwyl ac sy'n cael eu mewnfario i mewn i Gymru gael tystysgrif swyddogol gyda hwy sy'n cadarnhau y canfuwyd bod y tatws yn rhydd oddi wrth *Clavibacter michiganensis ssp sepedonicus* (Spieckermann and Kotthoff) Davis *et al.* mewn arbrofion swyddogol labordy.

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.

Mae asesiad effaith rheoleiddiol rhagarweiniol ar yr effaith y bydd yr offeryn hwn yn ei gael ar gostau busnes, y sector gwirfoddol a'r sector cyhoeddus ar gael gan Lywodraeth Cymru, Tîm yr Amgylchedd Naturiol ac Amaethyddiaeth, Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth SY23 3UR.

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.

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**IECHYD PLANHIGION,
CYMRU**

**PLANT HEALTH,
WALES**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) 2012**

**The Plant Health (Wales)
(Amendment) Order 2012**

Gwnaed 19 Rhagfyr 2012
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 20 Rhagfyr 2012
Yn dod i rym 11 Ionawr 2013

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

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 2(1) a 3(1) o Ddeddf Iechyd Planhigion 1967(1) ac sydd bellach wedi eu breinio ynddynt(2), yn gwneud y Gorchymyn a ganlyn wrth arfer y pwerau hynny.

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.

Enwi, cychwyn a chymhwys

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2012. Daw i rym ar 11 Ionawr 2013 ac mae'n gymwys o ran Cymru.

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.

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- (1) 1967 p.8. 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". Yr awdurdod cymwys a ddiffinnir yn adran 1(2), o ran amddiffyn coed a phrennau coedwigaeth rhag ymosodiad gan blâu yw'r Comisiynwyr Coedwigaeth ac fel arall, a bellach o ran Cymru, Gweinidogion Cymru.
- (2) Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau yr oeddent yn arferadwy o ran Cymru i'r Ysgrifennydd Gwladol gan erthygl 2 o Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 ac Atodlen 1 iddo (O.S. 1978/272). Trosglwyddwyd y swyddogaethau hynny oddi wrth yr Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru o dan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 1 iddo (O.S. 1999/672). Mae swyddogaethau Cynulliad Cenedlaethol Cymru bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32).

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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).

Diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006

2.—(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn lle paragraff (3) o erthygl 19 (gwaharddiadau rhag glanio plâu planhigion a deunyddiau perthnasol) rhodder—

"(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.

(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) Yn Rhan B (deunydd perthnasol, o unrhyw ran arall o'r Undeb Ewropeaidd, y caniateir iddo gael ei lanio neu ei symud o fewn Cymru os yw gofynion arbennig wedi eu bodloni) o Atodlen 4—

- (a) yn y drydedd golofn o eitem 15 o'r tabl, yn lle "item 16" rhodder "items 16 and 19a";
- (b) yn y drydedd golofn o eitem 19 o'r tabl, yn lle "There must be evidence" rhodder "Without prejudice to item 19a, there must be evidence"; ac
- (c) ar ôl eitem 19 o'r tabl, mewnosoder—

Amendment of the Plant Health (Wales) Order 2006

2.—(1) The Plant Health (Wales) Order 2006(1) 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.

(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—

(1) O.S. 2006/1643 (Cy.158), fel y'i diwygiwyd gan O.S.2007/2716 (Cy.229), O.S. 2007/3305 (Cy.292), O.S. 2008/2781 (Cy.248), O.S. 2008/2913 (Cy.257), O.S. 2009/1376 (Cy.137), O.S. 2010/1795 (Cy.171) ac O.S. 2010/2976 (Cy.247).

(1) 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).

"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".	"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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John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

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

19 Rhagfyr 2012

19 December 2012

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