



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1796 (Cy.172)

2010 No. 1796 (W.172)

HADAU, CYMRU

SEEDS, WALES

**Rheoliadau Tatws Hadyd (Cymru)
(Diwygio) 2010**

**The Seed Potatoes (Wales)
(Amendment) Regulations 2010**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Tatws Hadyd (Cymru) 2006 (O.S. 2006/2929 (Cy.264) drwy amnewid paragraffau 4, 7 a 10 o Atodlen 1. Maent yn darparu na cheir dyroddi tystysgrif cnwd sy'n tyfu ynghyd â datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol, sylfaenol neu ardystiedig oni fydd y tir y'u tyfir ynddo yn rhydd o'r Llyngyr Tatws, a heb ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 nac wedi ei ddefnyddio i dyfu tatws am gyfnod penodedig.

Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau bach yn y tablau yn Rhannau II a III o Atodlen 3.

Ni pharatowyd Asesiad Effaith Rheoleiddiol ar gyfer yr offeryn hwn, gan na ragwelir unrhyw effaith ar y sectorau preifat na gwirfoddol.

These Regulations amend the Seed Potatoes (Wales) Regulations 2006 (S.I. 2006/2929 (W.264) by substituting paragraphs 4, 7 and 10 of Schedule 1. They provide that a growing crop certificate cannot be issued with a statement that seed potatoes are capable of being marketed as pre-basic, basic or certified seed potatoes unless the land in which they are grown is free from Potato Cyst Nematode and has not been demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 or used for growing potatoes for a specified period.

These Regulations also make minor amendments to the tables in Parts II and III of Schedule 3.

A Regulatory Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

2010 Rhif 1796 (Cy.172)

HADAU, CYMRU

**Rheoliadau Tatws Hadyd (Cymru)
(Diwygio) 2010**

Gwnaed 12 Gorffennaf 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 13 Gorffennaf 2010

Yn dod i rym 17 Awst 2010

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 16(1) ac (1A) a 36(a) o Ddeddf Amrywogethau a Hadau Planhigion 1964(1) sydd bellach wedi eu breinio ynddynt hwy(2).

Mae Gweinidogion Cymru wedi cyflawni ymgynghoriad yn unol ag adran 16(1) o'r Ddeddf honno.

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Tatws Hadyd (Cymru) (Diwygio) 2010. Deuant i rym ar 17 Awst 2010 ac maent yn gymwys o ran Cymru.

(1) 1964 p.14; diwygiwyd adran 16(1), a mewnosodwyd adran 16(1A), gan adran 4 o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a pharagraff 5 o Atodlen 4 i'r Ddeddf honno. *Gweler* adran 38(1) am ddiffiniad "the Minister".

(2) Trosglwyddwyd swyddogaethau'r Gweinidog, i'r graddau y maent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol gan erthygl 2 o Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272) ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd y swyddogaethau hynny wedyn i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

2010 No. 1796 (W.172)

SEEDS, WALES

**The Seed Potatoes (Wales)
(Amendment) Regulations 2010**

Made 12 July 2010

*Laid before the National
Assembly for Wales* 13 July 2010

Coming into force 17 August 2010

The Welsh Ministers, in whom the powers conferred by sections 16(1) and (1A) and 36(a) of the Plant Varieties and Seeds Act 1964(1) are now vested(2), make the following Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 16(1) of that Act.

Title, application and commencement

1. The title of these Regulations is the Seed Potatoes (Wales) (Amendment) Regulations 2010. They come into force on 17 August 2010 and apply in relation to Wales.

(1) 1964 c. 14; section 16(1) was amended, and section 16(1A) was inserted, by section 4 of, and paragraph 5 of Schedule 4 to, the European Communities Act 1972 (c. 68). *See* section 38(1) for a definition of "the Minister".

(2) The functions of the Minister, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Those functions then transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Diwygio Rheoliadau Tatws Hadyd (Cymru) 2006

2.-(1) Diwygir Rheoliadau Tatws Hadyd (Cymru) 2006(1) fel a ganlyn.

(2) Yn lle paragraff 4 o Atodlen 1, rhodder—

"4.-(1) Ni cheir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd cyn-sylfaenol o unrhyw ddosbarth oni fydd y swyddog awdurdodedig wedi'i fodloni bod y tir y tyfir, neu y tyfwyd, y tatws hadyd arno yn dir—

(a) y canfuwyd, o ganlyniad i brawf pridd a wnaed gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);

(b) nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi ei halogi â phoblogaeth Ewropeaidd o Lyngyr Tatws; ac

(c) nas defnyddiwyd ar gyfer tyfu tatws ar unrhyw adeg yn ystod y 7 mlynedd yn union cyn plannu'r cnwd.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd."

(3) Yn lle paragraff 7 o Atodlen 1, rhodder—

"7.-(1) Ni cheir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd sylfaenol o unrhyw ddosbarth, oni fydd y swyddog awdurdodedig wedi'i fodloni bod y tir y tyfir, neu y tyfwyd, y tatws hadyd arno yn dir—

(a) y canfuwyd, o ganlyniad i brawf pridd a wnaed gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);

(b) nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi ei halogi â phoblogaeth Ewropeaidd o Lyngyr Tatws; ac

(c) nas defnyddiwyd ar gyfer tyfu tatws ar unrhyw adeg yn ystod y 5 mlynedd yn union cyn plannu'r cnwd.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd."

(4) Yn lle paragraff 10 o Atodlen 1, rhodder—

Amendments to the Seed Potatoes (Wales) Regulations 2006

2.-(1) The Seed Potatoes (Wales) Regulations 2006(1) are amended as follows.

(2) For paragraph 4 of Schedule 1, substitute—

"4.-(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as pre-basic seed potatoes of any class unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

(a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);

(b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and

(c) has not been used for growing potatoes at any time during the 7 years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium."

(3) For paragraph 7 of Schedule 1, substitute—

"7.-(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as basic seed potatoes of any class unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

(a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);

(b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and

(c) has not been used for growing potatoes at any time during the 5 years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium."

(4) For paragraph 10 of Schedule 1, substitute—

(1) O.S. 2006/2929 (Cy.264) fel y'i diwygiwyd gan O.S. 2008/1063 (Cy.112) a 2009/2980 (Cy.259).

(1) S.I. 2006/2929 (W.264) as amended by S.I. 2008/1063 (W.112) and 2009/2980 (W.259).

"10.—(1) Ni cheir dyroddi tystysgrif cnwd sy'n tyfu sy'n cynnwys datganiad bod modd marchnata tatws hadyd fel tatws hadyd ardystiedig oni fydd y swyddog awdurdodedig wedi'i fodloni bod y tir y tyfir, neu y tyfwyd, y tatws hadyd arno yn dir—

- (a) y canfuwyd, o ganlyniad i brawf pridd a wnaed gan Weinidogion Cymru cyn plannu'r cnwd, nad yw wedi ei halogi â'r Llyngyr Tatws (rhywogaeth *Globodera* sy'n heintio tatws);
- (b) nad yw wedi ei ddynodi o dan Atodlen 15 i Orchymyn Iechyd Planhigion (Cymru) 2006 fel tir wedi ei halogi â phoblogaeth Ewropeaidd o Lyngyr Tatws; ac
- (c) nas defnyddiwyd ar gyfer tyfu tatws ar unrhyw adeg yn ystod y 4 mlynedd yn union cyn plannu'r cnwd.

(2) Ond nid yw is-baragraff (1)(a) yn gymwys yn achos tatws hadyd a dyfir mewn cyfrwng di-bridd."

(5) Yn Atodlen 3, Rhan II—

- (a) yng ngholofnau 3 a 4, yn lle'r symbol "—" gyferbyn ag "Y Clwy Tatws (*Phytophthora infestans* (Mont.) de Bary)", rhodder y symbol "—";
- (b) yng ngholofn 3, yn lle "3.0%" mewn perthynas â Grwpiau III, IV a V yng ngholofn 1, rhodder "5.0%"; ac
- (c) yng ngholofn 4, yn lle "4.0%" mewn perthynas â Grwpiau II, III, IV a V yng ngholofn 1, rhodder "5.0%".

(6) Yn Atodlen 3, Rhan III—

- (a) yng ngholofn 3, yn lle "4.0%" mewn perthynas â Grwpiau III a IV yng ngholofn 1, rhodder "5.0%"; a
- (b) yng ngholofn 4, yn lle "4.0%" mewn perthynas â Grwpiau II, III, IV a V yng ngholofn 1, rhodder "5.0%".

"10.—(1) No growing crop certificate may be issued containing a statement that seed potatoes are capable of being marketed as certified seed potatoes unless the authorised officer is satisfied that the land on which the seed potatoes are growing or were grown—

- (a) is land which, as a result of a soil test carried out by the Welsh Ministers prior to the planting of the crop, has been found not to be contaminated with Potato Cyst Nematode (*Globodera* species infesting potatoes);
- (b) is not demarcated under Schedule 15 to the Plant Health (Wales) Order 2006 as infested with a European population of Potato Cyst Nematode; and
- (c) has not been used for growing potatoes at any time during the 4 years immediately preceding the planting of the crop.

(2) But sub-paragraph (1)(a) does not apply in the case of seed potatoes grown in a soil-free medium."

(5) In Schedule 3, Part II—

- (a) in columns 3 and 4, for the symbol "—" opposite "Blight (*Phytophthora infestans* (Mont.) de Bary)", substitute the symbol "—";
- (b) in column 3, for "3.0%" in relation to Groups III, IV and V in column 1, substitute "5.0%"; and
- (c) in column 4, for "4.0%" in relation to Groups II, III, IV and V in column 1, substitute "5.0%".

(6) In Schedule 3, Part III—

- (a) in column 3, for "4.0%" in relation to Groups III and IV in column 1, substitute "5.0%"; and
- (b) in column 4, for "4.0%" in relation to Groups II, III, IV and V in column 1, substitute "5.0%".

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

12 Gorffennaf 2010

12 July 2010

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