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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1186 (W. 115)**

**PLANT HEALTH, WALES**

**The Plant Health (Wales) (Amendment) (No. 2) Order 2014**

<i>Made</i>	- - - -	<i>6 May 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 May 2014</i>
<i>Coming into force</i>	- -	<i>31 May 2014</i>

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

**Title, commencement and application**

- 1.—(1) The title of this Order is the Plant Health (Wales) (Amendment) (No. 2) Order 2014.
- (2) This Order comes into force on 31 May 2014.
- (3) This Order applies in relation to Wales.

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

2. The Plant Health (Wales) Order 2006<sup>(2)</sup> is amended as follows.

**Article 19 (prohibitions on landing plant pests and relevant material)**

- 3.—(1) For paragraph (6) of article 19<sup>(3)</sup>, substitute—
  - “(6) Paragraph (7) applies to—
    - (a) plants of *Castanea* Mill., *Fraxinus* L., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* L. intended for planting, which have been grown or are suspected to have been grown in another member State; or

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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. 2009/1376 \(W. 137\)](#), [S.I. 2013/2939 \(W. 287\)](#) and [S.I. 2014/521 \(W. 62\)](#).

(3) Article 19(6) was inserted by [S.I. 2013/2939 \(W. 287\)](#), article 2(3) and amended by [S.I. 2014/521 \(W. 62\)](#), article 7.

- (b) plants of *Castanea* Mill., *Pinus* L., *Platanus* L., *Quercus* L. or *Ulmus* 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.”.
- (2) For paragraph (8) of article 19(4), substitute—
- “(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;
  - (e) the producer’s identification number; and
  - (f) the country from which they have been, or are to be, consigned.”.

***Diabrotica virgifera virgifera* Le Conte**

- 4.—(1) Omit Part 7A(5) (management zones for plant health purposes).
- (2) In Part B (plant pests known to occur in the European Union) of Schedule 1(6), omit item 1a under the heading “Insects, mites and nematodes”.

6 May 2014

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

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(4) Article 19(8) was inserted by [S.I. 2013/2939 \(W. 287\)](#), article 2(3).  
(5) Part 7A was inserted by [S.I. 2008/2781 \(W. 248\)](#), article 2(5).  
(6) Part B of Schedule 1 was amended by [S.I. 2011/1043](#), article 9(1). Item 1a was inserted by [S.I. 2009/1376 \(W. 137\)](#), article 2(4). There are other amendments to Part B of Schedule 1, but none is relevant.

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## 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 3(1) makes provision to prohibit a person from landing in Wales plants of *Ulmus* L. intended for planting, 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 3(2) makes provision for the written notification required under article 19(7) of the principal Order to include the name of the country from which the plants have been, or are to be, consigned.

Article 4 removes the provisions in the principal Order in relation to the organism *Diabrotica virgifera virgifera* Le Conte so as to implement—

- (a) Commission Implementing Directive 2014/19/EU amending Annex I to Council Directive [2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 38, 7.2.2014, p.30); and
- (b) Commission Implementing Decision 2014/62/EU repealing Decision [2003/766/EC](#) on emergency measures to prevent the spread within the Community of *Diabrotica virgifera* Le Conte (OJ No L 38, 7.2.2014, p.45).

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.