O F F E R Y N N A U   S T A T U D O L   C Y M R U

2019 Rhif 1167 (Cy. 204)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2019

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2018 er mwyn cyflwyno mesurau brys i atal *Thaumetopoea processionea* L. (Gwyfyn Ymdeithiwr y Derw) rhag cael ei gyflwyno i Gymru a rhag lledaenu o fewn Cymru.

Mae'n diwygio'r gofynion technegol y mae rhaid eu bodloni wrth ddod â phlanhigion penodol *Quercus* L. i Gymru, neu wrth eu symud o fewn Cymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

W E L S H   S T A T U T O R Y   I N S T R U M E N T S

2019 No. 1167 (W. 204)

PLANT HEALTH, WALES

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

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.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 1167 (Cy. 204)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2019

Gwnaed *24 Gorffennaf 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *25 Gorffennaf 2019*

Yn dod i rym yn unol ag erthygl 1

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddir iddynt gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(**1**).

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) (Rhif 2) 2019 a daw i rym drannoeth y diwrnod y caiff ei osod.

Diwygio Gorchymyn Iechyd Planhigion (Cymru) 2018

2.—(1) Mae Gorchymyn Iechyd Planhigion (Cymru) 2018(**2**) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 21, hepgorer paragraff (7).

(3) Yn y tabl yn Rhan C o Atodlen 4, ar ôl eitem 10 mewnosoder—

(**1**) 1967 p. 8; diwygiwyd adran 2 gan baragraff 8(2)(a) o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Rhan 1 o'r tabl ym mharagraff 12 o Atodlen 4 i Ddeddf Rheoli Tollau Tramor a Chartref 1979 (p. 2), O.S. 1990/2371 ac O.S. 2011/1043. Diwygiwyd adran 3(1) gan baragraff 8(2)(a) a (b) o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 ac O.S. 2011/1043. Mae'r pwerau a roddir gan adrannau 2 a 3(1) 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. 2018/1064 (Cy. 223), y mae diwygiadau iddo nad ydynt yn berthnasol i'r offeryn hwn.

WELSH STATUTORY INSTRUMENTS

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(**1**).

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(**2**) 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—

(**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.

“11.	Planhigion, ac eithrio ffrwythau neu hadau, *Quercus* L., ac eithrio *Quercus suber*, a fwriedir ar gyfer eu plannu, y mae eu cylchedd 1.2 m uwchlaw coron y gwreiddiau yn 8 cm neu fwy.	Rhaid i’r planhigion ddod gyda datganiad swyddogol eu bod wedi eu tyfu drwy gydol eu bywyd: (a) mewn mannau cynhyrchu mewn gwledydd lle na wyddys bod *Thaumetopoea processionea* L. yn bresennol; (b) mewn parth gwarchod a gydnabyddir yn barth gwarchod ar gyfer *Thaumetopoea processionea* L. neu mewn ardal sy’n rhydd rhag *Thaumetopoea processionea* L., sef ardal a sefydlwyd gan y sefydliad diogelu planhigion cenedlaethol yn unol ag IPSM Rhif 4; neu (c) mewn safle sydd wedi ei ddiogelu yn ffisegol yn llwyr rhag cyflwyno *Thaumetopoea processionea* L. ac a arolygwyd ar adegau priodol ac y canfuwyd ei fod yn rhydd rhag *Thaumetopoea processionea* L.”

"11.	Plants, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, 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 *Thaumetopoea processionea* L. is not known to occur; (b) in a protected zone which is recognised as a protected zone for *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."

Mark Drakeford

Prif Weinidog Cymru, un o Weinidogion Cymru
24 Gorffennaf 2019

First Minister of Wales, one of the Welsh Ministers
24 July 2019

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