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WELSH STATUTORY INSTRUMENTS

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**2013 No. 2939 (W. 287)**

**PLANT HEALTH, WALES**

**The Plant Health (Wales) (Amendment) (No. 2) Order 2013**

<i>Made</i>	- - - -	<i>18 November 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>20 November 2013</i>
<i>Coming into force</i>	- -	<i>13 December 2013</i>

The Welsh Ministers, make the following Order in exercise of the powers conferred by sections 2(1) 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 2013.
- (2) This Order comes into force on 13 December 2013 and applies in relation to Wales.

**Amendment of the Plant Health (Wales) Order 2006**

- 2.—(1) The Plant Health (Wales) Order 2006(2) is amended as follows.
- (2) For paragraph (5) of article 19 (prohibitions on landing plant pests and relevant material), substitute—
  - “(5) The matters are—
    - (a) the intended time and date of introduction of the potatoes;
    - (b) their intended use;
    - (c) their intended destination;
    - (d) their variety and quantity; and
    - (e) the producer’s identification number.”.
- (3) After paragraph (5) of article 19, insert—
  - “(6) Paragraph (7) applies to—

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(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. 2012/3143 (W.315) and S.I. 2013/888 (W.100).

- (a) plants of *Castanea* Mill., *Fraxinus* L., *Platanus* L. or *Quercus* 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., *Platanus* L. or *Quercus* 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.

(7) Subject to article 22, no person shall land in Wales any such plants unless written notification of the intention to land the plants and of the matters contained in paragraph (8) is provided to an inspector prior to such landing.

(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; and
- (e) the producer's identification number.”.

(4) In paragraph (1) of article 22 (exceptions from certain prohibitions and requirements) for “and (3)” substitute “, (4) and (7)”.

18 November 2013

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (Wales) Order 2006 ([S.I. 2006/1643 \(W.158\)](#)) (“the principal order”).

Article 2(2) makes minor amendments to the matters which are required to be notified under article 19(4) of the principal order. Certain matters are no longer required to be included in the notification.

Article 2(3) makes provision to prohibit a person from landing in Wales certain plants 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.

Article 2(4) makes minor amendments to article 22 of the principal order to reflect paragraph numbering.

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. However a preliminary assessment of the impact of article 2(3) on business, the voluntary sector and the public sector is included in the Explanatory Memorandum for this instrument, which is available alongside the instrument on <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm>.