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2002 Rhif 1472 (Cy.146)

BWYD, CYMRU

**Rheoliadau Sgil-gynyrchion Anifeiliaid
(Adnabod) (Diwygio) (Cymru) 2002**

Wedi'u gwneud - - 30 Mai 2002

Yn dod i rym - - 15 Gorffennaf 2002

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddir iddo gan adrannau 16(1)(c), (d) ac (f), 26(3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1) a pharagraff 3 o Atodlen 1 iddi, sydd bellach yn arferadwy mewn perthynas â Chymru gan Gynulliad Cenedlaethol Cymru(2), ac yntau wedi rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno ac yn unol â gofyniad erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd a Chyngor Ewrop sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu'r Asiantaeth Safonau Bwyd Ewropeaidd ac yn gosod gweithdrefnau ynglyn â materion diogelwch bwyd(3), yn unol ag adran 48(4) a (4B) o'r Ddeddf honno mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

Enwi, chymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) (Diwygio) (Cymru) 2002; maent yn gymwys i Gymru yn unig a deuant i rym ar 15 Gorffennaf 2002.

Diwygio Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995

2.—(1) I'r graddau y maent yn gymwys i Gymru, mae Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995(4) yn cael eu diwygio yn unol â pharagraffau canlynol y rheoliad hwn.

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

(a) yn y diffiniad o “animal by-products premises”, mewnosodir y geiriau “cold store, cutting premises” cyn y gair “slaughterhouse”;

(b) mewnosodir y diffiniad canlynol rhwng y diffiniad o “carcase” a'r diffiniad o “enforcement authority”—

“cold store” means any premises licensed as such under the Hygiene Regulations;

(1) 1990 p.16

(2) Trosglwyddwyd swyddogaethau “y Gweinidogion” i'r graddau y maent yn arferadwy mewn perthynas â Chymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), fel y'i darllennir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28).

(3) OJ Rhif L31, 1.2.2002, t.1.

(4) O.S. 199564, a ddiwygiwyd gan O.S. 1995/1955, O.S. 1996/3124, O.S. 1997/2073 ac O.S. 2000/656.

“cutting premises” means any premises licensed as such under the Hygiene Regulations;”;

- (c) yn y diffiniad o “game processing facility”, mewnosodir y geiriau “cold store, cutting premises” cyn y gair “slaughterhouse”; ac
- (ch) yn y diffiniad o “occupier”, mewnosodir y geiriau “cold store, cutting premises” cyn y gair “slaughterhouse”; a
- (d) mewnosodir y diffiniad canlynol rhwng y diffiniad o “scientific purposes” a'r diffiniad o “specified bovine offal”—

““slaughterhouse” means any premises licensed as such under the Hygiene Regulations;”;

- (dd) rhoddir y diffiniad canlynol yn lle'r diffiniad o “stained”—

“stained” means treated with a solution of the colouring agent Black PN or Brilliant Black BN (E151, Colour Index 197 No. 28440)(5), which solution is of such a strength that the colouring on the animal by-product is clearly visible;

and in this definition, “treated” means—

- (a) that the solution has been applied to the whole surface of the animal by-product, whether by immersing the animal by-product in the solution, spraying the animal by-product with the solution or applying the solution to the animal by-product by any other equally effective means;
- (b) in the case of an animal by-product not falling within paragraph (c) below and weighing not less than 25kg, that the solution has been so applied after the surface of the animal by-product has been opened by multiple and deep incisions; and
- (c) in the case of an animal by-product comprising an entire poultry carcass, whether or not it has been eviscerated or de-feathered, that the solution has been so applied after the surface of the carcass has been opened by multiple and deep incisions.”.

- (3) Mae'r paragraff canlynol yn cael ei roi yn lle rheoliad 4 (cwmpas)—

“Scope

4. Nothing in these Regulations shall—

- (a) require the sterilisation or staining, or affect the disposal or other treatment, of an entire carcass, except an entire poultry carcass which is dead on arrival at a slaughterhouse or which is rejected following pre-slaughter or post-mortem health inspections carried out at a slaughterhouse in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995 (6);
- (b) affect the operation of any order made, or having effect, under the Animal Health Act 1981(7).”.

- (4) Diddymir paragraff (2)(a) o reoliad 5 (esemptiadau).

- (5) Ym mharagraff (2)(c) o reoliad 5, mae'r geiriau “cold store, cutting premises,” yn cael eu mewnosos cyn y gair “slaughterhouse”.

(5) Mae'r Colour Index yn cael ei gyhoeddi gan Gymdeithas y Lliw-wyr yn Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

(6) O.S. 1995/540. a ddiwygiwyd gan O.S. 1995/1763, O.S. 1995/2200, O.S. 1995/2148, O.S. 1995/3205, O.S. 1997/1729, O.S. 2000/656, O.S. 2000/2257 (Cy.150), O.S. 2001/2198 (Cy.158) ac O.S. 2002/47 (Cy.6).

(7) 1981 p.22.

(6) Rhoddir y rheoliad canlynol yn lle rheoliad 6 (sterileiddio a staenio sgil-gynhyrchion anifeiliaid mewn lladd-dai neu gyfleusterau prosesu anifeiliaid hela)—

“Sterilisation and staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses

6.—(1) Subject to paragraph (2) below it shall be the duty of the occupier of any cold store, cutting premises, game processing facility or slaughterhouse to ensure that any animal by-product is sterilised or stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply to any animal by-product—

(a) which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation and bearing a notice that its contents are to be sterilised on the premises and which is then sterilised there;

(b) which—

(i) (in the case of an animal by-product other than a poultry by-product) is immediately moved to accommodation in the relevant cutting premises, game processing facility or slaughterhouse and placed in a receptacle as mentioned in paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995(8), and which is stained there, or

(ii) (in the case of a poultry by-product) is immediately moved to accommodation in the relevant cold store, cutting premises or slaughterhouse and placed in a container as mentioned in paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(9) and which is stained there;
or

(c) which is intended to be removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse in accordance with regulation 10(2), and which is placed in a room and in a receptacle designed for the purpose of holding animal by-products awaiting sterilisation.

(3) The occupier of any cold store, cutting premises, game processing facility or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle or container in accordance with paragraph (2)(a) or (b) above is sterilised or, as the case may be, stained, and removed from the relevant cold store, cutting premises, game processing facility or slaughterhouse as soon as is reasonably practicable.

(4) The occupier of any cold store, cutting premises, game processing facility or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2)(c) above is removed from the relevant cutting premises, game processing facility or slaughterhouse as soon as is reasonably practicable.”.

(7) Rhoddir y rheoliad canlynol yn lle rheoliad 8 (rhewi sgil-gynhyrchion anifeiliaid mewn unrhyw ladd-dy, cyfleuster prosesu anifeiliaid hela neu safle sgil-gynhyrchion anifeiliaid)—

(8) O.S. 1995/539 a ddiwygiwyd gan O.S.1995/731, O.S. 1995/1763, O.S. 1995 2148, O.S. 1995/2200, O.S. 1995/3124, O.S. 1995/3189, O.S. 1996/1148, O.S. 1996/2235, O.S. 1997/1729, O.S. 1997/2074, O.S. 2000/656, O.S. 2000/2257] (Cy. 150), O.S. 2001/1508 (Cy.105), O.S. 2001/1740 (Cy. 123), O.S. 2001/1802 (Cy. 131), O.S 2001/2198 (Cy. 158), O.S. 2001/2627 (Cy.216), O.S. 2001/3459 (Cy.279) ac O.S. 2002/129 (Cy.17).

(9) O.S. 1995/540 a ddiwygiwyd gan O.S. 1995/1763, O.S. 1995/2200, O.S. 1995/2148, O.S. 1995/3205, O.S. 1997/1729, O.S. 2000/656, O.S. 2000/2257 (Cy.150), O.S. 2001/2198 (Cy.158) ac O.S. 2002/47 (Cy. 6).

“Freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse,

8.—(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse unless it has been sterilised or stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse in accordance with regulation 10(2).”.

(8) Rhoddir y rheoliad canlynol yn lle rheoliad 9 (Storio a phacio sgil-gynhyrchion anifeiliaid)—

“Storage and packaging of animal by-products

9.—(1) Subject to paragraph (2) below no person shall store any unsterilised animal by-product in the same room as any product which is intended for human consumption.

(2) The prohibition contained in paragraph (1) above shall not apply in relation to—

- (a) an animal by-product, other than a poultry by-product, which is stored and dealt with in accordance with paragraph 1(h) of Schedule 2, paragraph 1(c) of Schedule 3, paragraph 1(g) of Part I of Schedule 5, paragraph 1(s) of Part II of Schedule 6 or paragraph 1(p) of Part III of Schedule 6 to the Fresh Meat (Hygiene and Inspection) Regulations 1995; or
- (b) a poultry by-product which is stored and dealt with in accordance with paragraph 4(d) of Schedule 1 or paragraph 4(c) of Part I of Schedule 5 to the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

(3) No person shall store in any part of any cold store, cutting premises game processing facility or slaughterhouse any unsterilised animal by-product unless it is placed in a receptacle on which is affixed a conspicuously visible and legible notice containing the declaration “Not intended for human consumption” in letters at least two cm high, the name of the packer and the address at which the animal by-product was packed or, in the case of any imported animal by-product, the name of the country from which it was imported into Great Britain and—

- (a) (in the case of any animal by-product that is high risk material as defined in article 3(1) of the Animal By-Products Order 1999⁽¹⁰⁾) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration “High risk animal by-product” in letters at least two cm high”; or
- (b) (in the case of any animal by-product that is low risk material as defined in Article 3(1) of the Animal By-Products Order 1999) there is affixed to the receptacle a conspicuously visible and legible notice containing the declaration “Low risk animal by-product” in letters at least two cm high.”.

(9) Rhoddir y rheoliad canlynol yn lle rheoliad 10 (cyfyngu ar symud sgil-gynhyrchion anifeiliaid)—

“Restriction on movement of animal by-products

10.—(1) Subject to paragraph (2) below, no person shall move or cause to be moved any animal by-product from any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse unless it has been sterilised or stained in accordance with these Regulations.

(10) O.S. 1999/646, a ddiwygiwyd gan O.S. 2001/1735 (Cy.122).

(2) The prohibition contained in paragraph (1) above shall not apply to any animal by-product which has not been sterilised or stained in accordance with these Regulations because of a permanent or temporary closure of the relevant animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse, a breakdown of the machinery installed there or a trade dispute, and which is moved, under the supervision of an authorised officer of the enforcement authority, to other premises for incineration or burial in accordance with the provisions of the Animal By-Products Order 1999.”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(11)

30th Mai 2002

D.Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995 (O.S. 1995/614, fel y'u diwygiwyd eisoes) i'r graddau y maent yn gymwys i Gymru. Mae Rheoliadau 1995 yn gymwys i Brydain Fawr gyfan.

Mae'r diwygiadau y mae'r Rheoliadau hyn yn eu gwneud i sylwedd Rheoliadau 1995 fel a ganlyn—

- (a) ym mharagraff 1 o reoliad 2 (dehongli) — mae'r diffiniad o “animal by-product premises” yn cael ei estyn i gynnwys safleoedd torri; mae'r diffiniad o “game processing facility” yn cael ei ddiwygio i beidio â chynnwys safleoedd torri; mae'r diffiniad o “occupier” wedi'i estyn i gynnwys meddiannwyr safle torri; mae'r diffiniad o “stained” wedi'i ddiwygio i ddarparu, yn achos sgil-gynhyrchion anifeiliaid sy'n cynnwys carcasau dofednod cyflawn, mai ei ystyr yw bod y toddiant staenio wedi'i ddodi ar ôl i wyneb y carcas gael ei agor â thoriadau lluosog a dwfn; ac mae diffiniadau o'r ymadroddion “cold store”, “cutting premises” a “slaughterhouse” yn cael eu mewnosod (rheoliad 2(2));
- (b) mae rheoliad 4 (cwmpas) yn cael ei ddisodli gan ddarpariaeth sy'n darparu mai'r unig garcasau cyfan y mae rhaid eu sterileiddio neu eu staenio yw carcasau cyfan dofednod sy'n dofednod marw adeg cyrraedd lladd-dy neu sydd wedi'u gwrthod yn dilyn archwiliadau iechyd cyn cigydda neu archwiliadau post-mortem a gynhaliwyd ar safle o'r fath. (rheoliad 2(3));
- (c) mae'r esemptiad rhag cymhwysiad y Rheoliadau sydd wedi'i gynnwys yn rheoliad 5(2)(a) ac sy'n gweithredu o blaid sgil-gynhyrchion dofednod wedi'i ddileu (rheoliad 2(4));
- (ch) mae'r esemptiad rhag cymhwysiad y Rheoliadau sydd wedi'i gynnwys yn rheoliad 5(2)(c) ac sy'n gweithredu o blaid tynnu offal gwyrdd o safleoedd sgil-gynhyrchion anifeiliaid, cyfleusterau prosesu helgig a lladd-dai yn cael ei estyn i fod yn gymwys o blaid storfeydd oer a safleoedd torri hefyd (rheoliad 2(5));
- (d) mae rheoliad 6 (sy'n gosod gofynion ar hyn o bryd mewn perthynas â sterileiddio a staenio sgil-gynhyrchion anifeiliaid mewn lladd-dai a chyfleusterau prosesu adar hela yn unig) yn cael ei ddisodli gan ddarpariaeth sy'n gymwys mewn perthynas â safleoedd torri hefyd (rheoliad 2(6));
- (dd) mae rheoliad 8 (sydd ar hyn o bryd yn gosod gofynion mewn perthynas â rhewi sgil-gynhyrchion anifeiliaid mewn safleoedd sgil-gynhyrchion anifeiliaid, cyfleusterau prosesu adar hela a lladd-dai yn unig) yn cael ei ddisodli gan ddarpariaeth sy'n gymwys mewn perthynas â safleoedd torri hefyd (rheoliad 2(7));
- (e) mae rheoliad 9 (sydd ar hyn o bryd yn gosod gofynion mewn perthynas â storio a pheccynnu sgil-gynhyrchion anifeiliaid) yn cael ei ddisodli gan ddarpariaeth sy'n gosod gofynion mewn perthynas â storio sgil-gynhyrchion anifeiliaid sydd heb eu sterileiddio yn yr un ystafell â chynhyrchion sydd wedi'u bwriadu i bobl eu bwyta ac mewn storfeydd oer, safleoedd torri, cyfleusterau prosesu adar hela a lladd-dai (rheoliad 2(8)); ac
- (f) mae rheoliad 10 (sydd ar hyn o bryd yn gosod cyfyngiadau ar symud sgil-gynhyrchion anifeiliaid o safleoedd sgil-gynhyrchion anifeiliaid, cyfleusterau prosesu adar hela a lladd-dai yn unig) yn cael ei ddisodli gan ddarpariaeth sy'n gymwys mewn perthynas â storfeydd oer a safleoedd torri hefyd (rheoliad 2(9)).

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Mae arfarniad rheoliadol wedi'i baratoi mewn perthynas â'r Rheoliadau hyn. Mae copi ohono wedi'i roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau pellach oddi wrth Asiantaeth Safonau Bwyd Cymru, Llawr 1, Southgate House, Wood Street, Caerdydd CF10 1EW.