

OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1795 (Cy.171)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2010

<i>Gwnaed</i>	- - - -	<i>12 Gorffennaf 2010</i>
<i>Gosodwyd gerbron Cynulliad</i>		
<i>Cenedlaethol Cymru</i>	- -	<i>13 Gorffennaf 2010</i>
<i>Yn dod i rym</i>	- -	<i>17 Awst 2010</i>

Mae Gweinidogion Cymru, y mae'r pwerau a roddwyd gan adrannau 3 a 4(1) o Ddeddf Iechyd Planhigion 1967(1) bellach wedi eu breinio ynddynt(2), yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau hynny.

Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Cymru) (Diwygio) 2010. Daw i rym ar 17 Awst 2010 ac mae'n gymwys o ran Cymru.

Diwygiadau i Orchymyn Iechyd Planhigion (Cymru) 2006

2. Mae Gorchymyn Iechyd Planhigion (Cymru) 2006(3) yn cael ei ddiwygio fel a ganlyn.

Erthygl 20 (atal ymlediad plâu planhigion)

3. Yn erthygl 20(2) ar ôl "Part 6" mewnosoder "or 7".

Erthygl 31 (archwilio, samplu a marcio)

4. Yn erthygl 31(1), ar ôl "for the purpose of", mewnosoder "determining whether any plant pest is present there (or for determining the distribution of any plant pest) or for the purpose of".

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- (1) 1967 p.8; diwygiwyd adrannau 3(1), (2) a (5) a 4(1) gan adran 4 o Ddeddf y Cymunedau Ewropeaidd 1972 (p.68) a pharagraff 8 o Atodlen 4 iddi. Amnewidiwyd adran 3(4) gan adran 42 o Ddeddf Cyfiawnder Troseddol 1982 (p.48).
- (2) O dan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272), erthygl 2(1) ac Atodlen 1, trosglwyddwyd swyddogaethau'r Gweinidog dros Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Iechyd Planhigion 1967, i'r graddau y maent yn arferadwy o ran Cymru, i'r Ysgrifennydd Gwladol; ac o dan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) erthygl 2 ac Atodlen 1, trosglwyddwyd y swyddogaethau a drosglwyddwyd i'r Ysgrifennydd Gwladol gan Orchymyn 1978 i Gynulliad Cenedlaethol Cymru. Trosglwyddwyd y swyddogaethau hyn oddi wrth Gynulliad Cenedlaethol Cymru i Weinidogion Cymru o dan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30(1) a (2) o Atodlen 11 iddi.
- (3) O.S. 2006/1643 (Cy.158) fel y'i diwygiwyd gan O.S. 2007/2716 (Cy.229), O.S. 2007/3305 (Cy.292), O.S. 2008/2781 (Cy.248), O.S. 2008/2913 (Cy.257) ac O.S. 2009/1376 (Cy.137).

Erthygl 38 (pŵer i fynd i mewn i fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd)

5. Yn lle erthygl 38, rhodder—

“Power to enter premises used wholly or mainly as a dwelling

38.—(1) Articles 31, 33 and 37 do not apply to admission to any premises used only as a private dwelling-house unless 24 hours' notice of the intended entry has been given to the occupier, or the entry is in accordance with a warrant granted under this article.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises under article 31, 33 or 37 and—

- (a) admission has been refused, or a refusal is expected, and (in either case) that notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
- (c) the case is one of urgency; or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the justice may by signed warrant authorise an inspector to enter the premises, if necessary by reasonable force.

(3) A warrant granted under this article is valid for one month.

(4) An inspector who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.”.

Erthygl 45 (tramgwyddau)

6. Yn erthygl 45(1)(a)(4), yn lle paragraffau (xv) ac (xvi), rhodder—

- “(xv) article 42(1);
- (xvi) article 43(1); or
- (xvii) paragraphs 3, 4, 5 or 6 of Schedule 15;”.

Yn Atodlen 15 (mesurau arbennig ar gyfer rheoli Llyngyr Tatws)

7. Yn lle Atodlen 15 rhodder y testun a geir yn yr Atodlen i'r Gorchymyn hwn.

12 Mehefin 2010

Elin Jones
Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

YR ATODLEN

Erthygl 7

“SCHEDULE 15

Article 39(6)

Special measures for the control of European populations of Potato Cyst Nematode

Interpretation and application of Schedule 15

1.—(1) In this Schedule—

“Directive 2007/33/EC” means Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC;

“demarcated field” means a field in respect of which a notice served under paragraph 2 is in force.

(2) This Schedule applies when the Welsh Ministers confirm, following an official investigation for the purposes of Article 4 of Directive 2007/33/EC or an official survey for the purposes of Article 6 of that Directive, that a field is infested with a European population of Potato Cyst Nematode.

Demarcation of the field

2.—(1) An inspector must serve a notice in writing on the occupier or other person in charge of the field—

- (a) specifying the field to which the notice applies; and
- (b) demarcating the boundaries of that field.

(2) The notice may not be withdrawn until it is confirmed, pursuant to the re-sampling and testing measures set out in Section III(C) of Annex III to Directive 2007/33/EC, that Potato Cyst Nematode is no longer present in the field.

Prohibition on planting or storing in a demarcated field

3.—(1) No person may—

- (a) plant in a demarcated field any potatoes that are intended for the production of seed potatoes; or
- (b) plant or store in a demarcated field any plant listed in Annex I to Directive 2007/33/EC that is intended for replanting.

(2) But an inspector may authorise the planting of any plants listed in point 2 of Annex I to that Directive.

(3) An authorisation under this paragraph must be by notice in writing and must contain the measures set out in Section III(A) of Annex III to that Directive.

Suppression of Potato Cyst Nematode

4. No person may plant in a demarcated field any potatoes that are not intended for the production of seed potatoes unless that person has taken all reasonable steps to suppress Potato Cyst Nematode in that field.

Controls on contaminated seed potatoes etc.

5.—(1) No person may plant any seed potatoes or any plants listed in point 1 of Annex I to Directive 2007/33/EC that come from a demarcated field, or have been in contact with soil from a demarcated field, unless authorised to do so by an inspector.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

(2) An authorisation under this paragraph must be by notice in writing and must contain such measures as the inspector thinks necessary to decontaminate those seed potatoes or plants.

Controls on contaminated bulbs etc.

6.—(1) No person may plant any plants listed in point 2 of Annex I to Directive [2007/33/EC](#) that come from a demarcated field, or have been in contact with soil from a demarcated field, unless authorised to do so by an inspector.

(2) An authorisation under this paragraph must be by notice in writing and must contain the measures set out in Section III(A) of Annex III to that Directive.”.

EXPLANATORY NOTE

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Cymru) 2006 ([O.S. 2006/1643 \(Cy.158\)](#)) (“y prif Orchymyn”) er mwyn rhoi ar waith Gyfarwyddeb y Cyngor [2007/33/EC](#) ar reoli Llyngyr Tatws a diddymu Cyfarwyddeb [69/465/EEC](#) (OJ Rhif L 156, 16.6.2007, t.12). Mae Cyfarwyddeb [2007/33/EC](#) yn cyflwyno mesurau i ganfod a rheoli poblogaethau Ewropeaidd o Lyngyr Tatws.

Mae'r Atodlen i'r Gorchymyn hwn yn disodli Atodlen 15 i'r prif Orchymyn er mwyn rhoi ar waith y mesurau rheoli yn y Gyfarwyddeb honno. Mae paragraff 2 yn darparu ar gyfer pennu ffiniau caeau sydd wedi eu heintio â Llyngyr Tatws. Mae paragraff 3 yn gwahardd plannu yn y caeau y pennwyd eu ffiniau datws a fwriedir ar gyfer cynhyrchu tatws hadyd. Mae hefyd yn rheoli plannu yn y caeau y pennwyd eu ffiniau blanhigion penodol a fwriedir ar gyfer eu hailblannu. Mae paragraff 4 yn gwahardd plannu yn y caeau y pennwyd eu ffiniau datws nas bwriedir ar gyfer cynhyrchu tatws hadyd oni chymerir pob cam rhesymol i atal Llyngyr Tatws yn y cae hwnnw. Mae paragraffau 5 a 6 yn gosod rheolaethau ar blannu tatws a phlanhigion eraill sy'n dod o gae y pennwyd ei ffiniau.

Mae erthygl 4 o'r Gorchymyn yn diwygio'r pwerau mynediad yn erthygl 31 o'r prif Orchymyn i ddarparu pwerau mynediad er mwyn penderfynu a yw pla planhigion yn bresennol mewn unrhyw fangre. Mae erthygl 5 yn disodli erthygl 38 o'r prif Orchymyn er mwyn cynnwys darpariaeth ynghylch mynd i mewn i fangre nad yw wedi ei meddiannu.

Nid oes Asesiad Effaith Rheoleiddiol wedi ei baratoi ar gyfer y Gorchymyn hwn gan na ragwelir y bydd yn effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.