
OFFERYNNAU STATUDOL CYMRU

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BWYD, CYMRU
ANIFEILIAID, CYMRU

Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001

Wedi'u gwneud - - 26 Gorffennaf 2001
Yn dod i rym - - 13 Awst 2001

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddir gan adrannau 16(1)(a), (b), (c), (d) ac (f) a (3), 17(1), 19(1)(a), 26 a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) a pharagraffau 2(1), 3(1), 5a 6(1)(a) o Atodlen 1 iddi a chan adrannau 1, 10(1)(a) ac (c) a (2), 11, 29(2)(b), 35(1), 76(3) ac 83(2) o Ddeddf Iechyd Anifeiliaid 1981(2), ac Atodlen 2 iddi ac sydd bellach wedi'u breinio ynddo(3), ac ar ôl rhoi sylw yn unol ag adran 48(4A) o Ddeddf 1990 i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o Ddeddf 1990, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwysio

1. Enw'r Rheoliadau hyn yw Rheoliadau Deunydd Risg Penodedig (Diwygio) (Cymru) 2001; maent yn gymwys i Gymru yn unig a deuant i rym ar 13 Awst 2001.

Diwygiadau i Reoliadau Deunydd Risg Penodedig 1997

2.—(1) I'r graddau y maent yn gymwys i Gymru, mae Rheoliadau Deunydd Risg Penodedig 1997(4) yn cael eu diwygio yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Ym mharagraff (1) o reoliad 2 (dehongli)—

(a) mewnosodir yr ymadrodd “(subject to paragraph (4) below)” ar ddechrau paragraff (c) o'r diffiniad o “specified risk material”;

(b) mewnosodir y diffiniadau canlynol rhwng y diffiniad o “listed premises” a'r diffiniad o “official veterinary surgeon”—

““mechanically recovered meat” means meat which—

(1) 1990 p.16.

(2) 1981 p.22.

(3) Mae swyddogaethau a oedd yn cael eu harfer o'r blaen gan “the Ministers” o dan y Ddeddf Diogelwch Bwyd yn arferadwy bellach mewn perthynas â Chymru gan Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (OS 1999/672).

(4) OS 1997/2965, fel y'i diwygiwyd gan OS 1997/3062, OS 1998/2405 (a ddiwygiwyd ei hun gan OS 1997/2431), OS 1999/539, OS 2000/656, OS 2000/2659 (Cy.172), OS 2000/3387 (Cy.224) ac OS 2000/1973.

- (a) is derived from residual meat on animal bones; and
 - (b) has been obtained by mechanical means;” ac
 - (c) rhoddir y diffiniad canlynol yn lle'r diffiniad presennol o “vertebral column”—
““vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia;”.
- (3) Mewnosodir y paragraff canlynol ar ddiwedd rheoliad 2—
- “(4) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcass of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) of the Specified Risk Material Order 1997 (5), the part of the carcass not comprising the vertebral column shall not be regarded as specified risk material for the purposes of these Regulations.”.
- (4) Ym mharagraff (1) o reoliad 3 (deunydd defaid a geifr penodedig), mewnosodir yr ymadrodd “(subject to paragraph (4) below)” cyn yr ymadrodd “specified sheep or goat material”.
- (5) Mewnosodir y paragraffau canlynol ar ddiwedd rheoliad 3—
- “(4) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (5) below is not specified sheep or goat material as defined by paragraph (1) above.
- (5) The countries are—
- Argentina
 - Australia
 - Botswana
 - Brazil
 - Chile
 - Costa Rica
 - Namibia
 - New Zealand
 - Nicaragua
 - Paraguay
 - Singapore
 - Swaziland and
 - Uruguay.”.
- (6) Mae'r paragraff canlynol yn cael ei roi yn lle paragraff (1) o reoliad 4 (deunydd buchol penodedig)—
- “(1) In these Regulations, “specified bovine material” means—
- (a) (subject to paragraph (7) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;
 - (b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months—
 - (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),

- (ii) the thymus,
 - (iii) the spleen,
 - (iv) the spinal cord, and
 - (v) (subject to paragraph (6) below) in the case of a bovine animal described in this sub-paragraph which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (5) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—
- (i) the skull (including the brain and eyes),
 - (ii) the tonsils,
 - (iii) the spinal cord, and
 - (iv) (subject to paragraph (7) below) the vertebral column;”.
- (7) Mewnosodir y paragraff canlynol yn lle paragraff (4) o reoliad 4—
- “(4) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.
- (8) Mewnosodir y paragraffau canlynol ar ddiwedd rheoliad 4—
- “(5) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in regulation 3(5) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.
- (6) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of—
- (a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or
 - (b) a beef assurance scheme animal,
- shall not be regarded as specified bovine material for the purpose of these Regulations.
- (7) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of these Regulations.
- (8) In paragraph (6)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No.2) Regulations 1996 (6).”.
- (9) Rhoddir y rheoliad canlynol yn lle rheoliad 6 (cymeradwyaethau, awdurdodiadau a chofrestriadau)—

“Approvals and authorisations

6.—(1) The Minister may, on application, approve any premises for the purposes of Part VI of these Regulations (transport and disposal of specified risk material) if he is satisfied that the premises—

- (a) are properly equipped to carry out the functions to which the approval relates; and
- (b) comply with the requirements of that Part of these Regulations.

(2) The Agency may, on application, authorise any premises under regulation 15 below (prohibition on the removal of the spinal cord of a ruminant animal) if it is satisfied that the premises—

- (a) are properly equipped to carry out the functions to which the authorisation relates; and
- (b) comply with the requirements of that regulation.

(3) Any approval or authorisation granted or made under these Regulations (including a consent given under regulation 24(7) below) shall be in writing and may be made subject to conditions.

(4) Any such approval or authorisation may be amended, suspended or revoked at any time by notice in writing served on the person to whom the approval or authorisation was granted or, if that person is no longer the occupier of the premises to which the approval or authorisation relates, on the occupier of those premises, if the Minister or, as the case may be, the Agency is satisfied that any provisions of these Regulations in relation to the premises or any conditions in the approval or authorisation are not being complied with.”

(10) Rhoddir y rheoliad canlynol yn lle rheoliad 8 (gwaharddiadau sy'n gymwys i'r asgwrn cefn)

“Mechanically recovered meat

8.—(1) No person shall use any bovine, ovine or caprine bone for the production of mechanically recovered meat.

(2) No person shall use any mechanically recovered meat which is derived from a bovine, ovine or caprine bone in the preparation of food for sale for human consumption.”

(11) Mae rheoliad 9 (cofrestru safleoedd lle mae cig yn cael ei adfer drwy gyfrwng mecanyddol o anifeiliaid sy'n cnoi cil) yn cael ei ddiddymu.

(12) Mewn nodir y rheoliad canlynol yn union ar ôl rheoliad 15 (gwahardd tynnu madruddyn cefn anifail sy'n cnoi cil)—

“Treatment of imported carcasses containing vertebral column

15A.—(1) Where the imported carcass of a bovine animal containing vertebral column which is specified bovine material is transported to designated cutting premises in accordance with article 6(2A) of the Specified Risk Material Order 1997 the occupier of those premises shall ensure that the vertebral column is removed from the rest of the carcass at the premises as soon as is practicable after the arrival of the carcass there.

(2) The occupier of any designated cutting premises at which the vertebral column is removed in accordance with this regulation shall ensure that it is—

- (a) stained in accordance with regulation 10(3) above; and
- (b) disposed of as specified risk material in accordance with these Regulations.

(3) In paragraphs (1) and (2) above, “designated cutting premises” means licensed cutting premises which the Agency has, following receipt by it of a written application, designated in writing for the purposes of this regulation.

(4) Any designation made by the Agency for the purposes of this regulation may be made subject to conditions.

(5) Any such designation may be amended, suspended or revoked at any time by notice in writing served on the person in whose favour it was granted or, if that person is no longer the occupier of the premises to which the designation relates, on the occupier of those premises,

if the Agency is satisfied that any provision of these Regulations has not been complied with in relation to the premises or any condition in the designation has been breached.

(6) In paragraph (1) above “carcase” means any whole carcase, half carcase, or quarter carcase.”.

(13) Ym mharagraff (1) o reoliad 26 (y pwr i roi cyfarwyddiadau)—

(a) mewnosodir y geiriau “or the Agency” cyn y gair “is satisfied”; a

(b) mewnosodir y geiriau “he or as the case may be” cyn y geiriau “the Agency”.

(14) Ym mharagraff (2) o reoliad 26 mewnosodir y geiriau “or as the case may be the Agency” cyn y gair “may”.

Diwygio Gorchymyn Deunydd Risg Penodedig 1997

3.—(1) I'r graddau y mae'n gymwys i Gymru, caiff Gorchymyn Deunydd Risg Penodedig 1997 ei ddiwygio yn unol â paragraffau canlynol y Rheoliad hwn.

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

(a) mewnosodir yr ymadrodd “(subject to paragraph (5) below)” ar ddechrau paragraff (c) o'r diffiniad o “specified risk material”; a

(b) mewnosodir y diffiniad canlynol ar y diwedd—

““vertebral column” excludes the vertebrae of the tail and the transverse process of the lumbar vertebrae but includes dorsal root ganglia.”.

(3) Mewnosodir y paragraff canlynol ar ddiwedd erthygl 2—

“(5) Notwithstanding paragraph (c) of the definition of “specified risk material” in paragraph (1) above, where the carcase of a bovine animal containing vertebral column which is specified bovine material has been imported in accordance with article 6(2A) below, the part of the carcase not comprising the vertebral column shall not be regarded as specified risk material for the purposes of this Order.”.

(4) Ym mharagraff (1) o erthygl 3 (deunydd defaid a geifr penodedig), mewnosodir yr ymadrodd “(subject to paragraph (2) below)” cyn yr ymadrodd “specified sheep or goat material”.

(5) Mewnosodir y paragraffau canlynol ar ddiwedd erthygl 3—

“(2) Material derived from a sheep or goat born, continuously reared and slaughtered in any of the countries specified in paragraph (3) below is not specified sheep or goat material as defined by paragraph (1) above.

(3) The countries are—

Argentina

Australia

Brazil

Botswana

Chile

Costa Rica

Namibia

New Zealand

Nicaragua

Paraguay

Singapore

Swaziland and
Uruguay.”.

(6) Rhoddir y paragraff canlynol yn lle paragraff (1) o erthygl 4 (deunydd buchol penodedig)—

“(1) In this Order, “specified bovine material” means—

- (a) (subject to paragraph (3) below) the intestines from the duodenum to the rectum of a bovine animal, regardless of where it was slaughtered or died or its age at slaughter or death;
- (b) the following material derived from a bovine animal which was slaughtered or died in the United Kingdom or Portugal when it was aged over 6 months—
 - (i) the head (excluding the tongue but including the brain, eyes, trigeminal ganglia and tonsils),
 - (ii) the thymus,
 - (iii) the spleen,
 - (iv) the spinal cord, and
 - (v) (subject to paragraph (4) below) in the case of such an animal which was slaughtered or died when it was aged over 12 months, the vertebral column; and
- (c) (subject to paragraph (3) below) the following material derived from a bovine animal which was slaughtered or died elsewhere than in Portugal or the United Kingdom when it was aged over 12 months—
 - (i) the skull (including the brain and eyes),
 - (ii) the tonsils,
 - (iii) the spinal cord, and
 - (iv) (subject to paragraph (5) below) the vertebral column.”.

(7) Rhoddir y paragraff canlynol yn lle paragraff (2) o erthygl 4—

“(2) In each of sub-paragraphs (b) and (c) of paragraph (1) above the reference to Portugal does not include a reference to the Autonomous Region of the Azores.”.

(8) Ychwanegir y paragraffau canlynol ar ddiwedd erthygl 4—

“(3) Material derived from a bovine animal born, continuously reared and slaughtered in any of the countries specified in article 3(3) above is not specified bovine material as defined by paragraph (1)(a) or (c) above.

(4) Notwithstanding paragraph (1)(b)(v) above, the vertebral column of—

- (a) a bovine animal born and continuously reared in Portugal or the United Kingdom and slaughtered there when it was aged over 12 months but no more than 30 months; or
- (b) a beef assurance scheme animal,

shall not be regarded as specified bovine material for the purpose of this Order.

(5) Notwithstanding paragraph (1)(c)(iv) above, the vertebral column of a bovine animal born, continuously reared and slaughtered in Austria, Finland or Sweden shall not be regarded as specified bovine material for the purposes of this Order.

(6) In paragraph (4)(b) above, “beef assurance scheme animal” means a bovine animal such as is specified in regulation 3(2)(a) or (b) of the Fresh Meat (Beef Controls) (No. 2) Regulations 1996.”.

(9) Yn erthygl 6—

- (a) mewnosodir y geiriau “Subject to paragraph (2A) below” ar ddechrau paragraff (2); a
- (b) mewnosodir y paragraff canlynol ar ôl paragraff (2)—

“(2A) No person shall import into Wales from outside the British Islands a carcase of a bovine animal containing any vertebral column which is specified bovine material unless—

- (a) the carcase is to transported directly to premises designated under regulation 15A of the Specified Risk Material Regulations 1997 for the removal of the vertebral column there; and
- (b) not less than 72 hours before he intends to import the carcase, he has given notice of the intended import to the director of the Meat Hygiene service of the Food Standards Agency for the region of that Service in which the premises are situated”

- (10) Yn Atodlen 2 (ffurf tystysgrif fewnforio) yn lle'r datganiad rhoddir y datganiad canlynol—

“Declaration

***Either:**

This product does not contain and is not derived from specified risk material as defined in Annex I, point 1(a) of Decision [2000/418/EC](#), produced after 31 March 2001, or mechanically recovered meat obtained from the bones of bovine, ovine or caprine animals, produced after 31 March 2001. The animals have not been slaughtered, after 31 March 2001, after stunning by means of a gas injected into the cranial cavity or killed instantaneously by the same method, or slaughtered after laceration, after stunning, of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

***Or:**

This product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, reared and slaughtered in the following countries:—

Argentina
Australia
Botswana
Brazil
Chile
Costa Rica
Namibia
New Zealand
Nicaragua
Paraguay
Singapore
Swaziland and
Uruguay

***delete one of these as appropriate.”.**

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(7).

26 Gorffennaf 2001

Rhodri Morgan
Prif Ysgrifennydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn gwneud diwygiadau pellach i Reoliadau Deunydd Risg Penodedig 1997 ([OS 1997/2965](#), fel y'u diwygiwyd eisoes) ac i Orchymyn Deunydd Risg Penodedig 1997 ([OS 1997/2964](#), fel y'i diwygiwyd eisoes). Mae Rheoliadau Deunydd Risg Penodedig 1997 (“y prif Reoliadau”) yn gymwys i Brydain Fawr gyfan.

Diwygiadau i Reoliadau Deunydd Risg Penodedig 1997

2. Mae'r Rheoliadau hyn yn adlewyrchu yng Nghymru ddarpariaethau Atodiad XI i Reoliad (EC) Rhif 999/2001 o Senedd Ewrop a'r Cyngor sy'n gosod rheolau ar gyfer atal, rheoli a chael gwared ar rai enseffalopathïau sbyngffurf trosglwyddadwy (OJ Rhif L147, 31.5.2001, t.1). Mae'r Atodiad hwnnw yn gosod mesurau trosiannol mewn perthynas â thynnu deunydd risg penodedig ac fe'i mewnosodwyd yn Rheoliad (EC) Rhif 999/2001 gan Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 1326/2001 (OJ Rhif L177, 30.6.2001, t.60).

3. Mae'r diwygiadau sylweddol sy'n cael eu gwneud gan y Rheoliadau hyn i'r prif Reoliadau fel a ganlyn:—

- (a) yng ngoleuni'r mesurau trosiannol y cyfeirir atynt uchod
 - (i) mae rheoliad 3 o'r prif Reoliadau (sy'n diffinio “specified sheep and goat material”) yn cael ei ddiwygio i hepgor o'r diffiniad ddeunydd sy'n deillio o ddefaid a geifr a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd (rheoliad 2(4) a (5));
 - (ii) mae rheoliad 4 o'r prif Reoliadau (sy'n diffinio “specified bovine material”) yn cael ei ddiwygio'n sylweddol fel bod, yn benodol, deunydd sy'n deillio o anifeiliaid buchol a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd bellach y tu allan i gwmpas y diffiniad (rheoliad 2(6) i (8));
 - (iii) mae rheoliad 8 o'r prif Reoliadau (gwaharddiad sy'n gymwys i asgwrn cefn anifeiliaid sy'n cnoi cil) yn cael ei ddisodli gan ddarpariaeth sy'n gwahardd defnyddio esgyrn buchod, defaid a geifr wrth gynhyrchu cig sy'n cael ei adfer yn fecanyddol (rheoliad 2(10)) ac mae rheoliad 9 (cofrestru safleoedd lle mae cig yn cael ei adfer drwy gyfrwng mecanyddol o anifeiliaid sy'n cnoi cil) yn cael ei ddiddymu (rheoliad 2(11));
 - (iv) mae rheoliad newydd, 15A, sy'n ymdrin â dull trin carcasau a fewnforir sy'n cynnwys esgyrn cefn sy'n ddeunydd buchol penodedig, yn cael ei fewnosod yn y prif Reoliadau (rheoliad 2(12)); a
- (b) gyda golwg ar y diwygiad a wnaed i reoliad 26 o'r prif Reoliadau gan Ddeddf Safonau Bwyd 1999 (Darpariaethau Trosiannol a Chanlyniadol ac Eithriadau) (Cymru a Lloegr) 2000 ([OS 2000/656](#)), mae'r rheoliad hwnnw'n cael ei ddiwygio ymhellach i alluogi'r Asiantaeth Safonau Bwyd neu Gynulliad Cenedlaethol Cymru i roi cyfarwyddiadau ynghylch gwaredu deunydd risg penodedig (rheoliad 2(13) a (14)).

4. Mae'r Rheoliadau hyn hefyd yn gwneud diwygiadau canlyniadol i'r prif Reoliadau yng ngoleuni rhai o'r diwygiadau sylweddol y cyfeirir atynt uchod a deddfu Deddf Safonau Bwyd 1999 ([1999 p.28](#)) (rheoliad 2(2), (3) a (9)).

Diwygiadau i Orchymyn Deunydd Risg Penodedig 1997

5. Mae'r Rheoliadau hyn yn gwneud diwygiadau pellach i Orchymyn Deunydd Risg Penodedig 1997 (OS 1997/2964, fel y'i diwygiwyd eisoes) i'r graddau y mae'n gymwys i Gymru. Mae Gorchymyn Deunydd Risg Penodedig 1997 ("y prif Orchymyn") yn gymwys i Brydain Fawr gyfan.

6. Mae'r diwygiadau sy'n cael eu gwneud gan y Rheoliadau hyn i'r prif Orchymyn yn adlewyrchu darpariaethau Atodiad XI i Reoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cyngor sy'n gosod rheolau ar gyfer atal, rheoli a chael gwared ar rai eneffalopathïau sbyngffurf trosglwyddadwy (OJ Rhif L147, 31.5.2001, t.1). Gosododd yr Atodiad hwnnw fesurau trosiannol mewn perthynas â thynnu deunydd risg penodedig ac fe'i mewnosodwyd yn Rheoliad (EC) Rhif 999/2001 gan Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 1326/2001 (OJ Rhif L177, 30.6.2001, t.60).

7. Yn erthygl 2 o'r prif Orchymyn, mae diffiniad o "vertebral column" yn cael ei ychwanegu ar ddiwedd paragraff 1 a pharagraff 5 newydd yn cael ei ychwanegu (rheoliad 3(2) a (3)).

8. Mae erthygl 3 o'r prif Orchymyn (sy'n diffinio "specified sheep and goat material") yn cael ei diwygio i hepgor o'r diffiniad ddeunydd sy'n deillio o ddefaid a geifr a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd (rheoliad 3(4) a (5)).

9. Mae rheoliad 4 o'r prif Orchymyn (sy'n diffinio "specified bovine material") yn cael ei ddiwygio'n sylweddol fel bod, yn benodol, deunydd sy'n deillio o anifeiliaid buchol a anwyd, a fagwyd yn barhaus ac a gigyddwyd mewn rhai trydydd gwledydd bellach y tu allan i gwmpas y diffiniad (rheoliad 3(6) i (8));

10. Mae Erthygl 6 o'r prif Orchymyn (sy'n rheoli mewnforio deunydd risg penodedig) yn cael ei diwygio i osod gofynion newydd ynghylch mewnforio carcasau anifeiliaid buchol sy'n cynnwys esgryn cefn sy'n ddeunydd risg penodedig, ac mae ffurf newydd ar dystysgrif fewnforio yn cael ei rhoi yn lle'r hen un yn Atodlen 2 (rheoliad 3(9) a (10)).

11. Mae arfarniad rheoliadol ar gyfer y Rheoliadau hyn wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 (1998 p.38) ac wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Stryd Wood Caerdydd, CF10 1EN.