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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1064**

**The Plant Health (Wales) Order 2018 (revoked)**

**PART 3**

Internal EU controls on movement

**Prohibitions on the introduction of plant pests and relevant material from the European Union**

**18.**—(1) No person may introduce any of the following plant pests and relevant material into Wales from another part of the European Union—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material of a description specified in column 2 of Schedule 3 which originates in a third country specified in the entry in respect of that description of relevant material in column 3 of Schedule 3;
- (e) any relevant material of a description specified in column 2 of Part A of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part A of Schedule 4 are complied with;
- (f) any relevant material of a description specified in column 2 of Part B of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
- (g) any relevant material of a description specified in column 2 of Part C of Schedule 4, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with.

(2) Paragraph (1) applies to the specified plant pests and relevant material whether they originate in another part of the European Union or a third country.

(3) But paragraph (1) does not apply to any relevant material of a description specified in column 2 of Part A or C of Schedule 4 to which Part 2 applies.

(4) Paragraph (1)(e) and (f) does not apply to any relevant material which is prohibited from being introduced into Wales under paragraph (1)(d).

(5) No person may bring any of the following potatoes into Wales unless written notification of the matters referred to in paragraph (6) is provided to an inspector at least two days prior to the intended date of their arrival—

- (a) seed potatoes grown or suspected to have been grown in another member State or in Switzerland; or

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- (b) potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or any part of Spain which is within the European Union.
- (6) The matters are—
  - (a) the intended time and date of their arrival;
  - (b) their intended use;
  - (c) their intended destination;
  - (d) their variety and quantity; and
  - (e) the identification number of the producer of the potatoes.
- (7) In the case of notifiable citrus fruits, the person who is introducing the fruits into the European Union via a point of entry in another part of the European Union must provide written notification to the Welsh Ministers at the specified address, prior to their arrival at that point of entry, of—
  - (a) the expected date of their introduction into the European Union;
  - (b) their point of entry into the European Union;
  - (c) their volume;
  - (d) the identification numbers of their containers;
  - (e) the names, addresses and the locations of the premises in Wales at which they are to be processed.
- (8) Paragraphs (1)(e), (f) and (g) and (5) are subject to article 22.
- (9) In this article—
  - “notifiable citrus fruits” (“*ffrwythau sitrws hysbysadwy*”) means citrus fruits for processing which are to be introduced into the European Union via a point of entry in another member State and processed into juice in Wales;
  - “specified address” (“*cyfeiriad penodedig*”) means the address given by the Welsh Ministers from time to time for the purposes of paragraph (7).

### **Notification of the landing of certain plants for planting**

**19.**—(1) A person who brings the following plants into Wales must notify an inspector in writing of the matters referred to in paragraph (2) prior to or no later than four days after the date of their arrival in Wales—

- (a) plants of *Castanea* Mill., *Fraxinus* L., <sup>F1</sup>*Olea europaea* L., *Pinus* L., *Platanus* L., *Prunus* 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., *Fraxinus* L., <sup>F2</sup>*Olea europaea* L., *Pinus* L., *Platanus* L., *Prunus* 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) The matters are—
- (a) the intended date of their arrival or, if they have arrived in Wales, the date on which they first arrived in Wales;
  - (b) their intended destination, or if they have arrived at their intended destination in Wales, their current location;
  - (c) their genus, species and quantity;
  - (d) the identification number of the supplier of the plants; and
  - (e) the country from which they have been, or are to be, consigned.

(3) Paragraph (1) is subject to article 22.

#### Textual Amendments

- F1** Words in art. 19(1)(a) inserted (6.3.2019) by [The Plant Health \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/132\)](#), arts. 1(2), 3
- F2** Words in art. 19(1)(b) inserted (6.3.2019) by [The Plant Health \(Wales\) \(Amendment\) Order 2019 \(S.I. 2019/132\)](#), arts. 1(2), 3

#### Prevention of the spread of plant pests

**20.**—(1) No person may knowingly keep, store, plant, sell or move or knowingly cause or permit to be kept, stored, planted, sold or moved—

- (a) any plant pest of a description specified in Schedule 1;
- (b) any relevant material of a description specified in column 2 of Schedule 2 which is carrying or infected with a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of Schedule 2;
- (c) any plant pest which, although not specified in Schedule 1 or in column 3 of Schedule 2, is not normally present in Great Britain and which is likely to be injurious to plants in Great Britain;
- (d) any relevant material introduced into Wales in contravention of article 5(1)(d), (e) or (f) or article 18(1)(d), (e), (f) or (g);
- (e) any relevant material of a description specified in column 2 of Part B of Schedule 4 which originates in Great Britain, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part B of Schedule 4 are complied with;
- (f) any relevant material of a description specified in column 2 of Part C of Schedule 4 which originates in Great Britain, unless the requirements specified in the entries in respect of that description of relevant material in column 3 of Part C of Schedule 4 are complied with;
- (g) any relevant material introduced into Wales from England or Scotland which, if it had been introduced from a third country or another part of the European Union, would have contravened article 5(1)(d), (e) or (f) or article 18(1)(d), (e), (f) or (g).

(2) The prohibitions in paragraph (1) do not apply to any plant pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(3) Paragraph (1)(e) and (f) is subject to article 22.

(4) In this article, “move” (“*symud*”) means move or otherwise dispose of, and “moved” (“*symud*”) is to be construed accordingly.

#### Requirements for plant passports

**21.**—(1) No person may introduce into, or move within, Wales any relevant material of a description specified in Part A of Schedule 6 where it comprises EU transit goods or originates in Wales or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport and, if originating in Wales, has been the subject of a satisfactory inspection at the place of production.

(2) No person may introduce into, or move within, Wales any relevant material of a description specified in Part B of Schedule 6 where it comprises EU transit goods or originates in Wales or elsewhere in the European Union, unless the relevant material is accompanied by a plant passport

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which is valid for Wales as a protected zone and, if originating in Wales, has been the subject of a satisfactory inspection at the place of production.

(3) No person may move within Wales any relevant material which has been discharged under article 12 and which is of a description specified in Part A of Schedule 6, unless it is accompanied by a plant passport.

(4) No person may move within Wales any relevant material which has been discharged under article 12 and which is of a description specified in Part B of Schedule 6, unless it is accompanied by a plant passport which is valid for Wales as a protected zone.

(5) No person may consign from Wales to another part of the European Union any relevant material of a description specified in Part A of Schedule 7, unless the relevant material is accompanied by a plant passport.

(6) No person may consign from Wales to a protected zone in another part of the European Union any relevant material of a description specified in Part B of Schedule 7, unless the relevant material is accompanied by a plant passport which is valid for that protected zone.

(7) No person may move within Wales or consign from Wales to a protected zone in another part of the European Union which is recognised as a protected zone in relation to *Thaumetopoea processionea* L., any plants, other than seeds, of *Quercus* spp., other than *Quercus suber*, intended for planting, unless they are accompanied by official documentation confirming that they are free from *Thaumetopoea processionea* L.

(8) The requirements in paragraphs (1) and (2) do not apply in relation to the introduction into Wales of relevant material in respect of which the Welsh Ministers have agreed, under an EU transit agreement, to carry out a plant health check.

(9) Paragraphs (1), (2), (5) and (6) are subject to article 22.

(10) Paragraphs (2) and (4) are subject to article 23.

### **Exceptions from certain prohibitions and requirements**

**22.**—(1) The following provisions do not apply to small quantities of relevant material, other than excluded material, if the relevant material meets the conditions in paragraph (2)—

- (a) article 18(1)(e), (f) and (g) and (5);
- (b) article 19(1);
- (c) article 20(1)(e) and (f); and
- (d) article 21(1), (2), (5) and (6).

(2) The conditions are that the relevant material—

- (a) does not show any signs of the presence of a plant pest;
- (b) is not intended for use in the course of a trade or business; and
- (c) is intended for household use.

(3) The requirements in article 21(1) do not apply to plants intended for planting, other than seeds, which can only grow in water or soil that is permanently saturated with water, which originate in an area established in accordance with Article 5 of Decision 2012/697/EU and which are only being moved within that area.

(4) The requirements in article 21(1) and (5) which would apply by virtue of paragraphs 16 and 17 of Part A of Schedules 6 and 7 to *Xylella* host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 and to pre-basic mother plants and pre-basic material referred to in Article 9(9) of that Decision do not apply where the plants are being moved by a person acting for purposes outside the person's trade, business or profession and the person is acquiring them for personal use.

(5) The Welsh Ministers may exempt from the prohibition on movement in article 21(1) or (2) the movement of relevant material which originates in Great Britain if the Welsh Ministers are satisfied that—

- (a) the movement is made locally by small producers or processors whose entire production and sale of such material is intended for final usage by persons on the local market who are not professionally involved in plant production; and
- (b) there is no risk of plant pests spreading or being spread as a result of that movement.

(6) In paragraph (1), “excluded material” (“*deunydd eithriedig*”) means any of the following material—

- (a) plants of *Castanea* Mill. intended for planting;
- (b) plants of *Fraxinus* L. intended for planting;
- (c) plants, other than seeds, of *Platanus* L. intended for planting.

### Validity of plant passports for Wales

**23.**—(1) This article applies to relevant material of a description specified in Part B of Schedule 6 which is moved from a place in Wales, or through Wales, to a destination outside Wales.

(2) The requirements in article 21(2) and (4) do not apply if the relevant material—

- (a) originates in Great Britain; or
- (b) is accompanied during its transit through Wales by a document of a type normally used for trade purposes which certifies that the material originates outside Wales and is in transit to a final destination outside Wales and the conditions in paragraph (3) are met.

(3) The conditions are that—

- (a) the packaging in which the relevant material is transported and any vehicle which is used to transport the material is free from soil and plant debris and any relevant plant pest in relation to which Wales is a protected zone;
- (b) the material was sealed immediately after packaging or, where appropriate, after loading, and remains sealed during the transit of the material through Wales; and
- (c) the nature or construction of the packaging in which the material is transported and any vehicle which is used to transport the material are sufficient to ensure that there is no risk of any relevant plant pest which may be present in or on the relevant material escaping.

### General provisions relating to plant passports

**24.**—(1) Any alteration or erasure in a plant passport automatically invalidates the plant passport unless the alteration or erasure is certified by an authorised officer or the plant trader authorised under article 29 to issue the plant passport, in either case by initialling the alteration or erasure by hand.

(2) A plant passport relating to any relevant material is to be treated as accompanying that relevant material only if the plant passport is affixed to the relevant material, its packaging or the vehicle transporting it by an authorised officer, by the plant trader authorised to issue it or by an inspector.

(3) Where a plant passport comprises an official label and is to be affixed by the plant trader who is authorised to issue the plant passport, the plant trader must affix it in such a way that it cannot be re-used.

(4) A person may only issue a replacement plant passport to replace a plant passport issued in respect of a consignment if—

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- (a) the consignment has been divided up, the consignment or part of the consignment has been combined with another consignment or the plant health status of the consignment has been changed; and
  - (b) the person is satisfied that the relevant material to which the replacement plant passport will relate can be identified and is free from any risk of infestation by a plant pest of a description specified in Schedule 1 or in column 3 of Schedule 2.
- (5) A plant passport or official documentation which accompanies any relevant material in accordance with article 21 must be retained by the person who is the final user of the relevant material or who uses the relevant material in the course of a trade or business.

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