



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2021 Rhif 710 (Cy. 180)

2021 No. 710 (W. 180)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**EXITING THE EUROPEAN
UNION, WALES**

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Rheoliadau Iechyd Planhigion
(Ffioedd) (Coedwigaeth) (Cymru)
(Diwygio) 2021**

**The Plant Health (Fees) (Forestry)
(Wales) (Amendment) Regulations
2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud drwy arfer y pwerau a roddir gan baragraff 7 o Atodlen 4 a pharagraffau 21(a) a (b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) ac maent yn diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019 (O.S. 2019/497 Cy. 114) ("Rheoliadau 2019").

Mae rheoliad 2 yn diwygio Rheoliadau 2019 i ddarparu esemptiad rhag talu ffioedd sydd fel arall yn daladwy i Gweinidogion Cymru mewn cysylltiad â cheisiadau i'r Comisiwn Coedwigaeth am dystysgrif ffytoiechydol ar gyfer allforio (neu ail-allforio) mewn amgylchiadau penodol.

Mae'r esemptiad yn rheoliad 2 yn peidio â chael effaith ar ddiwedd 31 Rhagfyr 2022.

Mae rheoliad 3 yn diwygio'r unedau a gyfeirir atynt ar gyfer eitem 2 yn y tabl yn Atodlen 3 o Reoliadau 2019 er mwyn cywiro gwall.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraphs 21(a) and (b) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) and amend the Plant Health (Fees) (Forestry) (Wales) Regulations 2019 (S.I. 2019/497 W.114) (the "2019 Regulations").

Regulation 2 amends the 2019 Regulations to provide an exemption from the payment of fees otherwise payable to the Welsh Ministers in respect of applications to the Forestry Commission for a phytosanitary certificate for export (or re-export) in certain circumstances.

The exemption in regulation 2 ceases to have effect at the end of 31 December 2022.

Regulation 3 amends the units referred to for item 2 in the table in Schedule 3 of the 2019 Regulations in order to correct an error.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. 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 these Regulations.

Yn unol â pharagraff 12(1) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018, gosodwyd drafft o'r Rheoliadau hyn gerbron Senedd Cymru.

In accordance with paragraph 12(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of these Regulations has been laid before Senedd Cymru.

2021 Rhif 710 (Cy. 180)

**YMADAEL Â'R UNDEB
EWROPEAIDD, CYMRU**

**IECHYD PLANHIGION,
CYMRU**

**Rheoliadau Iechyd Planhigion
(Ffioedd) (Coedwigaeth) (Cymru)
(Diwygio) 2021**

Gwnaed 16 Mehefin 2021

Yn dod i rym 17 Mehefin 2021

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan baragraff 7 o Atodlen 4 a pharagraff 21(a) a (b) o Atodlen 7 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018(1).

Gosodwyd drafft o'r offeryn hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi yn unol â pharagraff 1(8) o Atodlen 7 i'r Ddeddf honno(2).

Enwi a cychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) (Diwygio) 2021 a deuant i rym drannoeth y diwrnod y'u gwneir.

2021 No. 710 (W. 180)

**EXITING THE EUROPEAN
UNION, WALES**

PLANT HEALTH, WALES

**The Plant Health (Fees) (Forestry)
(Wales) (Amendment) Regulations
2021**

Made 16 June 2021

Coming into force 17 June 2021

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 7 of Schedule 4 and paragraphs 21(a) and (b) of Schedule 7 to the European Union (Withdrawal) Act 2018(1).

A draft of this instrument has been laid before and approved by Senedd Cymru in accordance with paragraph 1(8) of Schedule 7 to that Act(2).

Title and commencement

1. The title of these regulations is the Plant Health (Fees) (Forestry) (Wales) (Amendment) Regulations 2021 and they come into force on the day after the day on which they are made.

(1) 2018 p. 16; gweler paragraff 8 o Atodlen 4 am ystyr "appropriate authority". Diwygiwyd paragraff 21 o Atodlen 7 gan adran 41(4) o Ddeddf yr Undeb Ewropeaidd (Y Cytundeb Ymadael) 2020 (p. 1) a pharagraffau 38 a 53(2) o Atodlen 5 iddi.

(2) Mae'r cyfeiriad yn Neddf yr Undeb Ewropeaidd (Ymadael) 2018 at Gynulliad Cenedlaethol Cymru bellach yn cael effaith fel cyfeiriad at Senedd Cymru yn rhinwedd adran 150A(2) o Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 2018 c. 16; see paragraph 8 of Schedule 4 for the meaning of "appropriate authority". Paragraph 21 of Schedule 7 was amended by section 41(4) and paragraphs 38 and 53(2) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 (c. 1).

(2) The reference in the European Union (Withdrawal) Act 2018 to the National Assembly for Wales now has effect as a reference to Senedd Cymru by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

Diwygio Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019

2.—(1) Mae Rheoliadau Iechyd Planhigion (Ffioedd) (Coedwigaeth) (Cymru) 2019(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2, ar ôl y diffiniad o “gwaith adfer” mewnosoder—

“ystyr “gweithredwr proffesiynol” (“*professional operator*”) yw unrhyw berson, a lywodraethir gan y gyfraith gyhoeddus neu’r gyfraith breifat, sy’n ymwneud yn broffesiynol ag un neu ragor o’r gweithgareddau a ganlyn sy’n ymwneud â phlanhigion, cynhyrchion planhigion a gwrthrychau eraill, ac sydd â chyfrifoldeb cyfreithiol amdanynt—

- (a) plannu;
- (b) bridio;
- (c) cynhyrchu, gan gynnwys tyfu, lluosogi a chynnal;
- (d) cyflwyno i Ogledd Iwerddon, symud o fewn Gogledd Iwerddon a symud allan o Ogledd Iwerddon;
- (e) eu cynnig ar y farchnad;
- (f) storio, casglu, anfon a phrosesu.”.

(3) Yn rheoliad 3—

(a) ym mharagraff (5A), ar y dechrau mewnosoder “Yn ddarostyngedig i baragraff (5C),”;

(b) ar ôl paragraff (5B), mewnosoder—

“(5C) Nid yw’r ffi a bennir yn Atodlen 4A yn daladwy mewn cysylltiad â llwyth sydd i’w gludo i Ogledd Iwerddon—

- (a) gan berson sy’n gweithredu ac eithrio yng nghwrs busnes, pan na fo’r llwyth i’w roi ar y farchnad; neu
- (b) i’w ddanfôn i—
 - (i) gweithredwr proffesiynol y mae ei brif fan busnes yng Ngogledd Iwerddon; neu
 - (ii) unrhyw berson sy’n preswyllo yng Ngogledd Iwerddon, pan na fo’r llwyth i’w roi ar y farchnad na’i ddefnyddio at ddibenion unrhyw fusnes.

(5D) Mae paragraff (5C) yn peidio â chael effaith ar ddiwedd 31 Rhagfyr 2022.”.

Amendment to the Plant Health (Fees) (Forestry) (Wales) Regulations 2019

2.—(1) The Plant Health (Fees) (Forestry) (Wales) Regulations 2019(1) are amended as follows.

(2) In regulation 2, after the definition of “plant passport authority”, insert—

““professional operator” means any person, governed by public or private law, involved professionally in, and legally responsible for, one or more of the following activities concerning plants, plant products and other objects—

- (a) planting;
- (b) breeding;
- (c) production, including growing, multiplying and maintaining;
- (d) introduction into, and movement within and out of Northern Ireland;
- (e) making available on the market;
- (f) storage, collection, dispatching and processing.”.

(3) In regulation 3—

(a) in paragraph (5A), at the beginning, insert “Subject to paragraph (5C),”;

(b) after paragraph (5B), insert—

“(5C) The fee specified in Schedule 4A is not payable in respect of a consignment to be transported to Northern Ireland—

- (a) by a person acting otherwise than in the course of a business, where the consignment is not to be placed on the market; or
- (b) for delivery to—
 - (i) a professional operator whose principal place of business is in Northern Ireland; or
 - (ii) any person resident in Northern Ireland, where the consignment is not to be placed on the market or used for the purposes of any business.

(5D) Paragraph (5C) ceases to have effect at the end of 31 December 2022.”.

3. Yn y tabl ym mharagraff 1 o Atodlen 3 mewn perthynas â eitem 2 (*Pren (ac eithrio pren ar ffurf rhisgl wedi ei wahanu, naddion coed, sglodion coed neu flawd llif)*), yn y drydedd golofn (uned);

(1) yn lle “25000KG” rhodder “100m³”; ac

(2) yn lle “1000kg” rhodder “m³”.

3. In the table in paragraph 1 of Schedule 3 in relation to item 2 (*Wood (other than wood in the form of isolated bark, wood shavings, wood chips or sawdust)*) in the third column (unit);

(1) replace “25000kg with “100m³”; and

(2) replace “1000kg” with “m³”.

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
16 Mehefin 2021

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Minister for Climate Change, one of the Welsh
Ministers
16 June 2021

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