WELSH STATUTORY INSTRUMENTS

2008 No. 2913 (W.257)

PLANT HEALTH, WALES

The Plant Health (Wales) (Amendment) (No. 2) Order 2008

Made - - - -	*9 November 2008*
Laid before the National Assembly for Wales - -	*11 November 2008*
Coming into force - -	*10 December 2008*

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

Title application and commencement

1. The title of this Order is The Plant Health (Wales) (Amendment) (No. 2) Order 2008. It applies in relation to Wales and comes into force on 10 December 2008.

Amendments to the Plant Health (Wales) Order 2006

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

(2) In Part A of Schedule 1, in the section "Insects, mites and nematodes"—

(a) for item 4 substitute "*Anoplophora chinensis* (Forster)"; and

(b) omit item 6.

(3) In Part A of Schedule 4, after item 80 insert—

"81.	Plants, other than seeds, of *Acer* spp., *Aesculus hippocastanum, Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Corylus* spp., *Cotoneaster* spp., *Fagus* spp.,	Without prejudice to the requirements in Schedule 3, Part A, items 4, 12 and 14 and Schedule 4, Part A, items 11, 12, 19, 20, 22, 23, 27, 28, 29, 30, 48, 50, 51, 52, 55, 60, 61,

(**1**) 1967 c. 8; sections 2(1) and 3(1) were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8.

(**2**) Functions of the competent authority referred to in sections 2 and 3 of the Plant Health Act 1967 were, so far as they are exercisable in relation to Wales, transferred to the Secretary of State for Wales by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272). Functions of the Secretary of State for Wales transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functons) Order 1999 (S.I. 1999/672). Functions of the National Assembly for Wales transferred to the Welsh Ministers under 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.

Lagerstroemia spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus* spp., *Pyrus* spp., *Salix* spp., and *Ulmus* spp., intended for planting, originating in any third country where *Anoplophora chinensis* (Forster) is known to occur	64, 65 and 70 the plants must be accompanied by an official statement— (a) that the plants have been grown throughout their life in a place of production situated in a pest-free area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 (the name of the pest-free area to be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric "Place of origin"); or (b) that— (i) the plants have been grown during a period of at least two years prior to export in a place of production, which is registered and supervised by the national plant protection organisation in the country of origin, established as free from *Anoplophora chinensis* (Forster) in accordance with ISPM No. 10 and which has been subjected annually to two official inspections for any signs of *Anoplophora chinensis* (Forster) carried out at appropriate times and no signs of the organism have been found; (ii) the plants have been grown in a site—

(aa) with complete physical protection against the introduction of *Anoplophora chinensis* (Forster); or

(bb) with the application of appropriate preventive treatments and surrounded by a buffer zone with a radius of at least two km where official surveys for the presence or signs of *Anoplophora chinensis* (Forster) are carried out annually at appropriate times and, where signs of *Anoplophora chinensis* (Forster) are found, eradication measures are immediately taken to restore the pest freedom of the buffer zone; and

(iii) immediately prior to export, consignments of the plants have been officially subjected to a meticulous inspection for