
WELSH STATUTORY INSTRUMENTS

2018 No. 1064

The Plant Health (Wales) Order 2018

PART 4

Registration of plant traders and authority to issue plant passports

Register of plant traders

25.—(1) The Welsh Ministers must maintain a register listing the following particulars in relation to each plant trader who meets the requirements of this Part—

- (a) the name of the plant trader;
 - (b) the name of any other person responsible for making the application for the plant trader under article 27;
 - (c) the trading name of the plant trader, if different from the name of the plant trader;
 - (d) details of the activities to which this Order applies and which the plant trader engages in or intends to engage in;
 - (e) the address of each premises at which the plant trader engages in or intends to engage in those activities; and
 - (f) a registration number unique to the plant trader.
- (2) The register must be open to inspection by the European Commission.

Obligation to register

26.—(1) No plant trader may engage in any activity to which this Order applies at any premises unless the plant trader is registered in respect of the activity at those premises.

(2) But a plant trader need not be registered in respect of any activity to which this Order applies if—

- (a) the plant trader is a producer; and
- (b) all of the relevant material which the plant trader produces and sells is intended for final use by persons on the local market who are not involved in plant production in the course of a trade or business.

Registration requirements

27.—(1) An application for registration must—

- (a) be made in writing to the Welsh Ministers; and
 - (b) be in such form and contain such information as the Welsh Ministers may reasonably require for the purpose of considering the application.
- (2) A plant trader must immediately notify the Welsh Ministers in writing if—

- (a) before the plant trader has been registered, there is any change in the circumstances of the plant trader recorded in the plant trader's application for registration; or
 - (b) there is any change in the particulars listed in the register in relation to the plant trader.
- (3) The Welsh Ministers may only register a plant trader in respect of an activity or premises if the Welsh Ministers are satisfied that the plant trader is able and willing to comply with the conditions in article 28(1).
- (4) The Welsh Ministers must notify a plant trader when the plant trader has been registered.

Conditions for maintaining registration as a plant trader and other trade-related conditions

28.—(1) A registered plant trader must—

- (a) keep an accurate plan of each of the plant trader's registered premises;
 - (b) keep a record of all relevant material which is—
 - (i) purchased by the plant trader;
 - (ii) brought onto any of the plant trader's registered premises for the purpose of storing, planting or producing the material on those premises; or
 - (iii) produced on, or dispatched from, any of the plant trader's registered premises;
 - (c) keep each document which the plant trader has created or received and which relates to the records referred to in sub-paragraph (b) for at least one year from the date on which the plant trader created or received it;
 - (d) designate an individual (whether the plant trader or another person) who is technically experienced in relation to the registered activities and the related plant health matters affecting the registered premises and who is available to liaise with the Welsh Ministers in relation to matters arising under this Order;
 - (e) examine each of the registered premises and the relevant material at those premises at such times and in the manner specified in any guidelines issued from time to time by the Welsh Ministers;
 - (f) make a declaration that the plant trader is able and willing to comply with the conditions specified in sub-paragraphs (a) to (e) at any time and in any form that the Welsh Ministers require; and
 - (g) comply with any other conditions specified by the Welsh Ministers which the Welsh Ministers consider necessary for the purpose of assessing the presence of or the spread of any plant pest on any of the plant trader's registered premises by reason of the condition of those premises.
- (2) If the Welsh Ministers are satisfied that a registered plant trader has failed to comply with any of the conditions specified in paragraph (1), the Welsh Ministers may suspend the plant trader's registration until the Welsh Ministers are satisfied that the plant trader is able and willing to comply with those conditions.
- (3) A professional operator who supplies or is supplied *Xylella* specified plants must—
- (a) keep a record of each lot of the plants supplied by the professional operator and the name of the professional operator to whom the lot was supplied for three years from the date on which it was supplied;
 - (b) keep a record of each lot of the plants received by the professional operator and the name of the professional operator who supplied the lot for three years from the date on which it was received; and

- (c) immediately following the dispatch or receipt of any such lot, notify the Welsh Ministers in writing of the details specified in Article 10(4) of Decision (EU) 2015/789 in respect of that lot.
- (4) In paragraph (3)—
 - (a) “professional operator” (“*gweithredwr proffesiynol*”) has the meaning given in Article 1(d) of Decision (EU) 2015/789;
 - (b) “Xylella specified plants” (“*planhigion penodedig Xylella*”) means—
 - (i) specified plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have been grown for at least part of their life in, or have been moved through, an area established in accordance with Article 4 of that Decision;
 - (ii) plants, other than seeds, intended for planting, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. or *Prunus dulcis* (Mill.) D.A. Webb which have never been grown in an area established in accordance with Article 4 of Decision (EU) 2015/789.

Authority to issue plant passports

29.—(1) A registered plant trader who wishes to issue plant passports in relation to relevant material which is to be moved from any premises in Wales must apply in writing to the Welsh Ministers for the authority to do so.

(2) The applicant must provide the Welsh Ministers with any details which the Welsh Ministers reasonably require about the relevant material.

(3) The Welsh Ministers may carry out any examination of the relevant material and the premises from which the material is to be moved which the Welsh Ministers consider necessary in relation to the application.

(4) The Welsh Ministers may only grant an authorisation to issue plant passports if, having regard to any examination of the relevant material and premises which are the subject of the application, the Welsh Ministers are satisfied—

- (a) that the premises and the relevant material are free from any relevant plant pests; and
- (b) where any requirements are specified under this Order in relation to the relevant material, those requirements have been complied with.

(5) An authorisation to issue plant passports granted by the Welsh Ministers must be given in writing and may be granted subject to such conditions as the Welsh Ministers consider appropriate to ensure that any relevant requirements under this Order are complied with in relation to the relevant material, including the territories for which the plant passports to be issued will be valid.

(6) The Welsh Ministers may suspend the operation of an authorisation to issue plant passports entirely or in relation to specified premises or specified relevant material if, having regard to any examination of the premises of the registered plant trader and any relevant material there, the Welsh Ministers are not satisfied—

- (a) that the premises or the relevant material are free from any relevant plant pests; and
- (b) where any requirements are specified under this Order in relation to the relevant material, that those requirements have been complied with.

(7) The Welsh Ministers may suspend the operation of, or vary an authorisation to issue plant passports, to the extent that the Welsh Ministers consider necessary if satisfied that the registered plant trader has failed to—

- (a) notify the Welsh Ministers in accordance with article 27(2) of any change in the particulars registered in relation to the plant trader;

- (b) comply with any of the conditions specified in article 28(1);
 - (c) comply with any conditions in the authorisation granted under paragraph (5); or
 - (d) comply with a requirement in a notice served on the plant trader under article 32.
- (8) In this article “relevant plant pest” (“*pla planhigion perthnasol*”) means—
- (a) a plant pest of a description specified in Schedule 1; or
 - (b) in relation to any relevant material of a description specified in column 2 of Schedule 2, a plant pest of a description specified in any entry in respect of that description of relevant material in column 3 of that Schedule which is present on the relevant material.