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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1643**

**The Plant Health (Wales) Order 2006**

**PART 4**

**REGISTRATION OF PLANT TRADERS AND  
AUTHORITY TO ISSUE PLANT PASSPORTS**

**Register of plant traders**

**25.**—(1) The National Assembly must maintain a register listing the following particulars with respect to each plant trader who meets the requirements of this Part:

- (a) the name of the plant trader;
- (b) the name of the person responsible for making the application where that person is not the plant trader;
- (c) the trading name of the plant trader where that name is different from that of the plant trader;
- (d) details of those activities to which this Order applies which the plant trader undertakes or intends to undertake;
- (e) the address of the premises at which the plant trader undertakes or intends to undertake the activities referred to in sub-paragraph (d); and
- (f) a registration number unique to the plant trader.

(2) The register maintained under paragraph (1) must be open to inspection by the European Commission.

**Obligation to register**

**26.**—(1) Subject to paragraph (2), no plant trader must engage in any activity to which this Order applies unless he or she is registered in respect of the activity and the premises at which it takes place.

(2) The requirement in paragraph (1) for a plant trader to be registered does not apply to a producer whose entire production and sale of relevant material is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

(3) Entries on the register kept under article 15(1) of the Plant Health (Great Britain) Order 1993<sup>(1)</sup> on the day before the date of the coming into force of this Order may, subject to the provisions of this Part, remain in effect for the purposes of this Order as if entered on the register maintained under article 25(1).

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(1) 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, 1999/2126 and 2726, 2001/2342, 2002/1067, 2003/1157 and 2004/2365.

### **Registration requirements**

27.—(1) An application for registration must be made in writing to the National Assembly and must be in such form and contain such information as the National Assembly may from time to time reasonably require to enable it to register the plant trader in respect of the activity and premises in relation to which the application is made.

(2) If, after a plant trader has applied to the National Assembly to be registered under paragraph (1) but before registration has taken place, there is any change in his or her circumstances recorded in the application, he or she must notify the National Assembly immediately in writing of any such change.

(3) Every registered plant trader must notify the National Assembly immediately in writing of any change in the particulars listed in the register with respect to him or her.

(4) Subject to paragraph (5), the National Assembly must register a plant trader who meets the requirements of this article in respect of the activity and premises in relation to which he or she has applied to be registered and must notify the plant trader when registration has taken place.

(5) The National Assembly may only register a plant trader in respect of an activity or premises if it is satisfied that he or she is able and willing to comply with the conditions specified in article 28(1).

### **Conditions for maintaining registration as a plant trader**

28.—(1) A registered plant trader must in relation to the activities and premises to which his or her registration relates comply with the following conditions:

- (a) he or she must keep an accurate plan of the premises;
- (b) he or she must keep a record of relevant material purchased by him or her or brought onto the premises for storage, planting or production on those premises, and of relevant material under production on or dispatched from those premises;
- (c) he or she must keep all documents, created or received by him or her, relating to the records kept under subparagraph (b), for at least one year from the date he or she created or received them;
- (d) he or she must designate an individual (whether himself or herself or another) who is technically experienced in relation to the activities carried out on the premises and related plant health matters affecting the premises who must be available to liaise with the National Assembly in relation to matters arising under this Order;
- (e) he or she must examine his or her premises and relevant material at such times and in a manner specified in guidelines issued from time to time by the National Assembly;
- (f) he or she must make a declaration at such time and in such form as the National Assembly may from time to time require that he or she is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e); and
- (g) he or she must comply with any other conditions which may be specified by the National Assembly which it considers necessary to enable it to assess the presence of or spread of any plant pest on the premises by reason of the condition of those premises.

(2) Where the National Assembly is satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1) it may suspend his or her registration until it is satisfied that he or she is able and willing to comply with those conditions.

### **Authority to issue plant passports**

29.—(1) Where a registered plant trader wishes to issue plant passports in relation to relevant material to be moved from any premises he or she must apply to the National Assembly for the authority to do so.

(2) An application under paragraph (1) must be in writing, must give such notice as the National Assembly may reasonably specify to allow it to undertake any necessary examination of the premises to which the application relates and of any relevant material there and must contain such particulars in relation to the relevant material produced, grown, stored or otherwise present on those premises as the National Assembly may from time to time reasonably require.

(3) The National Assembly may grant an authority under paragraph (1) only if, having regard to any examination of the premises to which the application relates and of any relevant material there, it is satisfied—

- (a) that the premises and relevant material are free from any relevant organisms; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(4) The National Assembly's authority to issue plant passports must be given in writing and may be granted subject to such conditions as it considers appropriate to ensure that the relevant requirements of this Order are complied with, including a condition limiting any territories in which such plant passports are to be valid.

(5) The National Assembly may suspend the operation of an authority to issue plant passports entirely or in relation to specified premises or relevant material if, having regard to any examination of any premises of the registered plant trader and any relevant material there, it is not satisfied that—

- (a) the premises or the relevant material are free from any relevant organisms; or
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(6) The National Assembly may suspend the operation of or vary to the extent it considers necessary an authority to issue plant passports if it is satisfied that the registered plant trader has—

- (a) failed to comply with any of the conditions specified in article 28(1);
- (b) failed to notify it in accordance with article 27(3) of any change in the particulars listed in the register with respect to him or her;
- (c) failed to comply with a requirement in a notice served on the trader under article 32; or
- (d) failed to comply with any conditions in the authority issued by it under paragraph (4).

(7) For the purposes of this article “relevant organism” means—

- (a) any plant pest specified in Schedule 1; or
- (b) in relation to relevant material of a description specified in Schedule 2, any plant pest of a description specified in that Schedule opposite the reference to that relevant material.