



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1470 (Cy.172)

2003 No. 1470 (W.172)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Gorchymyn Cludo Anifeiliaid
(Glanhau a Diheintio) (Cymru)
(Rhif 2) 2003**

**The Transport of Animals
(Cleansing and Disinfection)
(Wales) (No.2) Order 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn dirymu a disodli Gorchymyn Cludo Anifeiliaid (Glanhau a Diheintio) (Cymru) 2003 ('Gorchymyn 2003') (O.S. 2003/482 (Cy.68)). Mae'r Gorchymyn hwn, sydd yn gymwys i Gymru, yn gweithredu paragraff 8 o Bennod I o'r Atodiad i Gyfarwyddeb y Cyngor 91/628/EEC ar ddiogelu anifeiliaid wrth eu cludo (OJ Rhif L340, 11.12.91, t. 17) a weithredwyd gynt gan baragraff 26 o Atodlen 1 i Orchymyn Lles Anifeiliaid (Cludiant) 1997 (O.S. 1997/1480). Mae'n gweithredu hefyd Erthygl 12.1(a), ail gilosodiad Cyfarwyddeb y Cyngor 64/432/EEC am broblemau iechyd sy'n effeithio ar y fasnach mewn anifeiliaid buchol a moch o fewn y Gymuned (cydgyfnerthwyd y Gyfarwyddeb hon yn yr Atodiad i Gyfarwyddeb y Cyngor 97/12/EC, OJ Rhif L109, 25.4.97, t.1).

This Order revokes and replaces the Transport of Animals (Cleansing and Disinfection) (Wales) Order 2003 ('the 2003 Order') (S.I. 2003/482 (W.68)). This Order, which applies in relation to Wales, implements paragraph 8 of Chapter I of the Annex to Council Directive 91/628/EEC on the protection of animals during transport (OJ No. L340, 11.12.91, p. 17) which was previously implemented by paragraph 26 of Schedule 1 to the Welfare of Animals (Transport) Order 1997 (S.I. 1997/1480). It also implements Article 12.1(a), second indent of Council Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine (this Directive was consolidated in the Annex to Council Directive 97/12/EC, OJ No. L109, 25.4.97, p. 1).

Dyma'r prif newidiadau ers Gorchymyn 2003 a gynhwysir yn y Gorchymyn hwn -

The principal changes from the 2003 Order contained in this Order are -

- symleiddio'r gofynion a gynhwysir ym mharagraff 3 o Atodlen 1 ar gyfer glanhau a diheintio cyfryngau cludo a ddefnyddir yn unig o fewn un diwrnod i gludo anifeiliaid rhwng yr un dau bwynt; a
- diwygio paragraffau 3 a 4 o Atodlen 1 i ddarparu y gall yr esemptiadau i'r gofynion glanhau a diheintio yn erthygl 3, a gynhwysir yn y naill neu'r llall o'r paragraffau hynny, fod

- the simplification of the requirements contained in paragraph 3 of Schedule 1 for the cleansing and disinfection of means of transport used exclusively in the course of a single day for the transport of animals between the same two points; and
- the amendment of paragraphs 3 and 4 of Schedule 1 to provide that the exemptions contained in either of those paragraphs from the cleansing and disinfection requirements of

yn gymwys i gyfrwng cludo a ddefnyddir i gludo anifeiliaid i sioe da byw ac oddi yno, yn ôl yr amgylchiadau.

Mae'r Gorchymyn hwn yn pennu, ar ôl cludo unrhyw anifeiliaid carnog, a ffowls domestig, tyrcwn, gwyddau, hwyaid, ieir gini, soffleir, colomennod, ffesantod, petris ac adar di-gêl, fod rhaid glanhau a diheintio'r cyfrwng cludo a'r cyfarpar a gludir ganddo yn unol ag Atodlen 2 cyn gynted ag y bo'n ymarferol, ond beth bynnag o fewn dim mwy na 24 awr (erthygl 3(3)). Cyn taith yn cludo unrhyw rai o'r anifeiliaid hyn, mae'n ei gwneud yn ofynnol i gyfrwng cludo fod wedi ei lanhau a'i ddi-heintio ers iddo gael ei ddefnyddio ddiwethaf i gludo unrhyw rai o'r anifeiliaid hyn (erthygl 3(4)). Mae hefyd yn pennu, hyd yn oed os yw hynny wedi ei wneud, bod rhaid glanhau a diheintio'r rhannau sydd wedi eu baeddu eto cyn i'r anifeiliaid hynny gael eu cludo os yw'r cyfrwng cludo wedi ei faeddu fel y byddai'n peri perygl o drosglwyddo clefyd (erthygl 3(5)). Mae'n ei gwneud yn ofynnol i unrhyw berson sy'n cludo anifeiliaid symud ymaith unrhyw anifeiliaid marw, sarn (llaesodr) fudr a charthion o'r cyfrwng cludo cyn gynted ag y bo'n ymarferol (erthygl 3(6)).

Mae erthygl 4 yn gymwys i bob anifail ac aderyn arall (ond nid yn gymwys i deithiau nad ydynt yn fasnachol neu i gludo anifeiliaid unigol neu anifeiliaid anwes) ac i'r amgylchiadau a nodir yn Atodlen 1 (lle y byddai erthygl 3 yn gymwys fel arall). Mae'r amgylchiadau hyn yn ymwneud â theithiau o fewn un fenter ffermio, cludo ceffylau penodol, teithiau rhwng yr un dau bwynt a chyfrwng cludo mewn sioe da byw. Mae erthygl 4 yn ei gwneud yn ofynnol i'r anifeiliaid sy'n gymwys gael eu llwytho ar gyfrwng cludo sydd wedi ei lanhau ac, os oes angen, wedi ei ddiheintio, a bod anifeiliaid marw, sarn (llaesodr) a charthion yn cael eu symud ymaith o'r cyfrwng cludo cyn gynted ag y bo modd.

Mae erthygl 6 yn pennu ym mha ffordd y mae'n rhaid cael gwared â'r deunydd o'r cyfrwng cludo.

O dan erthygl 7, mae gan arolygydd bŵer, o dan yr amgylchiadau a nodir yn yr erthygl honno, i gyflwyno hysbysiad sy'n ei gwneud yn ofynnol i gyfrwng cludo gael ei lanhau a'i ddiheintio.

Mae'r Gorchymyn yn cael ei orfodi gan yr awdurdod lleol neu'r Ysgrifennydd Gwladol (erthygl 8).

Mae torri'r Gorchymyn yn dramgwydd o dan adran 73 o Ddeddf Iechyd Anifeiliaid 1981 a gellir cosbi yn unol ag adran 75 o'r Ddeddf honno.

Nid oes arfarniad rheoliadol wedi ei baratoi ar gyfer y Gorchymyn hwn.

article 3 may apply to a means of transport used to transport animals to and from a livestock show, depending on the circumstances.

This Order specifies that, after the transport of any hoofed animals, and domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites, the means of transport and equipment carried with it must be cleansed and disinfected in accordance with Schedule 2 as soon as practicable, but in any event within not more than 24 hours (article 3(3)). Before a journey transporting any of these animals, it requires a means of transport to have been cleansed and disinfected since it was last used to transport any of these animals (article 3(4)). It also specifies that, even if this has been done, if the means of transport becomes soiled so as to cause a risk of transmission of disease since last being cleansed and disinfected, the soiled parts must be cleansed and disinfected again before such animals are transported (article 3(5)). It requires any person transporting such animals to remove dead animals, litter and excreta from the means of transport as soon as practicable (article 3(6)).

Article 4 applies to all other animals and birds (but not to non-commercial journeys or to the transport of single animals or pets) and to the circumstances set out in Schedule 1 (where article 3 would otherwise apply). These circumstances relate to journeys on a single enterprise, transport of certain horses, journeys between the same two points and means of transport at a livestock show. Article 4 requires that the animals to which it applies are loaded on to a means of transport which has been cleansed and, if necessary, disinfected, and that dead animals, litter and excreta are removed from the means of transport as soon as practicable.

Article 6 specifies how the material removed from the means of transport must be disposed of.

Under article 7, an inspector is empowered, in the circumstances set out in that article, to serve a notice requiring a means of transport to be cleansed and disinfected.

The Order is enforced by the local authority or the Secretary of State (article 8).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981 punishable in accordance with section 75 of that Act.

A regulatory appraisal has not been prepared for this Order.

2003 Rhif 1470 (Cy.172)**2003 No. 1470 (W.172)****ANIFEILIAID, CYMRU****ANIMALS, WALES****IECHYD ANIFEILIAID****ANIMAL HEALTH****Gorchymyn Cludo Anifeiliaid
(Glanhau a Diheintio) (Cymru)
(Rhif 2) 2003****The Transport of Animals
(Cleansing and Disinfection)
(Wales) (No.2) Order 2003**

Wedi'i wneud 4 Mehefin 2003
Yn dod i rym 5 Mehefin 2003

Made 4th June 2003
Coming into force 5th June 2003

Mae Cynulliad Cenedlaethol Cymru a'r Ysgrifennydd Gwladol, drwy arfer y pwerau a roddwyd iddynt gan adrannau 1, 7, 37, 87(2) a (5) ac 88(2) a (4) o Ddeddf Iechyd Anifeiliaid 1981(a), yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales and the Secretary of State, in exercise of the powers conferred on them by sections 1, 7, 37, 87(2) and (5) and 88(2) and (4) of the Animal Health Act 1981(a), make the following Order:

Enwi, cychwyn, cymhwyso ac estyn diffiniadau**Title, commencement, application and extension of definitions**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Cludo Anifeiliaid (Glanhau a Diheintio) (Cymru) (Rhif 2) 2003 a daw i rym ar 5 Mehefin 2003.

1.-(1) This Order may be cited as the Transport of Animals (Cleansing and Disinfection) (Wales) (No.2) Order 2003 and comes into force on 5th June 2003.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru.

(2) This Order applies in relation to Wales.

(3) At ddibenion Deddf Iechyd Anifeiliaid 1981 o'i chymhwyso at y Gorchymyn hwn -

(3) For the purposes of the Animal Health Act 1981 in its application to this Order -

- (a) mae'r diffiniadau o anifeiliaid a dofednod yn is-adrannau (1) a (4) o adran 87 o'r Ddeddf honno yn cael eu hestyn i gynnwys pob mamal ac eithrio dyn ac i gynnwys pob aderyn; a
- (b) mae'r diffiniadau o glefyd yn is-adrannau (1) a (3) o adran 88 o'r Ddeddf honno yn cael eu hestyn i gynnwys pob clefyd sy'n effeithio ar anifeiliaid a dofednod.

- (a) the definitions of animals and poultry in subsections (1) and (4) of section 87 of that Act are extended so as to comprise all mammals except man and all birds; and
- (b) the definitions of disease in subsections (1) and (3) of section 88 of that Act are extended so as to comprise all diseases of animals and poultry.

(a) 1981 p. 22. Trosglwyddwyd swyddogaethau a roddwyd o dan Ddeddf 1981 i "the Ministers" (fel y'u diffinnir yn adran 86 o'r Ddeddf honno) i'r graddau yr oeddent yn arferadwy gan Ysgrifennydd Gwladol Cymru mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd swyddogaethau ar y cyd "the Ministers" a oedd yn arferadwy gan Ysgrifennydd Gwladol yr Alban mewn perthynas â Chymru i'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd gan Orchymyn Trosglwyddo Swyddogaethau (Amaethyddiaeth a Bwyd) 1999 (O.S. 1999/3141). Cafodd pob un o swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd eu trosglwyddo ymhellach wedyn i'r Ysgrifennydd Gwladol gan Orchymyn y Weinyddiaeth Amaethyddiaeth Pysgodfeydd a Bwyd (Diddymu) 2002 (O.S. 2002/794).

(a) 1981 c. 22. Functions conferred under the 1981 Act on "the Ministers" (as defined in section 86 of that Act) were transferred so far as exercisable by the Secretary of State for Wales in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). The joint functions of "the Ministers" exercisable by the Secretary of State for Scotland in relation to Wales were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). All functions of the Minister of Agriculture, Fisheries and Food were then further transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

Dehongli

2.-(1) Yn y Gorchymyn hwn -

mae "anifail" ("*animal*") yn cynnwys aderyn; ystyr "cyfarpar" ("*equipment*") yw unrhyw gyfarpar a gludir gan gyfrwng cludo i'w ddefnyddio gydag anifeiliaid; ac

mae "cyfrwng cludo" ("*means of transport*") yn cynnwys ei ffitiadau, ei rannau datodadwy ac unrhyw gynwysyddion (p'un a ydynt yn ddatodadwy ai peidio) a ddefnyddir gydag ef.

(2) Rhaid i unrhyw hysbysiad a gyflwynir o dan y Gorchymyn hwn fod yn ysgrifenedig. Gellir ei wneud yn ddarostyngedig i amodau a gellir ei ddiwygio, ei atal neu ei ddirymu unrhyw bryd mewn ysgrifenedig.

Glanhau a diheintio mewn cysylltiad â chludo anifeiliaid carnog a dofodnod

3.-(1) Mae'r erthygl hon yn gymwys mewn cysylltiad â chludo -

- (a) anifeiliaid carnog;
- (b) colomennod rasio; ac
- (c) yr anifeiliaid canlynol, os cânt eu magu neu eu cadw mewn caethiwed ar gyfer bridio, cynhyrchu cig neu wyau i'w bwyta, neu er mwyn ailstocio cyflenwadau adar hela: ffowls domestig, tyrcwn, gwyddau, hwyaid, ieir gini, sofflieir, colomennod, ffesantod, petris ac adar di-gêl,

ac mae'n rhaid i gyfeiriadau yn yr erthygl hon at "anifail" gael eu dehongli yn unol â hynny.

(2) Yn yr amgylchiadau a nodir yn Atodlen 1, gofynion erthygl 4 sy'n gymwys yn lle gofynion yr erthygl hon.

(3) Rhaid i ddefnyddiwr unrhyw gyfrwng cludo a ddefnyddiwyd i gludo unrhyw anifail, neu unrhyw beth a allai beri perygl o drosglwyddo clefyd, cyn gynted ag y bo'n rhesymol ymarferol a heb fod yn fwy na 24 awr ar ôl gorffen y daith, sicrhau bod y cyfrwng cludo ac unrhyw gyfarpar yn cael eu glanhau a'u diheintio yn unol ag Atodlen 2 neu (yn achos cynhwysydd) eu dinistrio.

(4) Ni chaiff neb ddefnyddio unrhyw gyfrwng cludo, na pheri na chaniatáu i gyfrwng cludo gael ei ddefnyddio i gludo unrhyw anifail onid yw'r cyfrwng cludo ac unrhyw gyfarpar wedi cael eu glanhau a'u diheintio yn unol ag Atodlen 2 ers y tro diwethaf iddynt gael eu defnyddio i gludo unrhyw anifail, neu unrhyw beth a allai beri perygl o drosglwyddo clefyd.

(5) Os yw cyfrwng cludo neu unrhyw gyfarpar wedi ei faeddu fel y gallai beri perygl o drosglwyddo clefyd ers y tro diwethaf iddo gael ei lanhau a'i ddiheintio, ni chaiff neb lwytho anifail yn y cyfrwng cludo, na pheri na chaniatáu i unrhyw anifail gael ei lwytho, onid yw'r rhannau o'r cyfrwng cludo neu'r cyfarpar a faeddyd

Interpretation

2.-(1) In this Order-

"animal" ("*anifail*") includes bird;

"means of transport" ("*cyfrwng cludo*") includes its fittings, its detachable parts and any containers (whether detachable or not) used with it; and

"equipment" ("*cyfarpar*") means any equipment carried with a means of transport for use with animals.

(2) Any notice served under this Order must be in writing, may be made subject to conditions and may be amended, suspended or revoked in writing at any time.

Cleansing and disinfection in relation to the transport of hoofed animals and poultry

3.-(1) This article applies in relation to the transport of -

- (a) hoofed animals;
- (b) racing pigeons; and
- (c) the following, if they are reared or kept in captivity for breeding, the production of meat or eggs for consumption or for restocking supplies of game: domestic fowls, turkeys, geese, ducks, guinea-fowls, quails, pigeons, pheasants, partridges and ratites,

and references in this article to "animal" must be construed accordingly.

(2) In the circumstances set out in Schedule 1, the requirements of article 4 apply instead of the requirements of this article.

(3) The user of any means of transport which has been used to transport any animal, or anything which may give rise to a risk of transmission of disease, must, as soon as reasonably practicable and not more than 24 hours after the journey is completed, ensure that it and any equipment are cleansed and disinfected in accordance with Schedule 2 or (in the case of a container) destroyed.

(4) No person may use, or cause or permit the use of, any means of transport to transport any animal unless the means of transport and any equipment have been cleansed and disinfected in accordance with Schedule 2 since they were last used to transport any animal, or anything which may give rise to a risk of transmission of disease.

(5) If a means of transport or any equipment has become soiled so that it may give rise to a risk of transmission of disease since last being cleansed and disinfected, no person may load, or cause or permit to be loaded, any animal into the means of transport unless the soiled parts of the means of transport or the

wedi cael eu glanhau a'u diheintio eto yn unol â pharagraffau 1, 3 a 4 o Atodlen 2.

(6) Rhaid i unrhyw berson sy'n cludo anifeiliaid symud ymaith unrhyw anifeiliaid marw, sarn (llaesodr) fudr a charthion o'r cyfrwng cludo cyn gynted ag y bo'n ymarferol.

Glanhau a diheintio mewn cysylltiad â chludo mamaliaid ac adar eraill, ac anifeiliaid carnog a dofednod mewn rhai amgylchiadau

4.-(1) Mae'r erthygl hon yn gymwys mewn cysylltiad â chludo -

- (a) pob mamal heblaw anifeiliaid carnog;
- (b) pob aderyn nas cynhwysir yn erthygl 3; ac
- (c) anifeiliaid ac adar a bennir yn erthygl 3 yn yr amgylchiadau a nodir yn Atodlen 1,

ac mae'n rhaid i gyfeiriadau yn yr erthygl hon at "anifail" gael eu dehongli yn unol â hynny.

(2) Nid yw'r erthygl hon yn gymwys yn achos -

- (a) cludiant nad yw o natur fasnachol;
- (b) anifail unigol sy'n mynd gyda pherson sy'n gyfrifol am yr anifail yn ystod y daith; neu
- (c) cludo anifeiliaid anwes sy'n mynd gyda'u perchenogion ar daith breifat.

(3) Rhaid i unrhyw berson sy'n cludo anifeiliaid, neu beri neu ganiatáu i anifeiliaid gael eu cludo, os yw'r erthygl hon yn gymwys, sicrhau -

- (a) eu bod yn cael eu llwytho ar gyfrwng cludo sydd wedi ei lanhau ac, os oes angen, ei ddiheintio; a
- (b) bod anifeiliaid marw, sarn (llaesodr) fudr a charthion yn cael eu symud ymaith cyn gynted ag y bo'n ymarferol.

(4) Rhaid gwneud y glanhau a'r diheintio o dan yr erthygl hon yn unol â pharagraffau 1, 3 a 4 o Atodlen 2.

Cabiau Gyrrwr

5. Nid oes dim yn y Gorchymyn hwn sy'n ei gwneud yn ofynnol diheintio y tu mewn i gab gyrrwr unrhyw gyfrwng cludo.

Gwaredu deunydd ar ôl glanhau

6.-(1) Rhaid i'r person sy'n gyfrifol am lanhau'r cyfrwng cludo ac unrhyw gyfarpar o dan y Gorchymyn hwn sicrhau bod yr holl borthiant y mae'r anifeiliaid wedi cael mynd ato, y sarn (llaesodr), y carthion ac unrhyw ddeunyddiau eraill sy'n tarddu o anifeiliaid, ac unrhyw halogion eraill sydd wedi cael eu symud o'r cyfrwng cludo -

- (a) yn cael eu dinistrio;

equipment have been again cleansed and disinfected in accordance with paragraphs 1, 3 and 4 of Schedule 2.

(6) Any person transporting animals must remove any dead animals, soiled bedding and excreta from the means of transport as soon as practicable.

Cleansing and disinfection in relation to the transport of other mammals and birds, and hoofed animals and poultry in certain circumstances

4.-(1) This article applies in relation to the transport of -

- (a) all mammals other than hoofed animals;
- (b) all birds not included in article 3; and
- (c) animals and birds specified in article 3 in the circumstances specified in Schedule 1,

and references to "animal" in this article must be construed accordingly.

(2) This article does not apply in the case of -

- (a) transport which is not of a commercial nature;
- (b) an individual animal accompanied by a person having responsibility for the animal during transport; or
- (c) the transport of pet animals accompanying their owner on a private journey.

(3) Any person transporting, or causing or permitting the transport of, animals where this article applies must ensure that -

- (a) they are loaded on to a means of transport which has been cleansed and, where necessary, disinfected; and
- (b) dead animals, soiled litter and excreta are removed as soon as practicable.

(4) Cleansing and disinfection under this article must be carried out in accordance with paragraphs 1, 3 and 4 of Schedule 2.

Drivers' cabs

5. Nothing in this Order requires the use of disinfectant inside the driver's cab of any means of transport.

Disposal of material after cleansing

6.-(1) The person responsible for cleansing the means of transport and any equipment under this Order must ensure that all feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin, and other contaminants removed from the means of transport are -

- (a) destroyed;

- (b) yn cael eu trin fel bod y perygl o drosglwyddo clefyd yn cael ei ddileu; neu
- (c) yn cael eu gwaredu fel nad oes modd i anifeiliaid fynd atynt.

(2) Nid yw'r erthygl hon yn gymwys i unrhyw ddeunydd y mae gofyn ei waredu o dan Orchymyn Sgil-Gynhyrchion Anifeiliaid 1999(a).

Pwerau arolygwyr, a.y.y.b.

7.-(1) Os yw arolygydd wedi ei fodloni bod cyfrwng cludo neu unrhyw gyfarpar naill ai -

- (a) heb ei lanhau a'i ddiheintio yn unol â'r Gorchymyn hwn; neu
- (b) ag angen ei lanhau a'i ddiheintio oherwydd y gallai beri perygl o drosglwyddo clefyd,

caiff gyflwyno hysbysiad i unrhyw berson sydd i'w weld ganddo yn gyfrifol am y cyfrwng cludo neu'r cyfarpar hwnnw.

(2) Gall hysbysiad a gyflwynir o dan y paragraff blaenorol -

- (a) gwahardd defnyddio'r cyfrwng cludo neu'r cyfarpar nes iddo gael ei lanhau a'i ddiheintio;
- (b) gwahardd cadw anifeiliaid ar y cyfrwng cludo nes iddo gael ei lanhau a'i ddiheintio;
- (c) ei gwneud yn ofynnol i'r person y cyflwynir yr hysbysiad iddo lanhau a diheintio'r cyfrwng cludo neu'r cyfarpar o fewn unrhyw gyfnod a bennir yn yr hysbysiad; neu
- (ch) ei gwneud yn ofynnol i'r person y cyflwynir yr hysbysiad iddo gael gwared ar yr holl borthiant y mae anifeiliaid wedi cael mynd ato, y sarn (llaesodr), y carthion a deunyddiau eraill sy'n tarddu o anifeiliaid yn y modd a bennir yn yr hysbysiad.

(3) Os cyflwynir hysbysiad o dan y paragraff blaenorol, rhaid gwneud y glanhau a'r diheintio yn unol ag Atodlen 2 onid yw'r hysbysiad yn pennu dull arall o lanhau a diheintio.

(4) Caiff arolygydd gyflwyno hysbysiad i unrhyw berson y mae'n ofynnol iddo wneud y glanhau a'r diheintio yn unol ag erthygl 3 neu 4, yn ei gwneud yn ofynnol iddo wneud y glanhau a'r diheintio yn unol â'r hyn a bennir yn yr hysbysiad yn lle eu gwneud yn unol ag Atodlen 2 os yw'r arolygydd wedi ei fodloni bod angen gwneud hynny at ddibenion iechyd anifeiliaid.

(5) Onid yw person yn cydymffurfio â hysbysiad a gyflwynir o dan yr erthygl hon, caiff arolygydd drefnu y cydymffurfir â darpariaethau'r hysbysiad ar draul y person y cyflwynwyd yr hysbysiad iddo.

- (b) treated so as to remove the risk of transmission of disease; or
- (c) disposed of so that animals have no access to it.

(2) This article does not apply to any material required to be disposed of under the Animal By-Products Order 1999(a).

Powers of inspectors, etc.

7.-(1) Where an inspector is satisfied that a means of transport or any equipment either -

- (a) has not been cleansed and disinfected in accordance with this Order; or
- (b) needs to be cleansed and disinfected because it may give rise to a risk of transmission of disease,

he or she may serve a notice on any person appearing to him or her to be in charge of that means of transport or equipment.

(2) A notice served under the preceding paragraph may -

- (a) prohibit the use of the means of transport or the equipment until it has been cleansed and disinfected;
- (b) prohibit the keeping of animals on the means of transport until it has been cleansed and disinfected;
- (c) require the person on whom the notice is served to cleanse and disinfect the means of transport or the equipment within any period specified in the notice; or
- (d) require the person on whom the notice is served to dispose of all feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin in the way set out in the notice.

(3) If a notice is served under the preceding paragraph, the cleansing and disinfection must be carried out in accordance with Schedule 2 unless the notice specifies a different method of cleansing and disinfection.

(4) An inspector may serve a notice on any person who is required to carry out cleansing and disinfection in accordance with articles 3 or 4 requiring him or her to carry out the cleansing and disinfection as specified in the notice instead of in accordance with Schedule 2 if the inspector is satisfied that this is necessary for animal health purposes.

(5) Where a person fails to comply with a notice served under this article, an inspector may arrange for the provisions of the notice to be complied with at the expense of the person on whom the notice was served.

(a) O.S. 1999/646 fel y'i diwygiwyd gan O.S. 2001/1735 (Cy.122).

(a) S.I. 1999/646, as amended by S.I. 2001/1735 (W.122).

Gorfodi

8. Yr awdurdod lleol neu'r Ysgrifennydd Gwladol sydd i orfodi'r Gorchymyn hwn.

Dirymu a diwygio

9. Dirymir Gorchymyn Cludo Anifeiliaid (Glanhau a Diheintio) (Cymru) 2003(a).

Enforcement

8. This Order is to be enforced by the local authority or the Secretary of State.

Revocations and amendments

9. The Transport of Animals (Cleansing and Disinfection) (Wales) Order 2003 is revoked(a).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru

Signed on behalf of the National Assembly for Wales

4 Mehefin 2003

4th June 2003

D.Elis-Thomas

Y Llywydd

Presiding Officer

2 Mehefin 2003

2nd June 2003

Elliot Morley

Yr Is-Ysgrifennydd Seneddol

Parliamentary Under Secretary of State

Adran yr Amgylchedd, Bwyd a Materion Gwledig

Department for Environment, Food and Rural Affairs

(a) O.S. 2003/482 (Cy.68).

(a) S.I. 2003/482 (W.68).

ATODLEN 1

Erthyglau 3(2) a 4(1)

Yr amgylchiadau pan fydd erthygl 4 yn gymwys i'r anifeiliaid a bennir yn erthygl 3

Teithio o fewn un fenter ffermio

1. Erthygl 4, yn hytrach nag erthygl 3, sy'n gymwys os yw'r daith wedi ei gwneud o fewn un fenter ffermio sydd o dan un berchnogaeth.

Cludo ceffylau penodol

2. Erthygl 4, yn hytrach nag erthygl 3, sy'n gymwys mewn cysylltiad â chludo -

- (a) ceffylau a ddefnyddir at ddibenion hamdden neu chwaraeon yn unig; neu
- (b) ceffylau a gedwir mewn stablau a drwyddedir gan Glwb y Jockis yn ôl ac ymlaen i gyfarfodydd rasio, neu yn ôl ac ymlaen i fan lle mae ceffylau sy'n cael eu cadw yn y stablau hynny yn cael eu hyfforddi i rasio.

Teithio rhwng yr un dau bwynt

3.-(1) Os yw cyfrwng cludo yn cael ei ddefnyddio'n unig o fewn un diwrnod i gludo anifeiliaid rhwng yr un dau bwynt, erthygl 4, yn hytrach nag erthygl 3, sy'n gymwys, ac eithrio cyn taith gyntaf y diwrnod ac ar ôl y daith olaf.

(2) Yn y paragraff hwn mae cludo anifeiliaid yn digwydd o fewn un diwrnod hyd yn oed -

- (a) os yw'r daith olaf yn dechrau ond nad yw'n gorffen cyn canol nos ar y diwrnod dan sylw; a
- (b) yn achos anifail carnog sydd wedi cymryd rhan mewn digwyddiad gyda'r hwyr, neu un sy'n parhau gyda'r hwyr, ar y diwrnod dan sylw, os yw'r daith olaf yn dechrau cyn gynted ag yw'n ymarferol ar ôl diwedd y digwyddiad hwnnw, p'un a yw'n dechrau cyn canol nos ai peidio.

(3) Nid yw'r paragraff hwn yn gymwys i deithiau rhwng dwy farchnad.

Sioeau da byw

4. Os defnyddir cyfrwng cludo ar gyfer cludo anifeiliaid o safle tarddiad i sioe da byw ac yn ôl ac nad yw paragraff 3 yn gymwys, yna erthygl 4, yn hytrach nag erthygl 3, sy'n gymwys mewn cysylltiad â'r cyfrwng cludo pan yw ar safle'r sioe da byw ar yr amod -

- (a) bod y cyfrwng cludo yn mynd yn uniongyrchol o'r safle tarddiad i'r sioe;
- (b) nad yw'r cyfrwng cludo yn ymadael â'r sioe cyn y daith yn ôl;

SCHEDULE 1

Articles 3(2) and 4(1)

Circumstances in which article 4 applies to animals specified in article 3

Journey made within a single farming enterprise

1. Article 4, rather than article 3, applies if the journey is made within a single farming enterprise in one ownership.

Transport of certain horses

2. Article 4, rather than article 3, applies in relation to the transport of -

- (a) horses used for recreational or sporting purposes only; or
- (b) horses kept at stables licensed by the Jockey Club when they are being taken to or from race meetings, or to or from a place at which horses kept at those stables undergo training for racing.

Journeys between the same two points

3.-(1) If a means of transport is used exclusively, in the course of a single day, for the transport of animals between the same two points, article 4, rather than article 3, shall apply, except before the first journey and after the last journey of the day.

(2) In this paragraph, the transport of animals takes place in the course of a single day even if -

- (a) the last journey is begun but not completed before midnight on the day in question; and
- (b) in the case of a hoofed animal which has been participating in an event taking place during or continuing into the evening of the day in question, the last journey begins as soon as practicable after the end of that event, whether or not it begins before midnight.

(3) This paragraph does not apply to journeys between two markets.

Livestock shows

4. If a means of transport is used for the transport of animals from their premises of origin to a livestock show and back, and paragraph 3 does not apply then article 4, rather than article 3, applies in relation to the means of transport when it is at the show premises provided that -

- (a) the means of transport goes directly from the premises of origin to the show;
- (b) the means of transport does not leave the show before the return journey;

- (c) mai'r anifeiliaid a gludwyd i'r sioe yw'r unig anifeiliaid ar y cyfrwng cludo pan yw yn y sioe;
- (ch) nad yw'r cyfrwng cludo ar y daith yn ôl ond yn cludo'r anifeiliaid a gludasai i'r sioe; a
- (d) bod y cyfrwng cludo yn dychwelyd o'r sioe yn uniongyrchol i'r safle tarddiad.

Dadlwytho dros dro

5. Erthygl 4, yn hytrach nag erthygl 3, sy'n gymwys mewn cysylltiad â chyfrwng cludo y mae anifeiliaid wedi cael eu dadlwytho ohono, a hynny dim ond i roi bwyd neu ddŵr iddynt, neu at ryw nod dros dro arall, ac wedyn eu hail-lwytho ynddo.

- (c) the only animals on the means of transport while it is at the show are animals that it transported to the show;
- (d) the means of transport only transports on the return journey animals that it transported to the show; and
- (e) the means of transport returns from the show directly to the premises of origin.

Temporary unloading

5. Article 4, rather than article 3, applies in relation to a means of transport from which animals have been unloaded solely to be fed or watered, or for some other temporary purpose, and then reloaded.

ATODLEN 2

Erthyglau 3(3), (4) a (5),
4(4), 7(3) a (4)

Glanhau a diheintio cyfrwng cludo

Lefel y glanhau a'r diheintio

1. Rhaid gwneud yr holl lanhau a diheintio er mwyn lleihau, cyn belled ag y bo'n rhesymol ymarferol, y perygl o drosglwyddo'r clefyd.

Y rhannau o'r cyfrwng cludo y mae angen eu glanhau

2.-(1) Yn achos anifeiliaid nad ydynt yn cael eu cludo mewn cynhwysydd -

- (a) rhaid glanhau'r canlynol p'un a ydynt wedi eu baeddu ai peidio: holl wynebaw mewnol y rhannau hynny o'r cyfrwng cludo y cludwyd yr anifeiliaid ynddynt, a phob rhan o'r cyfrwng cludo y mae'n bosibl bod yr anifeiliaid wedi cael mynd ati yn ystod y daith; a
- (b) rhaid glanhau'r canlynol os ydynt wedi eu baeddu -
 - (i) unrhyw ffitiadau datodadwy nas defnyddiwyd yn ystod y daith;
 - (ii) unrhyw ran arall o'r cyfrwng cludo; a
 - (iii) unrhyw gyfarpar.

(2) Yn achos anifeiliaid a gludwyd mewn cynhwysydd, rhaid glanhau'r tu mewn i'r cynhwysydd p'un a yw wedi ei faeddu ai peidio, a rhaid glanhau'r tu allan i'r cynhwysydd ac unrhyw rannau o'r cyfrwng cludo sy'n cario'r cynhwysydd os ydynt wedi'u baeddu.

(3) At ddibenion erthygl 3, rhaid i bob rhan o gyfrwng cludo y mae'n ofynnol ei glanhau gael ei diheintio hefyd.

Y dull glanhau

3. Rhaid glanhau drwy symud ymaith unrhyw borthiant y mae'r anifeiliaid wedi cael mynd ato, unrhyw sarn (llaesodr), unrhyw garthion ac unrhyw ddeunydd arall sy'n tarddu o anifeiliaid, unrhyw laid ac unrhyw halogion eraill drwy ddefnyddio unrhyw gyfrwng priodol, a glanhau wedyn â dŵr, stêm neu, pan fo'n briodol, gemegau neu gyfansoddion cemegol (neu, os bydd angen, unrhyw gyfuniad o'r rhain) nes cael gwared ar y baw.

Y dull diheintio

4. Rhaid i bopeth y mae'n ofynnol ei lanhau o dan y Gorchymyn hwn gael ei ddiheintio ar ôl gorffen ei lanhau, drwy ddefnyddio diheintydd a gymeradwyir o

SCHEDULE 2

Articles 3(3), (4) and (5),
4(4), 7(3) and (4)

Cleansing and disinfection of means of transport

Level of cleansing and disinfection

1. All cleansing and disinfection must be carried out so as to reduce so far as reasonably practicable the risk of transmission of disease.

Parts of the means of transport required to be cleansed

2.-(1) In the case of animals not transported in a container -

- (a) the following must be cleansed whether or not they are soiled: all the inside surfaces of those parts of the means of transport in which the animals are transported, and all parts of the means of transport to which the animals may have had access during the journey; and
- (b) the following must be cleansed if they are soiled -
 - (i) any detachable fittings not used during the journey;
 - (ii) any other part of the means of transport; and
 - (iii) any equipment.

(2) In the case of animals transported in a container, the interior of the container must be cleansed whether or not it is soiled, and the exterior of the container and any parts of the means of transport carrying the container must be cleansed if they are soiled.

(3) For the purposes of article 3, every part of a means of transport required to be cleansed must also be disinfected.

Method of cleansing

3. Cleansing must be carried out by removing any feedingstuffs to which animals have had access, bedding, excreta and other material of animal origin, mud and other contaminants using any appropriate means, and then cleansing with water, steam or where appropriate chemicals or chemical compounds (or, if necessary, any combination of these) until free of dirt.

Method of disinfection

4. Anything to be disinfected under this Order must be disinfected after cleansing has been completed, using a disinfectant approved under the Diseases of

dan Orchymyn Clefydau Anifeiliaid (Diheintyddion a Gymeradwywyd) 1978(a) yn ôl y crynodiad sy'n ofynnol o dan y gorchymyn hwnnw ar gyfer "Gorchmynion Cyffredinol".

Animals (Approved Disinfectants) Order 1978(a) at the concentration required under that Order for "General Orders".

(a) O.S. 1978/32, fel y'i diwygiwyd.

(a) S.I. 1978/32, as amended.

OFFERYNNAU STATUDOL

2003 Rhif 1470 (Cy.172)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Cludo Anifeiliaid
(Glanhau a Diheintio) (Cymru)
(Rhif 2) 2003

STATUTORY INSTRUMENTS

2003 No. 1470 (W.172)

ANIMALS, WALES

ANIMAL HEALTH

The Transport of Animals
(Cleansing and Disinfection)
(Wales) (No.2) Order 2003

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