
WELSH STATUTORY INSTRUMENTS

2008 No. 2781

The Plant Health (Wales) (Amendment) Order 2008

Amendments to the Plant Health (Wales) Order 2006

- 2.—(1) The Plant Health (Wales) Order 2006(1) is amended as follows.
- (2) In article 2(1), for the definition of “Directive 2000/29/EC” substitute—
- ““Directive 2000/29/EC” means 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;”(2)
- (3) After article 19(2), insert—
- “(3) Subject to article 22, no person may land in Wales seed potatoes grown, or suspected to have been grown, in another member State or in Switzerland unless written notification is provided to an inspector, at least two days prior to the intended date of introduction into Wales of the seed potatoes, of the intention to land the seed potatoes and of—
- (a) the intended time, date and means of introduction;
 - (b) the intended point of entry into Wales;
 - (c) their intended use and destination;
 - (d) their variety and quantity; and
 - (e) the producer’s identification number.”.
- (4) In article 22, after “article 19(1)(e), (f) and (g)” insert “and (3)”.
- (5) After article 39, insert—

“PART 7A

MANAGEMENT ZONES FOR PLANT HEALTH PURPOSES

Measures for preventing the introduction of *Diabrotica virgifera* Le Conte

39A.—(1) Where there is a high risk of the introduction of *Diabrotica virgifera* Le Conte from any aircraft landing at an airport in Wales, the Welsh Ministers may designate a zone around the airport (“a designated zone”).

(2) A designated zone must extend to a radius of at least 2500 metres around the runways of, or around any other areas where aircraft move within, an airport.

(3) The Welsh Ministers may revoke or vary a designation at any time.

(4) The Welsh Ministers must take appropriate measures to notify any designation, revocation or variation to persons growing or intending to grow maize in a designated zone.

(1) S.I.2006/1643 (W.158) as amended.

(2) OJ No L 169, 10.7.2000, p.1, as last amended by Commission Directive 2008/64/EC, OJ No L 168, 28.6.2008, p.31.

(5) Any person acting in the course of a business, trade or other undertaking and growing maize in a designated zone must ensure that crops are rotated in such a way that maize is only grown once in any field during any period of two consecutive years.

(6) Any premises which are partly inside and partly outside a designated zone are deemed to be wholly inside that zone for the purposes of this article.

(7) Paragraph (6) does not apply in respect of any part of any premises which is situated outside Wales.”.

(6) In article 41—

(a) in paragraph (1) for “Directive 95/44/EC of 26 July 1995” substitute “Directive 2008/61/EC”;

(b) in paragraphs (2), (6) and (7)(a) for “Directive 95/44/EC” substitute “Directive 2008/61/EC”; and

(c) for paragraph (7)(b) substitute—

“(b) “Directive 2008/61/EC” means Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections, as amended from time to time”.

(7) After article 45(1)(xiii) insert—

“(xiiiA) article 39A(5);”.

(8) In Schedule 1, Part B omit “4. *Heliothis armigera* (Hübner)”.

(9) In Schedule 2, Part B after item 10 under the heading “Insects, mites and nematodes” add—

“11.	Plants of <i>Dendranthema</i> (DC.) Des Moul, <i>Dianthus</i> L., <i>Pelargonium</i> l' Hérit. ex Ait. and of the family <i>Solanaceae</i> , intended for planting, other than seeds	<i>Helicoverpa armigera</i> (Hübner)”.
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(10) In Schedule 2, Part B omit item 2 under the heading “Fungi”.

(11) In Schedule 3, item 8 omit “Bulgaria.”.

(12) In Schedule 4—

(a) in item 41 of Part A and in item 23 of Part B for “*Heliothis armigera* Hübner” substitute “*Helicoverpa armigera* (Hübner)”; and

(b) in item 71 of Part A after “corms,” add “bulbs”.

(13) In Schedule 8, Part A—

(a) in item 2 omit “other than *Sorbus intermedia* (Ehrh.) Pers.”; and

(b) for item 5(d) substitute—

“(d) seeds or bulbs of *Allium ascalonicum* L., *Allium cepa* L., *Allium schoenoprasum* L., *Helianthus annuus*, *Lycopersicon lycopersicum*, *Medicago sativa* or *Phaseolus* intended for planting;”.