OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2014 Rhif 1759 (Cy. 174)

2014 No. 1759 (W. 174)

IECHYD PLANHIGION, CYMRU

PLANT HEALTH, WALES

Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2014

The Plant Health (Export Certification) (Wales) (Amendment) Order 2014

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006 (O.S. 2006/1701 (Cy. 163)) ("Gorchymyn 2006").

Mae'r Gorchymyn hwn yn darparu ar gyfer cynyddu'r ffioedd a bennwyd yng Ngorchymyn 2006 fel a ganlyn:

(a) ffioedd am wasanaethau o ran ceisiadau am dystysgrifau yn ôl amrediad rhwng 4% a 52% (erthygl 2(3)), a

(b) ffioedd am wasanaethau cyn-allforio yn ôl 19% (erthygl 2(4)).

Ceir rhagor o fanylion yn y Memorandwm Esboniadol sydd i'w weld ar wefan Cynulliad Cenedlaethol Cymru yn www.cynulliadcymru.org. Lefelau'r ffioedd y darperir ar eu cyfer yn y Gorchymyn hwn yw'r ail ran o symudiad tuag at adennill costau llawn y ffioedd dros gyfnod o dair blynedd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, paratowyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth Dîm yr Amgylchedd Naturiol ac Amaethyddiaeth, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Export Certification) (Wales) Order 2006 (S.I. 2006/1701 (W 163)) ("the 2006 Order").

This Order provides for increases on the fees specified in the 2006 Order as follows:

(a) fees for services in respect of applications for certificates by a range from 4% to 52% (article 2(3)), and

(b) fees for pre-export services by 19% (article 2(4)).

Further details are provided in the Explanatory Memorandum which can be viewed on the National Assembly for Wales website at www.assemblywales.org. The fee levels provided for in this Order form the second part of a move towards full cost recovery of fees over three years.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Natural Environment and Agriculture Team, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2014 Rhif 1759 (Cy. 174)

IECHYD PLANHIGION, CYMRU

Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2014

Gwnaed	*2 Gorffennaf 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Gorffennaf 2014*
Yn dod i rym	*31 Gorffennaf 2014*

Mae Gweinidogion Cymru, gyda chydsyniad y Trysorlys, yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adrannau 3(1) a 4A o Ddeddf Iechyd Planhigion 1967(**1**).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) (Diwygio) 2014.

(2) Daw'r Gorchymyn hwn i rym ar 31 Gorffennaf 2014 ac mae'n gymwys o ran Cymru.

Diwygio Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006

2.—(1) Mae Gorchymyn Iechyd Planhigion (Tystysgrifau Allforio) (Cymru) 2006(**2**) wedi ei ddiwygio fel a ganlyn.

(**1**) 1967 p. 8. Diwygiwyd adran 1(2) gan Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013/755 (Cy. 90), Atodlen 2, paragraff 43. Diwygiwyd adran 3(1) gan Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), adran 4 ac Atodlen 4, paragraff 8 ac fe'i diwygiwyd ymhellach gan O.S. 2011/1043, Rhan 2, erthygl 6(1)(e). Mewnosodwyd adran 4A gan Ddeddf Amaethyddiaeth 1986 (p. 49), adran 3. Rhoddwyd y pwerau a roddir gan adrannau 3 a 4A i "competent authority", a ddiffinnir yn adran 1(2), yn achos Cymru, fel Gweinidogion Cymru.

(**2**) O.S. 2006/1701 (Cy. 163), a ddiwygiwyd gan O.S. 2013/1658 (Cy. 156).

2014 No. 1759 (W. 174)

PLANT HEALTH, WALES

The Plant Health (Export Certification) (Wales) (Amendment) Order 2014

Made	*2 July 2014*
Laid before the National Assembly for Wales	*4 July 2014*
Coming into force	*31 July 2014*

The Welsh Ministers, with the consent of the Treasury, make the following Order in exercise of the powers conferred by sections 3(1) and 4A of the Plant Health Act 1967(**1**).

Title, commencement and application

1.—(1) The title of this Order is the Plant Health (Export Certification) (Wales) (Amendment) Order 2014.

(2) This Order comes into force on 31 July 2014 and applies in relation to Wales.

Amendment of the Plant Health (Export Certification) (Wales) Order 2006

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

(**1**) 1967 c. 8. Section 1(2) was amended by the Natural Resources Body for Wales (Functions) Order 2013/755 (W. 90), Schedule 2, paragraph 43. Section 3(1) was amended by the European Communities Act 1972 (c. 68), section 4 and Schedule 4, paragraph 8 and further amended by S.I. 2011/1043, Part 2, article 6(1)(e). Section 4A was inserted by the Agriculture Act 1986 (c. 49), section 3. The powers conferred by sections 3 and 4A are conferred on a "competent authority", which is defined in section 1(2), for Wales, as the Welsh Ministers.

(**2**) S.I. 2006/1701 (W. 163), amended by S.I. 2013/1658 (W. 156).

(2) Ym mharagraff (1) o erthygl 2 (Dehongli)—

(a) cyn y diffiniad o "Cynulliad Cenedlaethol" ("*National Assembly*"), mewnosoder—

"mae "archwiliad mewn labordy" ("*laboratory examination*") yn cynnwys profi mewn labordy;";

(b) yn lle'r diffiniad o "trydedd wlad" ("*third country*") rhodder—

"mae i "trydedd wlad" ("*third country*") yr un ystyr yn y Gorchymyn hwn ag yng Ngorchymyn Iechyd Planhigion (Cymru) 2006(**1**)".

(3) Yn lle Atodlen 3(**2**) rhodder—

(2) In paragraph (1) of article 2 (Interpretation)—

(a) after the definition of "certificate" ("*tystysgrif*"), insert—

""laboratory examination" ("*archwiliad mewn labordy*") includes laboratory testing;";

(b) for the definition of "third country" substitute—

""third country" ("*trydedd wlad*") has the same meaning in this Order as in the Plant Health (Wales) Order 2006(**1**)".

(3) For Schedule 3(**2**) substitute—

"ATODLEN 3 Erthyglau 3 a 5

Ceisiadau am dystysgrifau: ffioedd

Gwasanaethau o ran ceisiadau am dystysgrifau	Ffi (£)	Ffi (allforiwr bach) (£)
(1) Gwasanaethau am lwythi heblaw gronynnau:		
(a) arolygiad a, pan fo angen, archwiliad mewn labordy	58.92 am bob chwarter awr neu ran ohono gydag isafswm ffi o 117.84	29.46 am bob chwarter awr neu ran ohono gydag isafswm ffi o 58.92
(b) archwiliad mewn labordy yn unig	32.93	16.47
(c) dyroddi tystysgrif pan nad oes angen arolygiad neu archwiliad mewn labordy	12.53	6.27

"SCHEDULE 3 Articles 3 and 5

Applications for certificates: fees

Services in respect of applications for certificates	Fee (£)	Fee (small exporter) (£)
(1) Services for consignments other than grain:		
(a) inspection and, where necessary, laboratory examination	58.92 for each quarter hour or part thereof with a minimum fee of 117.84	29.46 for each quarter hour or part thereof with a minimum fee of 58.92
(b) laboratory examination only	32.93	16.47
(c) issue of a certificate where no inspection or laboratory examination is required	12.53	6.27

(**1**) O.S. 2006/1643 (Cy. 158), a ddiwygiwyd gan O.S. 2011/1043, erthygl 9(1); ceir offerynnau diwygio eraill ond nid yw'r un yn berthnasol.

(**2**) Amnewidiwyd Atodlen 3 gan O.S. 2013/1658 (Cy. 156), erthygl 2(3).

(**1**) S.I. 2006/1643 (W. 158), amended by S.I. 2011/1043, article 9(1); there are other amending instruments but none is relevant.

(**2**) Schedule 3 was substituted by S.I. 2013/1658 (W. 156), article 2(3).

(2) Gwasanaethau ar gyfer llwythi o ronynnau:		
monitro arolygiadau a gyflawnir gan berson awdurdodedig o dan erthygl 3(3)a, pan fo angen hynny, archwiliad mewn labordy a gyflawnir gan swyddog awdurdodedig	53.78	26.89”.

(4) Yn lle Atodlen 4(**1**) rhodder—

“ATODLEN 4 Erthygl 5

Ffioedd gwasanaethau cyn-allforio

Gwasanaeth	Ffi (£)	Ffi (allforiwr bach) (£)
Gwasanaeth cyn-allforio	44.88 am bob chwarter awr neu ran ohono gydag isafswm ffi o 89.75	22.44 am bob chwarter awr neu ran ohono gydag isafswm ffi o 44.88”.

(2) Services for consignments of grain:		
monitoring of inspections carried out by a person authorised under article 3(3) and, where necessary, laboratory examination carried out by an authorised officer	53.78	26.89”.

(4) For Schedule 4(**1**) substitute—

“SCHEDULE 4 Article 5

Pre-export service fees

Service	Fee (£)	Fee (small exporter) (£)
Pre-export service	44.88 for each quarter hour or part thereof with a minimum fee of 89.75	22.44 for each quarter hour or part thereof with a minimum fee of 44.88”.

Alun Davies

Y Gweinidog Adnoddau Naturiol a Bwyd, un o Weinidogion Cymru

2 Gorffennaf 2014

Minister for Natural Resources and Food, one of the Welsh Ministers

2 July 2014

(**1**) Amnewidiwyd Atodlen 4 gan O.S. 2013/1658 (Cy. 156), erthygl 2(4).

(**1**) Schedule 4 was substituted by S.I. 2013/1658 (W. 156), article 2(4).

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