

Welsh Statutory Instrument 2001 No. 3761 (W.310)

The Plant Health (Amendment) (Wales) (No.2) Order 2001

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STATUTORY INSTRUMENTS

2001 No. 3761 (W.310)

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) (No.2) Order 2001

Made

20 November 2001

Coming into force

17 December 2001

The National Assembly for Wales, in exercise of the powers conferred by sections 2, 3 and 4(1) of the Plant Health Act 1967^[1] as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972^[2] and now vested in the National Assembly for Wales^[3] makes the following Order.

Title, application and commencement

1. This Order may be cited as the Plant Health (Amendment) (Wales) (No.2) Order 2001, shall extend to Wales only, and shall come into force on 17 December 2001.

Amendment of the Plant Health (Great Britain) Order 1993

2. - (1) The Plant Health (Great Britain) Order 1993^[4] shall be amended in accordance with paragraphs (2) to (16) below.

(2) In article 2(1):

(a) For the definition of "Directive 77/93/EEC" there shall be substituted the

following text:

" "Directive 2000/29/EC" means Council Directive 2000/29/EC^[5] of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC amending certain annexes to Council Directive 2000/29/EC;"^[6] and

(b) In the definition of "protected zone", at paragraph (a) for "Directive 77/93/EEC" there shall be substituted "Directive 2000/29/EC"; and in the words following paragraph (b) for "Article 16a of Directive 77/99/EEC" there shall be substituted "Article 18 of Directive 2000/29/EC".

(3) In article 30, for "Directive 77/93/EEC" there shall be substituted "Directive 2000/29/EC".

(4) In Schedule 1, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development):

(a) at item 1, in the second column, "DK" shall be deleted; and

(b) at item 2, for the text in the second column there shall be substituted the following text:

" Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom",

(5) In Schedule 1, Part B(d) (Virus and Virus-like Organisms), at item 2, in the second column, "DK" shall be deleted.

(6) In Schedule 2, Part B(a) (Insects, Mites and Nematodes, at All Stages of Their Development):

(a) At item 5, in the third column, for "EL,P" there shall be substituted the following text "EL, P (Azores; district of Beja: all concelhos; district of Castelo Branco: concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel)"; and

(b) Item 8 shall be deleted.

(7) In Schedule 2, Part B(b) (Bacteria) at item 2, for the text in the third column there shall be substituted the following text:

" E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forli-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of

Bolzano and Trento; Umbria; Valle d'Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(8) In Schedule 3, Part B (Plants, plant products and other objects the introduction of which shall be prohibited in certain protected zones) at item 1, for the text in the second column there shall be substituted the following text:

" E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna; provinces of Forli-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(9) In Schedule 4, Part A, Section 1 for "Directive 77/93/EEC" there shall be substituted in the text in the right hand column the words "Directive 2000/29/EC" in the following places:

- (a) at item 16.2, paragraphs (b) and (c);
- (b) at item 16.3, paragraph (b); and
- (c) at item 16.3a, paragraph (b).

(10) In Schedule 4, Part A, Section 1, item 25.4, for "Article 16a of Council Directive 77/93/EEC" in the text in the right hand column there shall be substituted the words "Article 18 of Directive 2000/29/EC".

(11) In Schedule 4, Part B (Special requirements which shall be laid down for the introduction and movement of plants, plant products and other objects into and within certain protected zones):

- (a) item 13 shall be deleted;
- (b) at item 19 for the text in the third column there shall be substituted the following text:

" EL, P (Azores; district of Beja: all concelhos; district of Castelo Branco; concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel); and

- (c) At item 21, for the text in the third column there shall be substituted the following text:

" E, F (Corsica), IRL, I (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of

Bolzano and Trento; Umbria; Valle d'Aosta; Veneto), A (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)"; and

(d) at item 24, in the third column, "DK" shall be deleted.

(12) Schedule 8(a) (Insects, Mites and Nematodes, at All Stages of Their Development) shall be amended as follows -

(a) at item 2, in the second column, "Denmark" shall be deleted;

(b) at item 6, for the text in the second column there shall be substituted the following text:

" Greece, Portugal (Azores; district of Beja: all concelhos; district of Castelo Branco: concelhos de Castelo Branco, Fundão and Penamacôr, Idanha-a-Nova; district of Évora with the exception of concelhos de Montemor-o-Novo, Mora and Vendas Novas; district of Faro: all concelhos; district of Portalegre: concelhos de Arronches, Campo Maior, Elvas, Fronteira, Monforte and Sousel)";

(c) at item 12, the text in the second column shall be deleted and replaced by the following text:

" Spain (Ibiza and Menorca), Ireland, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotlands, Halland, Kalmar and Skåne), United Kingdom"; and

(d) item 14 shall be deleted

(13) In Schedule 8(b) (Bacteria), at item 2 for the text in the second column there shall be substituted the following text:

" Spain, France (Corsica), Ireland, Italy (Abruzzi; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlì-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Apulia; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto), Austria (Burgenland, Carinthia, Lower Austria, East Tyrol, Styria, Vienna), Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands)".

(14) In Schedule 8(d) (Viruses and Virus-like Organisms), at item 2 in the second column, "Denmark" shall be deleted.

(15) In Schedule 13, paragraph 9(1)(a), for "Council Directive 77/93/EEC" there shall be substituted the words "Council Directive 2000/29/EC".

(16) Schedule 16 (Instruments Amending and Supplementing Council Directive 77/93/EEC) shall be deleted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998[7]

D.Elis-Thomas

The Presiding Officer of the National Assembly

20 November 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Great Britain) Order 1993 so as to implement Commission Directives 2001/32/EC (OJ No. L127, 9.5.2001, p.38) and 2001/33/EC (OJ No. L127, 9.5.2001, p.42) in Wales. The former Directive amends the protected zones established under the principal Plant Health Directive, Council Directive 2000/29/EC (OJ No. L169, 10.7.2000, p.1) and the latter provides for consequential amendments to certain Annexes of that Directive.

The Order makes several changes to the geographical definitions of various protected zones listed in Schedule 8 to the 1993 Order and corresponding amendments to Schedules 1B, 2B, 3B and 4B. It deletes from Schedule 8 the protected zone in respect of the pest *Pissodes* spp. (European). Other geographical amendments are made to the zones defined in Schedule 8, including removing Denmark from the protected zones in respect of *Bemisia tabaci* Genn. (European populations) and Tomato spotted wilt virus; reflecting local government boundary redefinitions within Sweden in respect of the pest *Leptinotarsa decemlineata* Say; and reflecting the present distribution of the organisms *Erwinia amylovora* (Burr.) Winsl. Et al. in France, Italy and Austria, and *Gonipterus scutellatus* Gyll. in Portugal.

The amendments implementing Directive 2001/33/EC are at article 2(4) to 2(8) inclusive and at article 2(11), and those implementing Directive 2001/32/EC are at article 2(12) to 2(14) inclusive.

The Order also updates the references to the principal European legislation, reflecting the recent consolidation and repeal of Directive 77/93/EEC which has been replaced by Directive 2000/29/EC. Those amendments are contained at article 2(2) and 2(3), 2(9) and 2(10) and at 2(15) and 2(16) of the Order.

Notes:

[1] 1967 c.8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48);[back](#)

[2] 1972 c.62.[back](#)

[3] 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), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales,

transferred to the Secretary of State. These functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).[back](#)

[4] 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, 1999/2641 (W.8) and 2001/2500 (W.203).[back](#)

[5] OJ No. L169, 10.7.00, p.1.[back](#)

[6] OJ No. L127, 9.5.01, p.42; and see the associated Commission Directive 2001/32/EC, OJ No. L127, 9.5.01, p.38.[back](#)

[7] 1998 c.38.[back](#)

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