



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 1186 (Cy. 115)

2014 No. 1186 (W. 115)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) (Rhif 2) 2014**

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

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 (O.S. 2006/1643 (Cy.158)) ("y prif Orchymyn").

This Order amends the Plant Health (Wales) Order 2006 (S.I. 2006/1643 (W.158)) ("the principal Order").

Mae erthygl 3(1) yn gwneud darpariaeth i wahardd person rhag glanio planhigion *Ulmus* L. yng Nghymru, a fwriedir ar gyfer eu plannu, sydd wedi eu tyfu neu yr amheuir eu bod wedi eu tyfu mewn Aelod-wladwriaeth arall neu yn y Swistir, oni hysbyswyd arolygydd awdurdodedig mewn ysgrifen ymlaen llaw.

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.

Mae erthygl 3(2) yn gwneud darpariaeth i'r hysbysiad mewn ysgrifen sy'n ofynnol o dan erthygl 19(7) o'r prif Orchymyn gynnwys enw'r wlad y mae'r planhigion wedi eu hanfon, neu i'w hanfon, ohoni.

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.

Mae erthygl 4 yn dileu'r darpariaethau yn y prif Orchymyn ynglŷn â'r organeb *Diabrotica virgifera virgifera* Le Conte er mwyn rhoi'r canlynol ar waith—

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

- (a) Cyfarwyddeb Gweithredu'r Comisiwn 2014/19/EU sy'n diwygio Atodiad I i Gyfarwyddeb y Cyngor 2000/29/EC ynghylch mesurau diogelu yn erbyn dod ag organebau i'r Gymuned sy'n niweidiol i blanhigion neu gynhyrchion planhigion ac yn erbyn eu lledaenu yn y Gymuned (OJ Rhif L 38, 7.2.2014, t.30); a
- (b) Penderfyniad Gweithredu'r Comisiwn 2014/62/EU sy'n dirymu Penderfyniad 2003/766/EC ynghylch mesurau brys i atal *Diabrotica virgifera virgifera* Le Conte rhag lledaenu yn y Gymuned (OJ Rhif L 38, 7.2.2014, t.45).

- (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).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, barnwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddion sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

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.

2014 Rhif 1186 (Cy. 115)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Cymru) (Diwygio) (Rhif 2) 2014**

Gwnaed 6 Mai 2014
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 8 Mai 2014
Yn dod i rym 31 Mai 2014

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(1).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2014.

(2) Daw'r Gorchymyn hwn i rym ar 31 Mai 2014.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Diwygio Gorchymyn Iechyd Planhigion (Cymru)
2006**

2. Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(2) wedi ei ddiwygio fel a ganlyn.

2014 No. 1186 (W. 115)

PLANT HEALTH, WALES

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

Made 6 May 2014
Laid before the National Assembly for Wales
8 May 2014
Coming into force 31 May 2014

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(1).

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(2) is amended as follows.

(1) 1967 p. 8. Diwygiwyd adran 1(2) gan Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013/755 (Cy. 90), Atodlen 2, paragraff 43. Diwygiwyd adrannau 2(1) a 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Atodlen 4, paragraff 8. Rhoddir y pwerau yn adrannau 2 a 3 i "competent authority", a ddiffinnir yn adran 1(2), o ran Cymru, fel Gweinidogion Cymru.

(2) O.S. 2006/1643 (Cy. 158); offerynnau diwygio perthnasol yw O.S. 2008/2781 (Cy. 248), O.S. 2009/1376 (Cy. 137), O.S. 2013/2939 (Cy. 287) ac O.S. 2014/521 (Cy. 62).

(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).

Erthygl 19 (gwahardd glanio plâu planhigion a deunydd perthnasol)

3.—(1) Yn lle paragraff (6) o erthygl 19(1), rhodder—

“(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
- (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) Yn lle paragraff (8) o erthygl 19(2), rhodder—

“(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) Hepgorer Rhan 7A(3) (parthau rheoli at ddibenion iechyd planhigion).

(2) Yn Rhan B (plâu planhigion y gwyddys eu bod yn digwydd yn yr Undeb Ewropeaidd) o Atodlen 1(4), hepgorer eitem 1a o dan y pennawd “Insects, mites and nematodes”.

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- (1) Mewnosodwyd erthygl 19(6) gan O.S. 2013/2939 (Cy. 287), erthygl 2(3) a’i diwygio gan O.S. 2014/521 (Cy. 62), erthygl 7.
 - (2) Mewnosodwyd erthygl 19(8) gan O.S. 2013/2939 (Cy. 287), erthygl 2(3).
 - (3) Mewnosodwyd Rhan 7A gan O.S. 2008/2781 (Cy. 248), erthygl 2(5).
 - (4) Diwygiwyd Rhan B o Atodlen 1 gan O.S. 2011/1043, erthygl 9(1). Mewnosodwyd eitem 1a gan O.S. 2009/1376 (Cy. 137), erthygl 2(4). Ceir diwygiadau eraill i Ran B o Atodlen 1, ond nid yw’r un yn berthnasol.

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

3.—(1) For paragraph (6) of article 19(1), 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
- (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(2), 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(3) (management zones for plant health purposes).

(2) In Part B (plant pests known to occur in the European Union) of Schedule 1(4), omit item 1a under the heading “Insects, mites and nematodes”.

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- (1) 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.
 - (2) Article 19(8) was inserted by S.I. 2013/2939 (W. 287), article 2(3).
 - (3) Part 7A was inserted by S.I. 2008/2781 (W. 248), article 2(5).
 - (4) 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.

Alun Davies

Y Gweinidog Adnoddau Naturiol a Bwyd, un o
Weinidogion Cymru

6 Mai 2014

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

6 May 2014

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PLANT HEALTH, WALES

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