
WELSH STATUTORY INSTRUMENTS

2001 No. 2500 (W.203)

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) Order 2001

Made - - - - - *5th July 2001*

Coming into force - - - *1st August 2001*

In exercise of the powers conferred by sections 3(1) and (2) of the Plant Health Act 1967⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales makes the following Order:

Title, commencement and application

1. This Order may be cited as the Plant Health (Amendment) (Wales) Order 2001, shall apply to Wales and shall come into force on 1st August 2001.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993⁽³⁾ shall be amended in its application to Wales in accordance with the following paragraphs of this article.

(2) Article 8(2) shall be replaced by the following—

“(2) Without prejudice to article 6, there shall not be moved within a protected zone described in Part B of Schedule 4—

(a) any plant, plant product or other object originating within that zone which is specified opposite the reference to that zone and is of a description specified in item 1.6, 1.7 or 1.8 of Part AII of Schedule 5 unless that plant, plant product or other object—

(i) can reasonably be taken to be free from the plant pest in respect of which that zone has been recognised on the basis of a survey carried out under paragraph (1) above; and

(1) 1967 c. 8; Section 3(1) and (2) was amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4.
(2) 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) the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they were exercisable in relation to Wales, transferred to the Secretary of State. Those functions of the Secretary of State were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(3) 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 and 1999/2641 (W.8).

- (ii) is accompanied by a plant passport valid for that zone;
 - (b) any plant, plant product or other object originating within that zone which is specified opposite the reference to that zone and is of a description specified in any item of Part AII of Schedule 5 other than item 1.6, 1.7 or 1.8, unless that plant, plant product or other object has been the subject of a satisfactory plant health inspection at the place of production and is accompanied by a plant passport valid for that zone.”.
- (3) Article 17(2) shall be replaced by the following—
- “(2) The authority to issue plant passports conferred on a business, individual or other organisation listed in the official register shall be conferred pursuant to—
- (a) a satisfactory inspection by an inspector of the place of production, any part thereof or any other premises handling any plant, plant product or other object which may require a plant passport, as appropriate, for the purpose of ascertaining for the purposes of this Order the plant health status of such plants, plant products or other objects at the place of production, any part thereof or any other premises; or
 - (b) in the case of any plant, plant product or other object of a description specified in article 8(2)(a) which is intended to be moved within a protected zone, the satisfactory outcome of a survey carried out under article 8(1), showing that the plant, plant product or other object can reasonably be taken to be free from the plant pest in respect of which the zone was recognised.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

5th July 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 (“the 1993 Order”) in its application to Wales. It adjusts the requirements which apply to certain plants originating and moving within a protected zone, within the scope permitted by Commission Directive [93/51/EEC](#) zone (O.J. L205, 17.8.93, p.24). This Directive establishes rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone.

The principal changes introduced by this Order, which comes into force on 1st August 2001, are as follows—

- (a) certain plants originating and moving within specified protected zones are required to be accompanied by a plant passport (article 2(2));
- (b) the exemption applicable to certain plants specified in Part B of Schedule 4 from relevant special requirements is ended (article 2(2));
- (c) the authority to issue plant passports may be conferred on a business, individual or other organisation on the basis of a satisfactory survey (article 2(3)).

The requirement for a plant passport imposed by this Order is consistent with the Community passporting regime which was implemented in the principal Order pursuant to Council Directive [77/93/EEC](#) (as amended and supplemented by the instruments listed in Schedule 16 of the principal Order) (O.J. L26, 31.1.77, p.20).