WELSH STATUTORY INSTRUMENTS

2002 No. 1805 (W.175)

PLANT HEALTH, WALES

The Plant Health (Amendment) (Wales) Order 2002

Made - - - -	*11th July 2002*
Coming into force - -	*6 August 2002*

The National Assembly for Wales, in relation to Wales, in exercise of the powers conferred on the Minister of Agriculture, Fisheries and Food by sections 2, 3(1) to (4) and 4(1) of the Plant Health Act 1967(**1**) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(**2**) and now vested in the National Assembly for Wales(**3**) hereby makes the following Order:

Title, application and commencement

1. This Order may be cited as the Plant Health (Amendment) (Wales) Order 2002, it applies to Wales, and comes into force on 6th August 2002.

Amendment of the Plant Health (Great Britain) Order 1993

2.—(1) The Plant Health (Great Britain) Order 1993(**4**) shall be amended in accordance with paragraphs (2) to (7) below.

(2) In article 2(1) for the definition of "Directive 2000/29/EC" there shall be substituted the following text:

> ""Directive 2000/29/EC" means Council Directive 2000/29/EC(**5**) of 8th May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community as amended by Commission Directive 2001/33/EC(**6**) of 8th May 2001 amending certain annexes to Council

(**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**) 1972 c. 62.
(**3**) 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 of 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 by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**4**) S.I. 1993/1320; amended by S.I. 1993/3213, 1995/1358 and 2929, 1996/25, 1165 and 3242, 1997/1145 and 2907, 1998/349, 1121 and 2245, 1999/2641 (W.8), 2001/2500 (W.203) and 2001/3761 (W.310).
(**5**) OJ No. L169, 10.7.00, p.1.
(**6**) OJ No. L127, 9.5.01, p.42; and *see* the associated Commission Directive 2001/32/EC, OJ No. L127, 9.5.01, p.38.

Directive 2000/29/EC and by Commission Directive 2002/28/EC(**7**) of 19th March 2002 amending certain annexes to Council Directive 2000/29/EC;".

(3) In Schedule 1, Part B (d) (Virus and Virus-Like Organisms) at item 1 in the second column, after "UK" shall be added "(Northern Ireland)".

(4) In Schedule 2, Part B (b) (Bacteria), at item 2 for the text in the third column there shall be substituted the following:

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(5) In Schedule 3, Part B, at item 1 for the text in the second column there shall be substituted:

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine, Trecenta, Ceneselli, Pontecchio Polesine, Arquà Polesine, Costa di Rovigo, Occhiobello, Lendinara, Canda, Ficarolo, Guarda Veneta, Frassinelle Polesine, Villanova del Ghebbo, Fiesso Umbertiano, Castelguglielmo, Bagnolo di Po, Giacciano con Baruchella, Bosaro, Canaro, Lusia, Pincara, Stienta, Gaiba, Salara, and in the province of Padova, the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi, and in the province of Verona, the communes of Palù, Roverchiara, Legnago (the portion of the communal territory situated to the north east of the Transpolesana national road), Castagnaro, Ronco all'Adige, Villa Bartolomea, Oppeano, Terrazzo, Isola Rizza, Angiari), A (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna), P, FI, UK (Northern Ireland, Isle of Man and Channel Islands)".

(6) In Schedule 4, Part B the following amendments shall be made:

(a) in items 20.1 and 20.2 after "UK" shall be added "(Northern Ireland)";

(b) in item 21—

(i) for the text in the second column after "(a) the plants originate in the protected zones" and in the third column respectively there shall be substituted the following text:

"E, F (Corsica), IRL, I (Abruzzi; Apulia; Basilicata; Calabria; Campania; Emilia-Romagna: provinces of Forlí-Cesena, Parma, Piacenza and Rimini; Friuli-Venezia Giulia; Lazio; Liguria; Lombardy; Marche; Molise; Piedmont; Sardinia; Sicily; Tuscany; Trentino-Alto Adige: autonomous provinces of Bolzano and Trento; Umbria; Valle d'Aosta; Veneto: except, in the province of Rovigo, the communes Rovigo, Polesella, Villamarzana, Fratta Polesine, San Bellino, Badia Polesine,

(**7**) OJ No. L77, 20.3.02, p. 23 and *see* the associated Commission Directive 2002/29/EC, OJ No. L 77, 20.3.02, p. 26.