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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2007 Rhif 2715 (Cy.228)**

**2007 No. 2715 (W.228)**

**IECHYD PLANHIGION,  
CYMRU**

**PLANT HEALTH,  
WALES**

**Gorchymyn Iechyd Planhigion  
(Phytophthora ramorum) (Cymru)  
(Diwygio) 2007**

**The Plant Health (Phytophthora  
ramorum) (Wales) (Amendment)  
Order 2007**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Phytophthora ramorum) (Cymru) 2006 (O.S. 2006/1344) ("y Gorchymyn") er mwyn gweithredu Penderfyniad y Comisiwn 2007/201/EC sy'n diwygio Penderfyniad 2002/757/EC ar fesurau ffytoiechydol brys dros dro i rwystro dod â Phytophthora ramorum Werres, De Cock & Man in 't Veld sp. nov (O.J. Rhif L 90, 30.3.2007, t.83) i'r Gymuned ac i rwystro'i ledaenu o fewn y Gymuned ac i wneud mân newidiadau eraill. Y prif newidiadau a wneir yw-

This Order amends the Plant Health (Phytophthora ramorum) (Wales) Order 2006 (S.I. 2006/1344) ("the Order") so as to implement Commission Decision 2007/201/EC amending Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of Phytophthora ramorum Werres, De Cock & Man in 't Veld sp. nov (O.J. No. L 90, 30.3.2007, p.83) and to make other minor changes. The principal changes made are-

- (a) diwygio'r rhestr o ddeunydd sy'n dueddol o gael y pla y mae'r Gorchymyn yn gymwys iddi (erthygl 2(4));
- (b) cyflwyno gofynion ychwanegol ar symud deunydd sy'n dueddol o gael y pla yn Atodlen 2 i'r Gorchymyn, yn benodol bod mesurau ffytoiechydol priodol yn cael eu cymryd o fewn radiws o ddau fetr o'r fan lle bu planhigion heintiedig yn gorwedd.

- (a) amendment of the list of susceptible material to which the Order applies (article 2(4));
- (b) introduction of additional requirements on movement of susceptible material in Schedule 2 to the Order, in particular that appropriate phytosanitary measures be taken within a radius of two metres from where infected plants have been standing.

Nid oes asesiad effaith rheoleiddiol llawn wedi'i lunio ar gyfer yr offeryn hwn.

A full regulatory impact assessment has not been produced for this instrument.

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(Diwygio) 2007**

**The Plant Health (Phytophthora  
ramorum) (Wales) (Amendment)  
Order 2007**

*Gwnaed* 14 Medi 2007

*Made* 14 September 2007

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 17 Medi 2007

*Laid before the National  
Assembly for Wales* 17 September 2007

*Yn dod i rym* 12 Hydref 2007

*Coming into force* 12 October 2007

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 2 a 3(1), (2), (3) a (4) o Ddeddf Iechyd Planhigion 1967(1), ac a freiniwyd bellach ynddynt hwy (2):

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 2 and 3(1), (2), (3) and (4) of the Plant Health Act 1967(1), now vested in them(2):

**Enwi a chychwyn**

1. Enw'r gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Phytophthora ramorum) (Cymru) (Diwygio) 2007 a daw i rym ar 12 Hydref 2007.

**Title and commencement**

1. The title of this Order is the Plant Health (Phytophthora ramorum) (Wales) (Amendment) Order 2007 and it comes into force on 12 October 2007.

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(1) 1967 p. 8; diwygiwyd adrannau 2(1) a 3(1) a (2) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), adran 4(1) ac Atodlen 4, paragraff 8; amnewidiwyd adran 3(4) gan adran 42 o Ddeddf Cyfiawnder Troseddol 1982 (p. 48).

(2) Mae adran 1(2)(b) o Ddeddf Iechyd Planhigion 1967 yn darparu mai'r awdurdod cymwys yng Nghymru a Lloegr at ddibenion y Ddeddf honno yw'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd. Yn rhinwedd Gorchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau y maent yn arferadwy o ran Cymru, i Ysgrifennydd Gwladol Cymru. Yna trosglwyddwyd y swyddogaethau hynny oedd gan Ysgrifennydd Gwladol Cymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Mae'r swyddogaethau a drosglwyddwyd i Gynulliad Cenedlaethol Cymru gan OS 1999/672 bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 a pharagraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 p.32.

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(1) 1967 c. 8; sections 2(1) and 3(1) and (2) were amended by the European Communities Act 1972 (c. 68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c. 48).

(2) Section 1(2)(b) of the Plant Health Act 1967 provides that the competent authority in England and Wales for the purposes of that Act is the Minister for Agriculture, Fisheries and Food. By virtue of the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272), article 2(1) and Schedule 1, the functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State for Wales. These functions of the Secretary of State for Wales were then transferred to the National Assembly for Wales under the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions transferred to the National Assembly for Wales by SI 1999/672 are now exercisable by the Welsh Ministers by virtue of s162 and para 30 of Schedule 11 of the Government of Wales Act 2006 c.32.

## Diwygiadau i Orchymyn Iechyd Planhigion (Phytophthora ramorum) (Cymru) 2006

2.-(1) Diwygir Gorchymyn Iechyd Planhigion (Phytophthora ramorum) (Cymru) 2006(1) fel a ganlyn:

(2) Yn erthygl 6 (symud deunydd sy'n dueddol o gael y pla ac sy'n tarddu yng Nghymru neu mewn man arall yn y Gymuned Ewropeaidd neu yn y Swistir), ym mharagraff (2), yn lle "o'r man cynhyrchu" rhodder "o fewn y Gymuned Ewropeaidd".

(3) Yn erthygl 15 (tramgwyddau)-

(a) yn lle is-baragraff (a) o baragraff (1) rhodder-

"(a) yn ddarostyngedig i baragraff (1A), yn mynd yn groes i erthyglau 3, 4, 5(1), 6, 7(1) neu (3), 8(1) neu 11(1) neu'n methu cydymffurfio â hwy;" a

(b) ar ôl paragraff (1) mewnosoder-

"(1A) Ni fydd paragraff (1)(a) yn gymwys pan fo unrhyw fath o beth yn cael ei lanio ym Mhrydain Fawr yn groes i waharddiad yn y Gorchymyn hwn."(2)

(4) Yn lle Atodlen 1, rhodder-

## Amendments to the Plant Health (Phytophthora ramorum) (Wales) Order 2006

2.-(1) The Plant Health (Phytophthora ramorum) (Wales) Order 2006 (1) is amended as follows:

(2) In article 6 (movement of susceptible material originating in Wales and elsewhere in the European Community or Switzerland), in paragraph (2), for "from its place of production" substitute "within the European Community".

(3) In article 15 (offences)-

(a) for sub-paragraph (a) of paragraph (1) substitute-

"(a) subject to paragraph (1A), he or she contravenes or fails to comply with article 3, 4, 5(1), 6, 7(1) or (3), 8(1) or 11(1);" and

(b) after paragraph (1), insert-

"(1A) Paragraph (1)(a) shall not apply where an article of any description is landed in Great Britain in contravention of a prohibition in this Order."(2).

(4) For Schedule 1, substitute-

### ATODLEN 1

#### Erthyglau 4(a) a 10(1)

<i>Deunydd sy'n dueddol o gael y pla</i>	<i>Gofynion i'w bodloni o ran dyroddi unrhyw dystysgrif ffytoiechydol sy'n mynd gyda deunydd sy'n dueddol o gael y pla ("y dystysgrif")</i>
<i>Acer macrophyllum</i> Pursh. <i>Acer pseudoplatanus</i> L. <i>Adiantum aleuticum</i> (Rupr.) Paris <i>Adiantum jordanii</i> C. Muell. <i>Aesculus californica</i> (Spach) Nutt. <i>Aesculus hippocastanum</i> L. <i>Arbutus menziesii</i> Pursch. <i>Arbutus unedo</i> L.	(a) Naill ai- (i) rhaid i'r dystysgrif gynnwys datganiad ychwanegol bod y deunydd yn tarddu mewn ardal y mae gwasanaeth iechyd planhigion y wlad y mae'r deunydd yn tarddu ohoni ("y gwasanaeth iechyd planhigion perthnasol") yn ei chydabod yn ardal sy'n rhydd o arunigion heb fod yn rhai Ewropeaidd o Phytophthora ramorumyn,

### SCHEDULE 1

#### Articles 4(a) and 10(1)

<i>Susceptible material</i>	<i>Requirements to be met in respect of the issuing of any phytosanitary certificate accompanying susceptible material ("the certificate")</i>
<i>Acer macrophyllum</i> Pursh. <i>Acer pseudoplatanus</i> L. <i>Adiantum aleuticum</i> (Rupr.) Paris <i>Adiantum jordanii</i> C. Muell. <i>Aesculus californica</i> (Spach) Nutt. <i>Aesculus hippocastanum</i> L. <i>Arbutus menziesii</i> Pursch. <i>Arbutus unedo</i> L.	(a) Either- (i) the certificate must contain an additional declaration that the material originates in an area recognised by the official plant health service of the country from which the material originates ("the relevant plant health service") as being free from non-European isolates of <i>Phytophthora ramorum</i> , in which case the

(1) 2006/1344 (Cy.134)

(2) Mae adrannau 49 a 50 o Ddeddf Reoli Tollau Tramor a Chartref 1979 (p.2) yn darparu yn eu trefn ar gyfer fforffediad nwyddau a fewnforiwyd yn amhriodol ac ar gyfer cosbau am fewnforio nwyddau'n amhriodol.

(1) 2006/1344 (W.134)

(2) Sections 49 and 50 of the Customs and Excise Management Act 1979 (c.2) provide respectively for forfeiture of goods improperly imported and penalties for improper importation of goods.

*Arctostaphylos* spp.  
 Adans  
*Calluna vulgaris*  
 (L.) Hull  
*Camellia* spp. L.  
*Castanea sativa* Mill.  
*Fagus sylvatica* L.  
*Frangula californica*  
 (Eschsch.) Gray  
*Frangula purshiana*  
 (DC.) Cooper  
*Fraxinus excelsior* L.  
*Griselinia littoralis*  
 (Raoul)  
*Hamamelis virginiana*  
 L.  
*Heteromeles arbutifolia*  
 (Lindley) M. Roemer  
*Kalmia latifolia* L.  
*Laurus nobilis* L.  
*Leucothoe* spp. D. Don  
*Lithocarpus densiflorus*  
 (Hook. & Arn.) Rehd.  
*Lonicera hispidula*  
 (Lindl.) Dougl. ex  
 Torr. & Gray  
*Magnolia* spp. L.  
*Michelia doltsopa*  
 Buch.-Ham. ex DC  
*Nothofagus obliqua*  
 (Mirbel) Blume  
*Osmanthus heterophyllus*  
 (G. Don) P. S. Green  
*Parrotia persica* (DC)  
 C.A. Meyer  
*Photinia x fraseri* Dress  
*Pieris* spp. D. Don  
*Pseudotsuga menziesii*  
 (Mirbel) Franco  
*Quercus* spp. L.  
*Rhododendron* spp. L.,  
 other than  
*Rhododendron simsii*  
 Planch.  
*Rosa gymnocarpa*  
 Nutt.  
*Salix caprea* L.  
*Sequoia*  
*sempervirens* (Lamb.  
 ex D. Don) Endl.  
*Syringa vulgaris* L.  
*Taxus* spp. L.  
*Trientalis latifolia*  
 (Hook)  
*Umbellularia californica*  
 (Hook. & Arn.) Nutt.  
*Vaccinium ovatum* Pursh  
*Viburnum* spp. L."

ac yn yr achos hwn rhaid i  
 enw'r ardal y mae'r  
 deunydd yn tarddu ohoni  
 gael ei bennu o dan  
 "tarddle"; neu  
 (ii) rhaid peidio â dyroddi  
 tystysgrif ac eithrio ar ôl i'r  
 gwasanaeth iechyd  
 planhigion perthnasol  
 wirio'n swyddogol, o  
 wneud arolygiadau  
 swyddogol yn ystod  
 cylchred gyflawn olaf  
 llystyfiant y deunydd sy'n  
 dueddol o gael y pla ac sy'n  
 destun y dystysgrif, neu o  
 wneud arbrawf mewn  
 labordy ar symptomau  
 ymddangosiadol o  
 arunigion heb fod yn rhai  
 Ewropeaidd oPhytophthora  
 ramorum, na chanfyddwyd  
 arwyddion o arunigion heb  
 fod yn rhai Ewropeaidd o  
 Phytophthora ramorum ar  
 ddeunydd sy'n dueddol o  
 gael y pla nac ar unrhyw  
 goeden sy'n dueddol o gael  
 y pla yn y man cynhyrchu;  
 a  
 (b) rhaid peidio â dyroddi  
 tystysgrif ac eithrio ar ôl i  
 samplau cynrychioliadol  
 gael eu cymryd o'r  
 planhigion cyn eu hanfon,  
 a'u bod wedi eu profi a'u  
 cael yn rhydd o arunigion  
 heb fod yn rhai Ewropeaid  
 o Phytophthora ramorum  
 yn y profion hyn, ac yn yr  
 achos hwn rhaid i'r  
 gwasanaeth iechyd  
 planhigion perthnasol  
 arnodi ar y dystysgrif o dan  
 y pennawd "additional  
 decleration" y datganiad  
 "tested and found free from  
 non-European isolates of  
*Phytophthora ramorum*".

*Arctostaphylos* spp.  
 Adans  
*Calluna vulgaris*  
 (L.) Hull  
*Camellia* spp. L.  
*Castanea sativa* Mill.  
*Fagus sylvatica* L.  
*Frangula californica*  
 (Eschsch.) Gray  
*Frangula purshiana*  
 (DC.) Cooper  
*Fraxinus excelsior* L.  
*Griselinia littoralis*  
 (Raoul)  
*Hamamelis virginiana*  
 L.  
*Heteromeles arbutifolia*  
 (Lindley) M. Roemer  
*Kalmia latifolia* L.  
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 (Hook. & Arn.) Rehd.  
*Lonicera hispidula*  
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 (Mirbel) Blume  
*Osmanthus heterophyllus*  
 (G. Don) P. S. Green  
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*Rhododendron* spp. L.,  
 other than  
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*sempervirens* (Lamb.  
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*Trientalis latifolia*  
 (Hook)  
*Umbellularia californica*  
 (Hook. & Arn.) Nutt.  
*Vaccinium ovatum* Pursh  
*Viburnum* spp. L."

name of the area from  
 where the material  
 originates must be  
 specified under "place of  
 origin"; or  
 (ii) the certificate must be  
 issued only after official  
 verification by the relevant  
 plant health service that  
 upon official inspections  
 carried out during the last  
 complete cycle of  
 vegetation of the  
 susceptible material the  
 subject of the certificate, or  
 upon laboratory testing of  
 apparent symptoms of non-  
 European isolates of  
*Phytophthora ramorum*, no  
 signs of non-European  
 isolates of *Phytophthora*  
*ramorum* have been found  
 on susceptible material or  
 any susceptible tree at the  
 place of production; and  
 (b) the certificate must be  
 issued only after  
 representative samples of  
 the plants have been taken  
 before shipment, and have  
 been tested and found free  
 from non-European  
 isolates of *Phytophthora*  
*ramorum* in these tests, in  
 which case the certificate  
 shall be endorsed by the  
 relevant plant health  
 service under the heading  
 "additional declaration"  
 with the statement "tested  
 and found free from non-  
 European isolates of  
*Phytophthora ramorum*".

(5) Yn ail golofn Atodlen 2-

- (a) ym mharagraff (b), yn lle "unwaith" rhodder "ddwywaith"; a
- (b) ym mharagraff (c)-
  - (i) yn is-baragraff (i), ar ôl "ac unrhyw ddeunydd arall sy'n dueddol o gael y pla" mewnosoder ", gan gynnwys cyfryngau tyfu cysylltiedig a gweddillion planhigion,";
  - (ii) hepgor "a" yn union ar ôl is-baragraff (ii); a
  - (iii) ar ddiwedd paragraff (iii) ychwaneger-"; a
  - (iv) bod mesurau ffytoiechydol priodol wedi eu cymryd o fewn radiws o ddau fetr o'r fan lle bu planhigion heintiedig yn gorwedd".

(5) In the second column of Schedule 2-

- (a) in paragraph (b), for "once" substitute "twice"; and
- (b) in paragraph (c)-
  - (i) in sub-paragraph (i), after "other susceptible material" insert ", including associated growing media and plant debris,";
  - (ii) omit "and" immediately after sub-paragraph (ii); and
  - (iii) at the end of paragraph (iii) add-"; and
  - (iv) appropriate phytosanitary measures have been taken within a radius of two metres from where infected plants have been standing".

*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o  
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

14 Medi 2007

14 September 2007

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