WELSH STATUTORY INSTRUMENTS

# 2012 No. 3143 (W.315)

# PLANT HEALTH, WALES

## The Plant Health (Wales) (Amendment) Order 2012

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| *Made - - - -* | *19 December 2012* |
| *Laid before the National Assembly for Wales - -* | *20 December 2012* |
| *Coming into force - -* | *11 January 2013* |

The Welsh Ministers, in whom the powers conferred by sections 2(1) and 3(1) of the Plant Health Act 1967(**1**) are now vested(**2**), make the following Order in exercise of those powers.

### Title, commencement and application

**1.** The title of this Order is the Plant Health (Wales) (Amendment) Order 2012. It comes into force on 11 January 2013 and applies in relation to Wales.

### Amendment of the Plant Health (Wales) Order 2006

**2.**—(1) The Plant Health (Wales) Order 2006(**3**) is amended as follows.

(2) For paragraph (3) of article 19 (prohibitions on landing plant pests and relevant material), substitute—

"(3) Paragraph (4) applies to—

(a) seed potatoes grown or suspected to have been grown in another member State or in Switzerland; and

(b) potatoes, other than seed potatoes, grown or suspected to have been grown in Poland, Portugal, Romania or Spain.

(**1**) 1967 c. 8. Sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. The powers conferred by sections 2 and 3 are conferred on a "competent authority". The competent authority which is defined in section 1(2) is as regards the protection of forest trees and timber from attack by pests the Forestry Commissioners and otherwise, for Wales, is now the Welsh Ministers.

(**2**) The functions of the Minister of Agriculture, Fisheries and Food under the Plant Health Act 1967 were, so far as exercisable in relation to Wales, transferred to the Secretary of State by article 2 of, and Schedule 1 to, the Transfer of Functions (Wales) (No.1) Order 1978 (S.I. 1978/272). Those functions were transferred from the Secretary of State to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) S.I. 2006/1643 (W.158), as amended by S.I.2007/2716 (W.229), S.I. 2007/3305 (W.292), S.I. 2008/2781 (W.248), S.I. 2008/2913 (W.257), S.I. 2009/1376 (W.137), S.I. 2010/1795 (W.171) and S.I. 2010/2976 (W.247).