



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 772 (Cy. 156)

2018 No. 772 (W. 156)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

Gorchymyn Iechyd Planhigion
(Tystysgrifau Allforio) (Cymru)
(Diwygio) 2018

The Plant Health (Export
Certification) (Wales)
(Amendment) Order 2018

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006 er mwyn darparu ar gyfer cynnydd yn y ffioedd sy'n daladwy ar gyfer gwasanaethau mewn cysylltiad â cheisiadau am dystysgrifau ffytoiechydol (gan gynnwys tystysgrifau ffytoiechydol ar gyfer ailallforio) a gwasanaethau cyn-allforio cysylltiedig.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Export Certification) (Wales) Order 2006 to provide for increases in the fees payable for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services.

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.

2018 Rhif 772 (Cy. 156)

**IECHYD PLANHIGION,
CYMRU**

**Gorchymyn Iechyd Planhigion
(Tystysgrifau Allforio) (Cymru)
(Diwygio) 2018**

Gwnaed 27 Mehefin 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 29 Mehefin 2018

Yn dod i rym 25 Gorffennaf 2018

Mae Gweinidogion Cymru, gyda chydysniad y Trysorlys, a thrwy arfer y pwerau a roddir gan adrannau 3 a 4A o Ddeddf Iechyd Planhigion 1967(1), yn gwneud y Gorchymyn a ganlyn:

Enwi, cymhwys a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2018, mae'n gymwys o ran Cymru a daw i rym ar 25 Gorffennaf 2018.

**Diwygio Gorchymyn Iechyd Planhigion
(Tystysgrifau Allforio) (Cymru) 2006**

2.—(1) Mae Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006(2) wedi ei ddiwygio fel a ganlyn.

2018 No. 772 (W. 156)

PLANT HEALTH, WALES

**The Plant Health (Export
Certification) (Wales)
(Amendment) Order 2018**

Made 27 June 2018

Laid before the National Assembly for Wales
29 June 2018

Coming into force 25 July 2018

The Welsh Ministers, with the consent of the Treasury, and in exercise of the powers conferred by sections 3 and 4A of the Plant Health Act 1967(1), make the following Order:

Title, application and commencement

1. The title of this Order is the Plant Health (Export Certification) (Wales) (Amendment) Order 2018, it applies in relation to Wales and comes into force on 25 July 2018.

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

2.—(1) The Plant Health (Export Certification) (Wales) Order 2006(2) is amended as follows.

(1) 1967 p. 8; diwygiwyd adran 3(1) gan baragraff 8(2)(a) a (b) o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) ac O.S. 2011/1043. Mewnosodwyd adran 4A gan adran 3 o Ddeddf Amaethyddiaeth 1986 (p. 49). Mae'r pwerau a roddir gan adrannau 3 a 4A yn cael eu rhoi i "competent authority" ("awdurdod cymwys"), a ddiffinnir yn adran 1(2). Diwygiwyd adran 1(2) gan baragraff 43 o Atodlen 2 i O.S. 2013/755 (Cy. 90). Mae adran 1(2), fel y'i diwygiwyd, yn darparu mai'r awdurdod cymwys ar gyfer Cymru yw Gweinidogion Cymru.

(2) O.S. 2006/1701 (Cy. 163), a ddiwygiwyd gan O.S. 2013/1658 (Cy. 156), O.S. 2014/1759 (Cy. 174) ac O.S. 2016/1084 (Cy. 259).

(1) 1967 c. 8; section 3(1) was amended by paragraph 8(2)(a) and (b) of Schedule 4 to the European Communities Act 1972 (c. 68) and S.I. 2011/1043. Section 4A was inserted by section 3 of the Agriculture Act 1986 (c. 49). The powers conferred by sections 3 and 4A 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) S.I. 2006/1701 (W. 163), amended by S.I. 2013/1658 (W. 156), S.I. 2014/1759 (W. 174) and S.I. 2016/1084 (W. 259).

(2) Yn lle erthygl 5 rhodder—

“5.—(1) Mae'r ffioedd a bennir yn y tabl yn Atodlen 3 yn daladwy mewn cysylltiad â'r gwasanaethau a ddisgrifir yng ngholofn 1 o'r tabl gan berson sy'n gwneud cais am dystysgrif neu wasanaeth cyn-allforio.

(2) Swm y ffi mewn cysylltiad ag unrhyw wasanaeth a ddisgrifir yng ngholofn 1 o'r tabl yn Atodlen 3 yw—

- (a) yn achos allforiwr bach nad yw, ar ddyddiad y cais, ond wedi bod yn atebol yn ystod y flwyddyn ariannol pan wneir y cais i dalu ffioedd o £250 neu lai mewn cysylltiad â gwasanaethau o dan y Gorchymyn hwn, y swm a bennir yn y cofnod cyfatebol yng ngholofn 3 y tabl hwnnw, a bennir yn unol â'r cofnodion ar gyfer y gwasanaeth hwnnw yng ngholofn 2 y tabl hwnnw;
- (b) mewn unrhyw achos arall, y swm a bennir yn y cofnod cyfatebol yng ngholofn 4 y tabl hwnnw, a bennir yn unol â'r cofnodion ar gyfer y gwasanaeth hwnnw yng ngholofn 2 y tabl hwnnw.

(3) Mae'r ffioedd a bennir yn y cofnodion yng ngholofnau 3 a 4 o'r tabl yn Atodlen 3 mewn cysylltiad ag arolygiad o lwyth neu archwiliad o arolygiad grawn yn daladwy ar gyfer pob 15 munud (neu ran ohono) a dreuliwyd yn cynnal yr arolygiad neu'r archwiliad ac unrhyw weithgareddau cysylltiedig, yn ddarostyngedig i isafswm y ffioedd a bennir yn y cofnodion hynny.

(4) Pan fo person yn cyflwyno cais am dystysgrif neu wasanaeth cyn-allforio neu'n cyflwyno archiad i ddiwygio tystysgrif ar bapur (ac nid ar-lein), mae'r ffi ychwanegol a ganlyn yn daladwy mewn cysylltiad â'r cais neu'r archiad—

- (a) yn achos allforiwr bach nad yw, ar ddyddiad y cais neu'r archiad, ond wedi bod yn atebol yn ystod y flwyddyn ariannol pan wneir y cais neu'r archiad i dalu ffioedd o £250 neu lai mewn cysylltiad â gwasanaethau o dan y Gorchymyn hwn, £7.43;
- (b) mewn unrhyw achos arall, £14.86.

(5) Mae unrhyw ffi sy'n daladwy o dan yr erthygl hon yn daladwy i Weinidogion Cymru ar gais.

(2) For article 5 substitute—

“5.—(1) The fees specified in the table in Schedule 3 are payable in respect of the services described in column 1 of the table by a person who applies for a certificate or a pre-export service.

(2) The amount of the fee in respect of any service described in column 1 of the table in Schedule 3 is—

- (a) in the case of a small exporter who, at the date of the application, has only been liable during the financial year in which the application is made to pay fees of £250 or less in respect of services under this Order, the amount specified in the corresponding entry in column 3 of that table, determined in accordance with the entries for that service in column 2 of that table;
- (b) in any other case, the amount specified in the corresponding entry in column 4 of that table, determined in accordance with the entries for that service in column 2 of that table.

(3) The fees specified in the entries in columns 3 and 4 of the table in Schedule 3 in respect of an inspection of a consignment or an audit of a grain inspection are payable for each 15 minutes (or part thereof) spent in carrying out the inspection or audit and any associated activities, subject to the minimum fees specified in those entries.

(4) Where a person submits an application for a certificate or a pre-export service or a request to amend a certificate in paper form (and not online), the following additional fee is payable in respect of the application or the request—

- (a) in the case of a small exporter who, at the date of the application or request, has only been liable during the financial year in which the application or request is made to pay fees of £250 or less in respect of services under this Order, £7.43;
- (b) in any other case, £14.86.

(5) Any fee payable under this article is payable to the Welsh Ministers on demand.

(6) Yn yr erthygl hon, ystyr “allforiwr bach”, mewn perthynas â chais am dystysgrif neu wasanaeth cyn-allforio neu mewn perthynas ag archiad i ddiwygio tystysgrif, yw person—

(a) yn y flwyddyn ariannol y gwnaed y cais neu'r archiad ynddi—

(i) nad yw'n berson trethadwy at ddibenion Deddf Treth ar Werth 1994(1); neu

(ii) nad yw'n cyflenwi'n drethadwy blanhigion, cynhyrchion planhigion, hadau, pridd neu beiriannau amaethyddol at ddibenion Deddf Treth ar Werth 1994; neu

(b) yn y flwyddyn ariannol cyn y flwyddyn pan wneir y cais neu'r archiad, sydd wedi allforio nwyddau a thystysgrif gyda hwy yr oedd cyfanswm eu gwerth yn llai na £5,000.”

(3) Yn lle Atodlen 3 rhodder—

“ATODLEN 3 Erthygl 5(1)

Ffioedd gwasanaethau tystysgrifau allforio a gwasanaethau cyn-allforio

Yn yr Atodlen hon—

ystyr “cyfnod 1” (“*period 1*”) yw'r cyfnod sy'n dod i ben ar 30 Medi 2018;

ystyr “cyfnod 2” (“*period 2*”) yw'r cyfnod sy'n dechrau ar 1 Hydref 2018 ac sy'n dod i ben ar 31 Mawrth 2019.

(6) In this article, “small exporter”, in relation to an application for a certificate or a pre-export service or a request to amend a certificate, means a person who—

(a) in the financial year in which the application or request is made—

(i) is not a taxable person for the purposes of the Value Added Tax Act 1994(1); or

(ii) does not make a taxable supply of plants, plant products, seeds, soil or agricultural machinery for the purposes of the Value Added Tax Act 1994; or

(b) in the financial year preceding the year in which the application or request is made, exported goods which were accompanied by a certificate the total value of which was less than £5,000.”

(3) For Schedule 3 substitute—

“SCHEDULE 3 Article 5(1)

Fees for export certification services and pre-export services

In this Schedule—

“period 1” (“*cyfnod 1*”) means the period ending on 30 September 2018;

“period 2” (“*cyfnod 2*”) means the period beginning on 1 October 2018 and ending on 31 March 2019.

(1) 1994 p. 23.

(1) 1994 c. 23.

(1) <i>Gwasanaeth</i>	(2) <i>Dyddiad</i>	(3) <i>Ffi (£)</i>	(4) <i>Ffi (£)</i>
Arolygiad o lwyth	Yn achos arolygiad a gynhelir yng nghyfnod 1	34.44 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 68.88	68.88 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 137.76
	Yn achos arolygiad a gynhelir yng nghyfnod 2	35.38 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 70.76	70.76 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 141.52
	Yn achos arolygiad a gynhelir ar 1 Ebrill 2019 neu ar ôl hynny	36.80 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 73.60	70.76 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 141.52
Archwiliad o arolygiad grawn a gynhelir yn unol ag erthygl 3(3)	Yn achos archwiliad a gynhelir yng nghyfnod 1	9.90 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 19.80	19.80 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 36.90
	Yn achos archwiliad a gynhelir yng nghyfnod 2	11.55 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 23.10	23.10 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 46.20
	Yn achos archwiliad a gynhelir ar 1 Ebrill 2019 neu ar ôl hynny	13.20 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 26.40	26.40 am bob 15 munud (neu ran ohono), yn ddarostyngedig i isafswm ffi o 52.80
Archwiliad mewn labordy	Yn achos archwiliad mewn labordy a gynhelir yng nghyfnod 1	7.69 am bob sampl a brofir	15.38 am bob sampl a brofir
	Yn achos archwiliad mewn labordy a gynhelir yng nghyfnod 2	11.53 am bob sampl a brofir	23.07 am bob sampl a brofir
	Yn achos archwiliad mewn labordy a gynhelir ar 1 Ebrill 2019 neu ar ôl hynny	15.38 am bob sampl a brofir	30.76 am bob sampl a brofir
Dyrodidi Tystysgrif	Yn achos tystysgrif a ddyroddir yng nghyfnod 1	9.11 am bob tystysgrif	18.23 am bob tystysgrif
	Yn achos tystysgrif a ddyroddir yng nghyfnod 2	10.20 am bob tystysgrif	20.41 am bob tystysgrif
	Yn achos tystysgrif a ddyroddir ar 1 Ebrill 2019 neu ar ôl hynny	11.29 am bob tystysgrif	22.59 am bob tystysgrif

Diwygio tystysgrif ar archiad yr allforiwr		7.43 am bob tystysgrif	14.86 am bob tystysgrif ”
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(4) Heggorer Atodlen 4.

Hannah Blythyn

Gweinidog yr Amgylchedd o dan awdurdod Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru

27 Mehefin 2018

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Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

<i>(1)</i> <i>Service</i>	<i>(2)</i> <i>Date</i>	<i>(3)</i> <i>Fee (£)</i>	<i>(4)</i> <i>Fee (£)</i>
Inspection of consignment	In the case of an inspection carried out in period 1	34.44 for each 15 minutes (or part thereof), subject to a minimum fee of 68.88	68.88 for each 15 minutes (or part thereof), subject to a minimum fee of 137.76
	In the case of an inspection carried out in period 2	35.38 for each 15 minutes (or part thereof), subject to a minimum fee of 70.76	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of 141.52
	In the case of an inspection carried out on or after 1 April 2019	36.80 for each 15 minutes (or part thereof), subject to a minimum fee of 73.60	70.76 for each 15 minutes (or part thereof), subject to a minimum fee of 141.52
Audit of a grain inspection carried out pursuant to article 3(3)	In the case of an audit carried out in period 1	9.90 for each 15 minutes (or part thereof), subject to a minimum fee of 19.80	19.80 for each 15 minutes (or part thereof), subject to a minimum fee of 36.90
	In the case of an audit carried out in period 2	11.55 for each 15 minutes (or part thereof), subject to a minimum fee of 23.10	23.10 for each 15 minutes (or part thereof), subject to a minimum fee of 46.20
	In the case of an audit carried out on or after 1 April 2019	13.20 for each 15 minutes (or part thereof), subject to a minimum fee of 26.40	26.40 for each 15 minutes (or part thereof), subject to a minimum fee of 52.80
Laboratory examination	In the case of a laboratory examination carried out in period 1	7.69 per sample tested	15.38 per sample tested
	In the case of a laboratory examination carried out in period 2	11.53 per sample tested	23.07 per sample tested
	In the case of a laboratory examination carried out on or after 1 April 2019	15.38 per sample tested	30.76 per sample tested
Issue of certificate	In the case of a certificate issued in period 1	9.11 per certificate	18.23 per certificate
	In the case of a certificate issued in period 2	10.20 per certificate	20.41 per certificate

	In the case of a certificate issued on or after 1 April 2019	11.29 per certificate	22.59 per certificate
Amendment of a certificate at the request of the exporter		7.43 per certificate	14.86 per certificate”

(4) Omit Schedule 4.

Hannah Blythyn

Minister for Environment under authority of the Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers

27 June 2018

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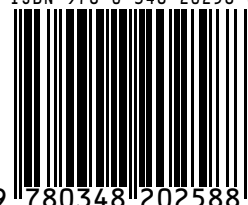
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