

SL(5)259 – The Plant Health (Wales) Order 2018

Background and Purpose

This Order replaces the Plant Health (Wales) Order 2006 (S.I. 2006/1643) (W. 158) and the Plant Health (*Phytophthora ramorum*) (Wales) Order 2006 (S.I. 2006/1344) (W. 134). It implements European Union ("EU") plant health legislation in relation to Wales.

Part 1 is introductory and includes definitions. Article 2(5) provides for references to the EU instruments listed to be read as references to those instruments as amended from time to time.

Part 2 applies to plant pests and relevant material coming from countries outside the EU, including relevant material from third countries coming via another part of the EU where the Welsh Ministers have agreed to carry out certain checks on that material. "Relevant material" is defined in article 2(1).

Part 3 applies to plant pests and relevant material from the EU (whether originating in the EU or in third countries). Articles 18-20 prohibit the introduction into Wales of certain plant pests and relevant material from another part of the EU and contain prohibitions and restrictions on the movement of plant pests and relevant material and other activities in Wales. Certain relevant material is required to be accompanied by a plant passport when it is moved within Wales or consigned to another part of the EU.

Part 4 imposes a requirement on plant traders to be registered in respect of any activity which they carry out and which is regulated by the Order (articles 25 to 28) and makes provision for the Welsh Ministers to authorise plant traders to issue plant passports (article 29).

Part 5 contains special arrangements governing relevant material from Switzerland.

Part 6 contains general enforcement powers given to plant health inspectors.

Part 7 imposes additional requirements in relation to certain solanaceous species (potatoes and tomatoes).

Part 8 makes provision for the Welsh Ministers to grant licences which authorise activities which would otherwise be prohibited by the Order.

Part 9 requires certain plant pests which are present or suspected to be present in Wales to be notified to the Welsh Ministers or an inspector and enables inspectors to request information.

Part 10 contain offences for non-compliance with the Order and with requirements imposed in accordance with the Order.

Part 11 deals with revocations and transitional provisions.

Procedure

Negative.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Implications arising from exiting the European Union

This Order implements various EU obligations in respect of plant health law, and therefore this Order will form part of retained EU law after exit day.

The Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks states that plant health law is a policy area likely to be subject to regulations made under the EU (Withdrawal) Act 2018. Therefore, the law covered by this Order is likely to be an area of EU law that is frozen while common frameworks are put in place.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

16 October 2018

