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WELSH STATUTORY INSTRUMENTS

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**2019 No. 1167 (W. 204)**

**PLANT HEALTH, WALES**

**The Plant Health (Wales) (Amendment) (No. 2) Order 2019**

*Made* - - - - - 24 July 2019

*Laid before the National*

*Assembly for Wales* - - - 25 July 2019

*Coming into force in accordance with article 1*

The Welsh Ministers make this Order in exercise of the powers conferred on them by sections 2 and 3(1) of the Plant Health Act 1967<sup>(1)</sup>.

**Title and commencement**

1. The title of this Order is the Plant Health (Wales) (Amendment) (No. 2) Order 2019 and it comes into force on the day after the day on which it is laid.

**Amendment of the Plant Health (Wales) Order 2018**

2.—(1) The Plant Health (Wales) Order 2018<sup>(2)</sup> is amended as follows.

(2) In article 21, omit paragraph (7).

(3) In the table in Part C of Schedule 4, after item 10 insert—

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“11.	Plants, other than fruit or seeds, of <i>Quercus</i> L., other than <i>Quercus suber</i> , intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more.	The plants must be accompanied by an official statement that they have been grown throughout their life:
		(a) in places of production in countries in which <i>Thaumetopoea processionea</i> L. is not known to occur;
		(b) in a protected zone which is recognised as a protected zone for

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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. The powers conferred by sections 2 and 3(1) 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. 2018/1064 (W. 223), to which there are amendments not relevant to this instrument.

- Thaumetopoea processionea* L. or in an area free from *Thaumetopoea processionea* L., established by the national plant protection organisation in accordance with IPSM No. 4; or
- (c) in a site with complete physical protection against the introduction of *Thaumetopoea processionea* L. and have been inspected at appropriate times and found to be free from *Thaumetopoea processionea* L.”
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24 July 2019

*Mark Drakeford*  
First Minister of Wales, one of the Welsh  
Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (Wales) Order 2018 to introduce emergency measures to prevent the introduction into and spread of *Thaumetopoea processionea* L. (the Oak Processionary Moth) within Wales.

It amends the technical requirements that must be satisfied when bringing certain plants of *Quercus* L., into or when moving those plants within Wales.

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.