
WELSH STATUTORY INSTRUMENTS

2018 No. 1064 (W. 223)

PLANT HEALTH, WALES

The Plant Health (Wales) Order 2018

<i>Made</i>	- - - -	<i>9 October 2018</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>11 October 2018</i>
<i>Coming into force</i>	- -	<i>2 November 2018</i>

The Welsh Ministers make this Order in exercise of—

- (a) the powers conferred on them by sections 2 and 3 of the Plant Health Act 1967(1), and on the Minister of Agriculture, Fisheries and Food by section 4(1) of that Act, now vested in them(2); and
- (b) the powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(3).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(4). It appears to the Welsh Ministers that it is expedient for the references to the European Union instruments referred to in article 2(5) to be construed as references to those instruments as amended from time to time.

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- (1) 1967 c. 8; section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2), S.I. 1990/2371 and S.I. 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 and S.I. 2011/1043. Section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48) and amended by Part 14 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c. 50). Section 4(1) was amended by paragraph 8(3) of Schedule 4 to the European Communities Act 1972. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) was amended by paragraph 43 of Schedule 2 to S.I. 2013/755 (W. 90). Section 1(2), as amended, provides that the competent authority for Wales is the Welsh Ministers.
 - (2) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, 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 were transferred from the Secretary of State 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).
 - (3) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
 - (4) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).