OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1380 (Cy. 246)

IECHYD PLANHIGION, CYMRU

Rheoliadau Iechyd Planhigion etc. (Ffioedd Amrywiol) (Diwygio) (Cymru) 2023

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019 (O.S. 2019/497) (Cy. 114) a Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018 (O.S. 2018/1179) (Cy. 238) (gyda'i gilydd "y Rheoliadau"). Mae'r diwygiadau'n addasu'r dyddiad perthnasol ar gyfer talu ffioedd sy'n daladwy i Weinidogion Cymru o dan y Rheoliadau.

Mae Rheoliad 2 yn diwygio Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018 drwy estyn hyd esemptiad rhag talu ffioedd sydd fel arall yn daladwy mewn cysylltiad â thystysgrifau a gwasanaethau cyn allforio ar lwythi ffytoiechydol mewn amgylchiadau penodol. Mae'r esemptiad yn peidio â chael effaith ar ddiwedd 30 Mehefin 2025.

Mae Rheoliad 3 yn diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019 drwy ddarparu esemptiad rhag talu ffioedd sydd fel arall yn daladwy mewn cysylltiad â cheisiadau i'r Comisiwn Coedwigaeth am dystysgrif ffytoiechydol ar gyfer allforio (neu ailallforio) mewn amgylchiadau penodol. Mae'r esemptiad yn peidio â chael effaith ar ddiwedd 30 Mehefin 2025.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

WELSH STATUTORY INSTRUMENTS

2023 No. 1380 (W. 246)

PLANT HEALTH, WALES

The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497) (W. 114) and the Plant Health etc. (Fees) (Wales) Regulations 2018 (S.I. 2018/1179) (W. 238) (together "the Regulations"). The amendments modify the relevant date for payment of fees payable to the Welsh Ministers under the Regulations.

Regulation 2 amends the Plant Health etc. (Fees) (Wales) Regulations 2018 by extending the duration of an exemption from the payment of fees otherwise payable in respect of certification and pre-export services on phytosanitary consignments in certain circumstances. The exemption ceases to have effect at the end of 30 June 2025.

Regulation 3 amends the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 by providing an exemption from the payment of fees otherwise payable in respect of applications to the Forestry Commission for a phytosanitary certificate for export (or re-export) in certain circumstances. The exemption ceases to have effect at the end of 30 June 2025.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Welsh Government, Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

OFFERYNNAU STATUDOL CYMRU

2023 Rhif 1380 (Cy. 246)

IECHYD PLANHIGION, CYMRU

Rheoliadau Iechyd Planhigion etc. (Ffioedd Amrywiol) (Diwygio) (Cymru) 2023

Gwnaed	*13 Rhagfyr 2023*
Yn dod i rym	*30 Rhagfyr 2023*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 7 o Atodlen 4 a pharagraff 21 o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(**1**) ("y Ddeddf").

Yn unol â pharagraff 1(8) o Atodlen 7 i Ddeddf gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(**2**).

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion etc. (Ffioedd Amrywiol) (Diwygio) (Cymru) 2023 a deuant i rym ar 30 Rhagfyr 2023.

(**1**) 2018 p. 16, gweler paragraff 8 o Atodlen 4 ar gyfer ystyr "appropriate authority". Diwygiwyd paragraff 8 o Atodlen 4 i'r Ddeddf gan adran 41(4) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) ("Deddf 2020") a pharagraff 47(5) o Atodlen 5 iddi. Diwygiwyd paragraff 21 o Atodlen 7 gan adran 41(4) o Ddeddf 2020 a pharagraffau 38 a 53(2) o Atodlen 5 iddi.

(**2**) Mae paragraff 1(8) o Atodlen 7 yn gymwys i reoliadau o dan Atodlen 4 yn rhinwedd paragraff 12(3) o Atodlen 7 i Ddeddf 2018. Mae'r cyfeiriadau yn y Ddeddf at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriadau at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

WELSH STATUTORY INSTRUMENTS

2023 No. 1380 (W. 246)

PLANT HEALTH, WALES

The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023

Made	*13 December 2023*
Coming into force	*30 December 2023*

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**1**) ("the Act").

In accordance with paragraph 1(8) of Schedule 7 to the Act a draft of these Regulations has been laid before, and approved by resolution of, Senedd Cymru(**2**).

Title and coming into force

1.—(1) The title of these Regulations is The Plant Health etc. (Miscellaneous Fees) (Amendment) (Wales) Regulations 2023 and they come into force on 30 December 2023.

(**1**) 2018 c. 16, see paragraph 8 of Schedule 4 for the meaning of "appropriate authority". Paragraph 8 of Schedule 4 to the Act was amended by section 41(4) of, and paragraph 47(5) of Schedule 5 to, the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act"). Paragraph 21 of Schedule 7 was amended by section 41(4) of, and paragraphs 38 and 53(2) of Schedule 5 to, the 2020 Act.

(**2**) Paragraph 1(8) of Schedule 7 applies to regulations under Schedule 4 by virtue of paragraph 12(3) of Schedule 7 to the 2018 Act. The references in the Act to the National Assembly for Wales now have effect as references to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Diwygio Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018

2.—(1) Mae Rheoliadau Iechyd Planhigion etc. (Ffioedd) (Cymru) 2018(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 5A (gwasanaethau tystysgrifau allforio a gwasanaethau cyn-allforio: ffioedd), ym mharagraff (4B), yn lle "31 Rhagfyr 2023" rhodder "30 Mehefin 2025".

Diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

3.—(1) Mae Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3 (ffioedd)—.

(a) ym mharagraff (5A), yn lle'r geiriau "Yn ddarostyngedig i baragraff (5C)" rhodder "Yn ddarostyngedig i baragraff (5E)";

(b) hepgorer paragraffau (5C) a (5D);

(c) ar ôl paragraff (5B), mewnosoder—

"(5E) Nid yw'r ffi a bennir yn Atodlen 4A yn daladwy mewn cysylltiad â llwyth sydd i'w gludo i Ogledd Iwerddon—

(a) gan berson sy'n gweithredu ac eithrio yng nghwrs busnes, pan na fo'r llwyth i'w roi ar y farchnad, neu

(b) i'w ddanfon i—

(i) gweithredwr proffesiynol y mae ei brif fan busnes yng Ngogledd Iwerddon, neu

(ii) unrhyw berson sy'n preswylio yng Ngogledd Iwerddon, pan na fo'r llwyth i'w roi ar y farchnad na'i ddefnyddio at ddibenion unrhyw fusnes.

(5F) Mae paragraff (5E) yn peidio â chael effaith ar ddiwedd 30 Mehefin 2025."

Amendment to the Plant Health etc. (Fees) (Wales) Regulations 2018

2.—(1) The Plant Health etc. (Fees) (Wales) Regulations 2018(**1**) are amended as follows.

(2) In regulation 5A (export certification services and pre-export services: fees), in paragraph (4B), for "31 December 2023" substitute "30 June 2025".

Amendment to the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

3.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(**2**) are amended as follows.

(2) In regulation 3 (fees)—

(a) in paragraph (5A), for the words "Subject to paragraph (5C)" substitute "Subject to paragraph (5E)";

(b) omit paragraphs (5C) and (5D);

(c) after paragraph (5B), insert—

"(5E) The fee specified in Schedule 4A is not payable in respect of a consignment to be transported to Northern Ireland—

(a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market, or

(b) for delivery to—

(i) a professional operator whose principal place of business is in Northern Ireland, or

(ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(5F) Paragraph (5E) ceases to have effect at the end of 30 June 2025."

(**1**) O.S. 2018/1179 (Cy. 238) (a ddiwygiwyd gan O.S. 2020/44 (Cy. 5), O.S. 2020/1628 (Cy. 342), O.S. 2021/713 (Cy. 181) ac O.S. 2022/804 (Cy. 180); ceir offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol).

(**2**) O.S. 2019/497 (Cy. 114) (a ddiwygiwyd gan O.S. 2020/44 (Cy. 5), O.S. 2020/206 (Cy. 48), O.S. 2021/710 (Cy. 180); ceir offerynnau diwygio eraill ond nid yw'r un ohonynt yn berthnasol).

(**1**) S.I. 2018/1179 (W. 238) (amended by S.I. 2020/44 (W. 5), S.I. 2020/1628 (W. 342), S.I. 2021/713 (W. 181) and S.I. 2022/804 (W. 180); there are other amending instruments but none is relevant).

(**2**) S.I. 2019/497 (W. 114) (amended by S.I. 2020/44 (W. 5), S.I. 2020/206 (W. 48), S.I. 2021/710 (W. 180); there are other amending instruments but none is relevant).

Lesley Griffiths

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd, un o Weinidogion Cymru
13 Rhagfyr 2023

Minister for Rural Affairs and North Wales, and Trefnydd, one of the Welsh Ministers
13 December 2023

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