



OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1360 (Cy. 88)**2001 No. 1360 (W. 88)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Labelu Cig Eidion
(Gorfodi) (Cymru) 2001****The Beef Labelling (Enforcement)
(Wales) Regulations 2001****NODYN ESBONIADOL****EXPLANATORY NOTE***(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)**(This note does not form part of the Regulations)*

Mae'r Rheoliadau hyn yn darparu ar gyfer gorfodi'r canlynol yng Nghymru -

These Regulations provide for the enforcement in Wales of-

- (a) Teitl II o Reoliad (EC) Rhif 1760/2000 Senedd Ewrop a'r Cyngor sy'n sefydlu system ar gyfer adnabod a chofrestru anifeiliaid buchol ac ynghylch labelu cig eidion a chynhyrchion cig eidion (OJ Rhif L204, 11.8.00, t.1) ("Rheoliad y Cyngor") a Rheoliad y Comisiwn (EC) Rhif 1825/2000 sy'n pennu rheolau manwl ar gyfer cymhwys Rheoliad (EC) Rhif 1760/2000 o ran labelu cig eidion a chynhyrchion cig eidion (OJ Rhif L216, 26.8.00, t. 8) ("Rheoliad y Comisiwn"), mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu ar neu ar ôl 1 Medi 2000; a
- (b) Rheoliad y Comisiwn (EC) Rhif 1141/97 sy'n pennu rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 820/97 o ran labelu cig eidion a chynhyrchion cig eidion, mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu cyn 1 Medi 2000.

- (a) Title II of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ No. L204, 11.8.00, p.1) ("the Council Regulation") and Commission Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 as regards the labelling of beef and beef products (OJ No. L216, 26.8.00, p. 8) ("the Commission Regulation"), in respect of beef derived from animals slaughtered on or after 1 September 2000; and
- (b) Commission Regulation (EC) No. 1141/97 laying down detailed rules for the implementation of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products, in respect of beef derived from animals slaughtered before 1 September 2000.

Mae'r Rheoliadau hyn-

These Regulations-

- yn peri mai Cynulliad Cenedlaethol Cymru yw'r awdurdod cymwys at ddibenion Rheoliad y Cyngor a Rheoliad y Comisiwn (rheoliad 3);
- yn creu tramgwydd o fethu â chydymffurfio â'r gofynion sy'n gymwysadwy o dan Reoliad y Cyngor a Rheoliad y Comisiwn (EC) Rhif 1825/2000 os yw'r methiant hwnnw yn fethiant mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu ar neu ar ôl 1 Medi 2000 (rheoliad 4(1)(a));

- make the National Assembly for Wales the competent authority for the purposes of the Council Regulation and the Commission Regulations (regulation 3);
- create an offence of failure to comply with the requirements applicable under the Council Regulation and the Commission Regulation (EC) No. 1825/2000 where any such failure is in respect of beef derived from animals slaughtered on or after 1 September 2000 (regulation 4(1)(a));

- yn creu tramgwydd o fethu â chydymffurfio â'r gofynion sy'n gymwysadwy o dan Reoliad y Comisiwn 1141/97 os yw'r methiant hwnnw yn fethiant mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu cyn 1 Medi 2000 (rheoliad 4(1)(b));
- yn darparu pŵer i'r awdurdodau gorfodi roi hysbysiadau sy'n ei gwneud yn ofynnol i bersonau roi'r gorau i gynnig gwerthu unrhyw gig eidion sydd wedi'i labelu mewn modd nad yw'n cydymffurfio â gofynion Rheoliad y Cyngor, Rheoliad y Comisiwn (EC) Rhif 1825/2000 neu Reoliad y Comisiwn 1141/97 (rheoliad 4(2));
- yn creu tramgwydd o fethu â chydymffurfio â hysbysiad a roddir o dan reoliad 4(2) (rheoliad 4(4));
- yn enwi'r awdurdodau gorfodi (rheoliad 5);
- yn pennu cosb am unrhyw dramgwydd o dan y Rheoliadau (rheoliad 6);
- yn cymhwyso amryw byd o ddarpariaethau gorfodi Deddf Diogelwch Bwyd 1990 (rheoliad 7);
- yn diddymu Rheoliadau Labelu Cig Eidion (Gorfodi) 1998 mewn perthynas â Chymru.
- create an offence of failure to comply with the requirements applicable under Commission Regulation 1141/97 where any such failure is in respect of beef derived from animals slaughtered before 1 September 2000 (regulation 4(1)(b));
- provide a power for enforcement authorities to issue notices requiring persons to remove from sale any beef that has been labelled in a manner that does not comply with the requirements of the Council Regulation, the Commission Regulation (EC) No. 1825/2000 or Commission Regulation 1141/97 (regulation 4(2));
- create an offence of failure to comply with a notice issued under regulation 4(2) (regulation 4(4));
- identify the enforcement authorities (regulation 5);
- set a penalty for any offence under the Regulations (regulation 6);
- apply various enforcement provisions of the Food Safety Act 1990 (regulation 7); and
- revoke the Beef Labelling (Enforcement) Regulations 1998 in relation to Wales.

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(Wales) Regulations 2001***Wedi'u gwneud* 29 Mawrth 2001*Made* 29th March 2001*Yn dod i rym-* 1 Ebrill 2001*Coming into force-* 1st April 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 6(4), 17(2) a 26(3) o Ddeddf Diogelwch Bwyd 1990(a), ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, ac ar ôl ymgynghori yn unol ag adran 48(4) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 6(4), 17(2) and 26(3) of the Food Safety Act 1990(a), after having regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) of that Act, makes the following Regulations:

Enw, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Labelu Cig Eidion (Gorfodi) (Cymru) 2001; byddant yn gymwys i Gymru a deuant i rym ar 1 Ebrill 2001.

Title, application and commencement

1. These Regulations may be cited as the Beef Labelling (Enforcement) (Wales) Regulations 2001; they shall apply to Wales and shall come into force on 1st April 2001.

Dehongli

2.–(1) Yn y Rheoliadau hyn -

ystyr “Cynulliad Cenedlaethol” (“*National Assembly*”) yw Cynulliad Cenedlaethol Cymru;

ystyr “Rheoliad y Comisiwn 1141/97” (“*Commission Regulation 1141/97*”) yw Rheoliad y Comisiwn (EC) Rhif 1141/97(b) sy'n pennu rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 820/97 o ran labelu cig eidion a chynhyrchion cig eidion;

ystyr “Rheoliad y Comisiwn 1825/2000” (“*Commission Regulation 1825/2000*”) yw Rheoliad y Comisiwn (EC) Rhif 1825/2000(c) sy'n pennu rheolau manwl ar gyfer cymhwyso Rheoliad (EC) Rhif 1760/2000 Senedd Ewrop a'r Cyngor o ran labelu cig eidion a chynhyrchion cig eidion;

Interpretation

2.–(1) In these Regulations-

“Commission Regulation 1141/97” (“*Rheoliad y Comisiwn 1141/97*”) means Commission Regulation (EC) No. 1141/97(b) laying down detailed rules for the application of Council Regulation (EC) No. 820/97 as regards the labelling of beef and beef products;

“Commission Regulation 1825/2000” (“*Rheoliad y Comisiwn 1825/2000*”) means Commission Regulation (EC) No. 1825/2000(c) laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

(a) 1990 p.16; mae swyddogaethau y dywedir eu bod yn arferadwy gan “the Secretary of State” yn arferadwy bellach mewn perthynas â Chymru gan Gynulliad Cenedlaethol Cymru yn unol â Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Ychwanegwyd adran 48(4A) gan Ddeddf Safonau Bwyd 1999 (p.28), Atodlen 5, paragraff 21.

(b) OJ Rhif L165, 24.6.97. t.7, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 824/98 (OJ Rhif L117, 21.4.98, t. 4).

(c) OJ Rhif L216, 26.8.00, t.8.

(a) 1990 c. 16; Functions expressed as exercisable by “the Secretary of State” are now exercisable in relation to Wales by the National Assembly for Wales pursuant to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 48(4A) was added by the Food Standards Act 1999 (c.28), Schedule 5, paragraph 21.

(b) OJ No. L165, 24.6.97. p.7, as last amended by Commission Regulation (EC) No. 824/98 (OJ No. L117, 21.4.98, p. 4).

(c) OJ No. L216, 26.8.00, p.8.

ystyr “Rheoliad 1760/2000” (*Regulation 1760/2000*) yw Rheoliad (EC) Rhif 1760/2000 Senedd Ewrop a'r Cyngor (a) sy'n sefydlu system ar gyfer adnabod a chofrestru anifeiliaid buchol ac ynghylch labelu cig eidion a chynhyrchion cig eidion ac yn diddymu Rheoliad y Cyngor (EC) Rhif 820/97.

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn.

Yr awdurdod cymwys

3. Y Cynulliad Cenedlaethol fydd yr awdurdod cymwys at ddibenion Teitl II o Reoliad 1760/2000, Rheoliad y Comisiwn 1141/97 a Rheoliad y Comisiwn 1825/2000.

Gorfodi gofynion labelu gorfodol a gwirfoddol

4.-(1) Bydd unrhyw berson sy'n methu â chydymffurfio -

- (a) mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu ar neu ar ôl 1 Medi 2000, â'r gofynion sy'n gymwysadwy o dan Deitl II o Reoliad 1760/2000 a Rheoliad y Comisiwn 1825/2000; neu
- (b) mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu cyn 1 Medi 2000, â'r gofynion sy'n gymwysadwy o dan Reoliad y Comisiwn 1141/97, yn euog o dramgwydd.

(2) Os oes cig eidion wedi'i labelu a'i farchnata mewn modd nad yw'n cydymffurfio -

- (a) mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu ar neu ar ôl 1 Medi 2000, â'r gofynion labelu gorfodol neu wirfoddol sy'n gymwysadwy o dan Deitl II o Reoliad 1760/2000 a Rheoliad y Comisiwn 1825/2000; neu
- (b) mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu cyn 1 Medi 2000, â'r gofynion labelu gwirfoddol sy'n gymwysadwy o dan Reoliad y Comisiwn 1141/97,

gall un o swyddogion awdurdod gorfodi o fewn ystyr paragraff (1) o reoliad 5 neu berson a awdurdodwyd gan y Cynulliad Cenedlaethol gyflwyno hysbysiad i'r person sydd â meddiant y cig eidion yn ei gwneud yn ofynnol rhoi'r gorau i'w gynnig ar werth nes i'r cig eidion gael ei ail-labelu yn unol â'r gofynion hyn.

(3) Mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigyddu ar neu ar ôl 1 Medi 2000, gall hysbysiad a gyflwynir o dan baragraff (2) uchod awdurdodi anfon y cig eidion yn uniongyrchol

“Regulation 1760/2000” (*“Rheoliad 1760/2000”*) means Regulation (EC) No. 1760/2000 of the European Parliament and of the Council (a) establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97.

(2) Any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations.

Competent authority

3. The National Assembly shall be the competent authority for the purposes of Title II of Regulation 1760/2000, Commission Regulation 1141/97 and Commission Regulation 1825/2000.

Enforcement of compulsory and voluntary labelling requirements

4.-(1) Any person who fails to comply with-

- (a) in respect of beef derived from animals slaughtered on or after 1 September 2000, the requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or
- (b) in respect of beef derived from animals slaughtered before 1 September 2000, the requirements applicable under Commission Regulation 1141/97, shall be guilty of an offence.

(2) Where beef has been labelled and marketed in a manner which does not comply-

- (a) in respect of beef derived from animals slaughtered on or after 1 September 2000, with the compulsory or voluntary labelling requirements applicable under Title II of Regulation 1760/2000 and Commission Regulation 1825/2000; or
- (b) in respect of beef derived from animals slaughtered before 1 September 2000, with the voluntary labelling requirements applicable under Commission Regulation 1141/97,

an officer of an enforcement authority within the meaning of paragraph (1) of regulation 5 or a person authorised by the National Assembly may serve a notice on the person in possession of the beef requiring its removal from sale until the beef is re-labelled in accordance with those requirements.

(3) In respect of beef derived from animals slaughtered on or after 1 September 2000, a notice served under paragraph (2) above may authorise the beef to be sent directly for processing into products

(a) OJ Rhif L204, 11.8.00, t.1.

(a) OJ No. L204, 11.8.00, p.1.

i'w brosesu yn gynhyrchion heblaw'r rhai a nodwyd yn indentiad cyntaf Erthygl 12 o Reoliad 1760/2000.

(4) Bydd unrhyw berson na fydd yn cydymffurfio â darpariaethau hysbysiad a gyflwynir o dan baragraff (2) uchod yn euog o dramgwydd.

Yr Awdurdodau Gorfodi

5.–(1) Yn ddarostyngedig i'r darpariaethau canlynol yn y rheoliad hwn, at ddibenion gorfodi'r Rheoliadau hyn, cyngor y sir neu'r fwrdeistref sirol fydd yr awdurdodau gorfodi mewn perthynas â phob sir a bwrdeistref sirol.

(2) Caiff y Rheoliadau hyn eu gorfodi mewn perthynas â lladd-dai, safleoedd torri a chyfanwerthwyr gan yr awdurdodau y cyfeirir atynt ym mharagraff (1) o'r rheoliad hwn a chan y Cynulliad Cenedlaethol.

Cosbi

6. Bydd person sy'n euog o dramgwydd o dan unrhyw ddarpariaeth yn y Rheoliadau hyn, o'i gollfarnu'n ddiannod, yn agored i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

Cymhwyso amrywiol ddarpariaethau Deddf Diogelwch Bwyd 1990

7.–(1) Bydd y darpariaethau canlynol yn Neddf Diogelwch Bwyd 1990 yn gymwys at ddibenion y Rheoliadau hyn fel y maent yn gymwys at ddibenion adrannau 8, 14 neu 15 o'r Ddeddf honno ac, oni fydd y cyd-destun yn mynnu fel arall, rhaid i unrhyw gyfeiriad at y darpariaethau hynny yn y Ddeddf honno gael eu dehongli fel cyfeiriad i'r darpariaethau hynny fel y cymhwysir hwy at ddibenion y Rheoliadau hyn -

- (a) adran 2 (yn estyn ystyr "sale" etc.);
- (b) adran 20 (tramgwyddau oherwydd bai person arall);
- (c) adran 21 (amddiffyniad diwydrwydd dyladwy);
- (ch) adran 30(8) (tystiolaeth ddogfennol);
- (d) adran 35(1) i (3) (cosbi tramgwyddau) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) a (2);
- (dd) adran 36 (tramgwyddau gan gyrrff corfforaethol); ac
- (e) adran 44 (diogelu swyddogion sy'n gweithredu'n ddiwyll).

(2) Bydd adrannau 32 a 33 o Ddeddf Diogelwch Bwyd 1990 (pwerau mynediad, rhwystro etc. swyddogion) yn gymwys at ddibenion y Rheoliadau hyn fel y maent yn gymwys at ddibenion y Ddeddf honno; a rhaid dehongli unrhyw gyfeiriad at y Ddeddf yn yr adrannau hynny at ddibenion y Rheoliadau hyn fel pe baent yn cynnwys cyfeiriad -

other than those indicated in the first indent of Article 12 of Regulation 1760/2000.

(4) Any person who fails to comply with the provisions of a notice served under paragraph (2) above shall be guilty of an offence.

Enforcement Authorities

5.–(1) Subject to the following provisions of this regulation, the enforcement authorities for the purposes of the enforcement of these Regulations shall be, as respects each county and county borough, the council of that county or county borough.

(2) These Regulations shall be enforced as respects abattoirs, cutting plants and wholesalers by the authorities referred to in paragraph (1) of this regulation and by the National Assembly.

Penalties

6. A person guilty of an offence under any provision of these Regulations shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of various provisions of the Food Safety Act 1990

7.–(1) The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations as they apply for the purposes of sections 8, 14 or 15 of that Act and unless the context otherwise requires any reference to those provisions in that Act shall be construed as a reference to those provisions as applied for the purposes of these Regulations -

- (a) section 2 (extended meaning of "sale" etc.);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence);
- (d) section 30(8) (documentary evidence);
- (e) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) and (2);
- (f) section 36 (offences by bodies corporate); and
- (g) section 44 (protection of officers acting in good faith).

(2) Sections 32 and 33 of the Food Safety Act 1990 (powers of entry, obstruction etc. of officers) shall apply for the purposes of these Regulations as they apply for the purposes of that Act; and any reference to the Act in those sections shall be construed for the purposes of these Regulations as including a reference to-

- (a) at Deitl II o Reoliad 1760/2000 a Rheoliad y Comisiwn 1825/2000 mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigydda ar neu ar ôl 1 Medi 2000; a
- (b) Rheoliad y Comisiwn 1141/97 mewn perthynas â chig eidion sy'n deillio o anifeiliaid a gafodd eu cigydda cyn 1 Medi 2000.

Diddymu

8. Diddymir Rheoliadau Labelu Cig Eidion (Gorfodi) 1998(a) i'r graddau y maent yn gymwys i Gymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b)

- (a) Title II of Regulation 1760/2000 and Commission Regulation 1825/2000 in respect of beef derived from animals slaughtered on or after 1 September 2000; and
- (b) Commission Regulation 1141/97 in respect of beef derived from animals slaughtered before 1 September 2000.

Revocation

8. The Beef Labelling (Enforcement) Regulations 1998(a) are revoked in so far as they apply to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

D. Elis Thomas

29 Mawrth 2001

Llywydd y Cynulliad Cenedlaethol

29th March 2001

The Presiding Officer of the National Assembly

(a) O.S. 1998/616.

(b) 1998, p 38.

(a) S.I. 1998/616.

(b) 1998. c 38.

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2001 Rhif 1360 (Cy. 88)

BWYD, CYMRU

Rheoliadau Labelu Cig Eidion
(Gorfodi) (Cymru) 2001

STATUTORY INSTRUMENTS

2001 No. 1360 (W. 88)

FOOD, WALES

The Beef Labelling (Enforcement)
(Wales) Regulations 2001

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