



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

### The Plant Health (*Phytophthora ramorum*) (Wales) Order 2006

This Order implements Community legislation on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* insofar as they relate to plants other than forest trees; and on the Agreement between the European Community and the Swiss Confederation on trade and agricultural products insofar as it relates to *Camellia*, *Rhododendron* and *Viburnum*.

#### Standing Order 11.7

The following points have been identified for reporting under SO 11.7.

Paragraph (a) of the definition of “plant passport” in article 2 refers to Schedule 9. There is no Schedule 9 to this Order, so the definition should be amended to clarify that the reference is to Schedule 9 to the Plant Health (Great Britain) Order 1993 (“the principal Order”). [Standing Order 11.7(v)]

This Order relies upon and refers to provisions in the principal Order, which has been revoked in relation to both England and Scotland. The definitions of “phytosanitary certificate” and “reforwarding phytosanitary certificate” in article 2 refer to Schedules 14 and 15 to the principal Order respectively and provide for certificates to be in the forms set out in those Schedules or the equivalent in a language other than English. This will include Welsh or other Community languages, but not equivalent forms in English from other parts of the United Kingdom or the Republic of Ireland. A rewording of these definitions may be appropriate. [Standing Order 11.7(v)]

The English text of article 11(1) refers to “a licence granted under the principal Order”. The Welsh text refers to “dystysgrif [*certificate*] a roddwyd o dan y prif Orchymyn. [Standing Order 11.7(vi)]

Article 13 provides for the destruction of susceptible material. There is a specific power to provide for that in section 4(1)(a) of the Plant Health Act 1967, that has not been cited in the preamble. That could easily be effected by removing the limitation in the citation of section 4(1) in the preamble by removing “(b)”. [Standing Order 11.7(v)]

The English text of article 15(3) refers to “a false plant passport”. There is no corresponding reference to “ffug” [*false*] in the Welsh text. [Standing Order 11.7(vi)]

The English text of article 15(4) refers to “the material for which the plant passport was issued”. The Welsh text refers to “y deunydd sy'n dueddol o gael y pla y dyroddwyd y pasbort planhigion ar ei gyfer ydyw” [“the *susceptible material for which the plant passport was issued*”]. [Standing Order 11.7(vi)]

These are all minor drafting or typographical errors that are appropriate for correction by Memorandum of Corrections.

### **Observations**

The corresponding Welsh terms have been omitted from the English text. As this is helpful to those using both texts, they should always be included.

### **David Melding AM**

Chair, Legislation Committee

**2 May 2006**