



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 3094 (Cy.273)

2008 No. 3094 (W.273)

ANIFEILIAID, CYMRU

ANIMALS, WALES

LLES ANIFEILIAID

ANIMAL WELFARE

**Rheoliadau Anffurfio (Triniaethau
a Ganiateir) (Cymru) (Diwygio)
2008**

**The Mutilations (Permitted
Procedures) (Wales) (Amendment)
Regulations 2008**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007 (O.S. 2007/1029 (Cy. 96)) ("Rheoliadau 2007") drwy fewnosod triniaethau newydd a ganiateir a'r gofynion sy'n gymwys iddynt. Y triniaethau newydd a ganiateir yw tagio adenydd a thagio gweoedd, tagio gyddfau a bylchu gweoedd hwyaid fferm ac, yn achos defaid a geifr, casglu neu drosglwyddo embryonau drwy dull llawfeddygol, ffrwythloni laparosgopig a thrawsblannu (gan gynnwys casglu) ofa drwy dull llawfeddygol. Mae'r Rheoliadau yn diwygio rheoliad 3 ac yn gosod rheoliad newydd yn lle rheoliad 5, ynglyn â phwy gaiff roi'r triniaethau a ganiateir. Mae'r Rheoliadau hefyd yn diwygio rheoliad 4 er mwyn cywiro mân wall drafftio.

These Regulations amend the Mutilations (Permitted Procedures) (Wales) Regulations 2007 (S.I. 2007/1029 (W. 96)) ("the 2007 Regulations") by inserting new permitted procedures and the requirements that apply to them. The new permitted procedures are wing tagging, web tagging, neck tagging and web notching of farmed ducks and, in the case of sheep and goats, embryo collection or transfer by a surgical method, laparoscopic insemination, and ovum transplantation (including collection) by a surgical method. The Regulations amend regulation 3 and substitute a new regulation 5 in respect of who may perform the permitted procedures. The Regulations also amend regulation 4 in order to correct a minor drafting error.

Mewn perthynas â thocio cynffonau ac ysbaddu moch, mae'r Rheoliadau hyn ynghyd â Rheoliadau 2007 yn gweithredu paragraff 8 o Bennod I o'r Atodiad i Gyfarwyddeb y Cyngor 91/630/EEC sy'n gosod y safonau gofynnol ar gyfer gwarchod moch (OJ Rhif L340, 11.12.1991, t.33), fel y'i diwygiwyd gan Gyfarwyddeb y Cyngor 2001/88/EC, OJ Rhif L316, 1.12.2001, t.1), Cyfarwyddeb y Comisiwn 2001/93/EC (OJ Rhif L316, 1.12.2001, t.36) a Rheoliad y Cyngor (EC) Rhif 806/2003 (OJ Rhif L122, 16.5.2003, t.1). Mewn perthynas â ieir dodwy, mae'r Rheoliadau hyn ynghyd â Rheoliadau 2007 yn gweithredu paragraff 8 o'r Atodiad i Gyfarwyddeb y Cyngor 1999/74/EC sy'n gosod y safonau gofynnol ar gyfer gwarchod ieir dodwy (OJ Rhif L203, 3.8.1999, t.53, fel y'i diwygiwyd gan Rheoliad y Cyngor (EC) Rhif 806/2003 (OJ Rhif L122, 16.5.2003, t.1).

In respect of tail docking and castration of pigs, these Regulations together with the 2007 Regulations implement paragraph 8 of Chapter I of the Annex to Council Directive 91/630/EEC laying down minimum standards for the protection of pigs (OJ No L 340, 11.12.1991, p.33), as amended by Council Directive 2001/88/EC (OJ No L316, 1.12.2001, p.1, Commission Directive 2001/93/EC (OJ No L316, 1.12.2001, p.36) and Council Regulation (EC) No. 806/2003 (OJ No. L 122, 16.5.2003, p.1). In respect of laying hens, these Regulations together with the 2007 Regulations implement paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ No L 203, 3.8.1999, p.53), as amended by Council Regulation (EC) No 806/2003 (OJ No L122, 16.5.2003, p.1).

Mae Rheoliadau 2007 yn pennu i ba driniaethau nad yw'r tramgwyddau yn adran 5(1) a (2) o Ddeddf Lles Anifeiliaid 2006 (p.45) yn gymwys. Mae'r darpariaethau hynny yn y Ddeddf yn ei gwneud yn dramgwydd rhoi triniaeth waharddedig neu beri rhoi triniaeth waharddedig i anifail a warchodir neu, o dan amgylchiadau penodedig, caniatáu rhoi triniaeth o'r fath i anifail. Triniaeth waharddedig yw triniaeth sy'n cynnwys ymyrryd â meinweoedd sensitif neu strwythur esgyrn yr anifail ac eithrio at y diben o'i drin yn feddygol (gweler adran 5(3) o'r Ddeddf).

Mae Asesiad Effaith Rheoleiddiol wedi ei baratoi. Gellir cael copïau ohono o Swyddfa'r Prif Swyddog Milfeddygol, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The 2007 Regulations specify the procedures to which the offences in section 5(1) and (2) of the Animal Welfare Act 2006 (c. 45) do not apply. Those provisions of the Act make it an offence to carry out, or to cause to be carried out, a prohibited procedure on a protected animal, or, in specified circumstances, to permit such a procedure to be carried out on an animal. A prohibited procedure is one that involves the interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment (see section 5(3) of the Act).

A Regulatory Impact Assessment has been prepared. Copies can be obtained from the Office of the Chief Veterinary Officer, Welsh Assembly Government, Crown Building, Cathays Park, Cardiff CF10 3NQ.

2008 Rhif 3094 (Cy.273)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Anffurfio (Triniaethau
a Ganiateir) (Cymru) (Diwygio)
2008**

<i>Gwnaed</i>	<i>2 Rhagfyr 2008</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>29 Hydref 2008</i>
<i>Yn dod i rym</i>	<i>3 Rhagfyr 2008</i>

Gweinidogion Cymru, o ran Cymru, yw'r awdurdod cenedlaethol priodol at ddibenion arfer y pwerau a roddwyd gan adran 5(4) o Ddeddf Lles Anifeiliaid 2006(1), ac maent yn gwneud y Rheoliadau canlynol drwy arfer y pwerau hynny.

Mae Gweinidogion Cymru wedi ymgynghori yn unol ag adran 5(5) o'r Ddeddf honno.

Yn unol ag adran 61(2) o'r Ddeddf honno, mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad a wnaed gan Gynulliad Cenedlaethol Cymru.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) (Diwygio) 2008.

(2) Daw'r Rheoliadau hyn i rym ar y diwrnod ar ôl y diwrnod y'u gwneir.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(1) 2006 p. 45. Diffinnir yr awdurdod cenedlaethol priodol yn adran 62(1) o'r Ddeddf. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno, mae'r swyddogaethau hyn yn arferadwy gan Weinidogion Cymru.

2008 No. 3094 (W.273)

ANIMALS, WALES

ANIMAL WELFARE

**The Mutilations (Permitted
Procedures) (Wales) (Amendment)
Regulations 2008**

<i>Made</i>	<i>2 December 2008</i>
<i>Laid before the National Assembly for Wales</i>	<i>29 October 2008</i>
<i>Coming into force</i>	<i>3 December 2008</i>

The Welsh Ministers are, in relation to Wales, the appropriate national authority for the purpose of exercising the powers conferred by section 5(4) of the Animal Welfare Act 2006(1), and make the following Regulations in exercise of those powers.

The Welsh Ministers have carried out a consultation in accordance with section 5(5) of that Act.

In accordance with section 61(2) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Mutilations (Permitted Procedures) (Wales) (Amendment) Regulations 2008.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations apply in relation to Wales.

(1) 2006 c. 45. The appropriate national authority is defined in section 62(1) of the Act. By virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32) these functions are exercisable by the Welsh Ministers.

Diwygiadau i Reoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007

2. Diwygir Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007(1) fel a ganlyn.

Rheoliad 3

3. Yn rheoliad 3 (eithriadau i'r gwaharddiad ar anffurfio), yn lle is-baragraffau (c) ac (ch) rhodder—
"(c)mewn amgylchiadau hylan;
(ch)yn unol ag arferion da; ac
(d) yn unol â rheoliad 5, pan fo'n gymwys".

Rheoliad 4

4. Yn rheoliad 4(1) (cyflawni triniaethau gwaharddedig mewn argyfwng) hepgorer y geiriau "a warchodir".

Rheoliad 5

5. Yn lle rheoliad 5 (personau sy'n cael rhoi triniaethau a ganiateir) rhodder—

"5.—(1) Ac eithrio'r triniaethau y cyfeirir atynt ym mharagraff (2), ni cheir rhoi unrhyw driniaeth, a ganiateir o dan reoliad 3 ac y mae Deddf Milfeddygon 1966(2) neu Orchymyn Milfeddygon (Esemptiadau) 1962(3) yn gymwys iddi, ac eithrio gan berson y caniateir iddo ei rhoi o dan y ddeddfwriaeth honno.

(2) Caniateir tocio cynffonau neu ysbaddu moch naill ai gan filfeddygon yn unig neu, pan nad yw'r anifeiliaid yn hyn na 7 diwrnod oed, gan berson sy'n brofiadol yn y technegau cysylltiedig a naill ai'n berson sy'n gyfrifol am yr anifail neu'n berson a gyflogir neu a gymerir ymlaen gan berson o'r fath i drin yr anifail."

Atodlen 1

6.—(1) Mae'r diwygiadau i Atodlen 1 (triniaethau a ganiateir) fel a ganlyn.

(2) Yn yr adran ar adar, yn lle'r rhestr o dan y pennawd "Triniaethau Adnabod" rhodder—

"Microsglodynny.

Tagio gyddfau.

Bylchu gweoedd.

Amendments to the Mutilations (Permitted Procedures) (Wales) Regulations 2007

2. The Mutilations (Permitted Procedures) (Wales) Regulations 2007(1) are amended as follows.

Regulation 3

3. In regulation 3 (exceptions to the prohibition on mutilations) for sub-paragraphs (c) and (d) substitute—
"(c)in hygienic conditions;
(d) in accordance with good practice; and
(e) in accordance with regulation 5, where applicable."

Regulation 4

4. In regulation 4(1) (performance of prohibited procedures in an emergency) omit the word "protected".

Regulation 5

5. For regulation 5 (persons who may carry out permitted procedures) substitute—

"5.—(1) Any procedure permitted under regulation 3 to which the Veterinary Surgeons Act 1966(2) or the Veterinary Surgeons (Exemptions) Order 1962(3) applies, with the exception of the procedures referred to in paragraph (2), may only be carried out by a person permitted to carry it out under that legislation.

(2) Tail docking, or castration, of pigs may only be carried out by a veterinary surgeon or, where the animal is aged not more than 7 days, by a person experienced in performing the techniques involved and who is either a person responsible for the animal or a person employed or engaged by such a person to attend to the animal."

Schedule 1

6.—(1) The amendments to Schedule 1 (permitted procedures) are as follows.

(2) In the section on birds for the list under the heading "Identification Procedures" substitute—

"Micro-chipping.

Neck tagging.

Web notching.

(1) O.S. 2007/1029 (Cy . 96).

(2) 1966 p. 36; yr offerynnau perthnasol sy'n diwygio yw O.S. 1988/526, 1991/1412, 2002/1479, 2008/1824.

(3) O.S. 1962/2557; yr offerynnau perthnasol sy'n diwygio yw O.S. 1973/308, 1982/1627, 1983/6, 2002/1646.

(1) S.I. 2007/1029 (W. 96).

(2) 1966 c. 36; relevant amending instruments are S.I. 1988/526, 1991/1412, 2002/1479, 2008/1824.

(3) S.I. 1962/2557; relevant amending instruments are S.I. 1973/308, 1982/1627, 1983/6, 2002/1646.

Tagio gweoedd.

Tagio adenydd.

Dulliau eraill o adnabod anifeiliaid sy'n cynnwys anffurfiad sy'n ofynnol gan y gyfraith."

(3) Yn yr adran ar ddefaid, yn lle'r rhestr o dan y pennawd "Triniaethau ar gyfer Rheoli Atgennedlu." rhodder—

"Ysbaddu.

Casglu neu drosglwyddo embryonau drwy ddull llawfeddygol.

Gosod dyfais atal cenhedlu o dan y croen.

Ffrwythloni laparosgopig.

Trawsblannu ofa, gan gynnwys casglu ofa, drwy ddull llawfeddygol.

Fasdoriad."

(4) Yn yr adran ar eifr, yn lle'r rhestr o dan y pennawd "Triniaethau ar gyfer Rheoli Atgennedlu." rhodder —

"Ysbaddu.

Casglu neu drosglwyddo embryonau drwy ddull llawfeddygol.

Gosod dyfais atal cenhedlu o dan y croen.

Ffrwythloni laparosgopig.

Trawsblannu ofa, gan gynnwys casglu ofa, drwy ddull llawfeddygol.

Fasdoriad."

Atodlen 4

7.—(1) Mae'r diwygiadau i Atodlen 4 (adar: gofynion wrth roi triniaethau penodol a ganiateir) fel a ganlyn.

(2) Yn union cyn paragraff 1 (ysbaddu) mewnosoder—

"A1. Pob triniaeth yn yr adran ar adar yn Atodlen 1

Ac eithrio yn achos tocio pigau (pan fo darpariaethau paragraff 5 yn gymwys), ni chaniateir rhoi unrhyw driniaeth a restrir yn yr adran ar adar yn Atodlen 1 i adar sy'n ieir dodwy neu y bwriedir iddynt fod yn ieir dodwy, oni chedwir hwy ar sefydliadau sydd â llai na 350 o adar o'r fath.

A2. Tagio gyddfau

Caniateir rhoi'r driniaeth i hwyaid a ffermir, yn unig, a hynny yn unig os rhoddir y driniaeth o fewn 36 awr ar ôl deor at ddibenion rhaglen gwella brîd.

Web tagging.

Wing tagging.

Other methods of identification involving a mutilation required by law."

(3) In the section on sheep for the list under the heading "Procedures for the Control of Reproduction" substitute—

"Castration.

Embryo collection or transfer by a surgical method.

Implantation of a subcutaneous contraceptive.

Laparoscopic insemination.

Ovum transplantation, including ovum collection, by a surgical method.

Vasectomy."

(4) In the section on goats for the list under the heading "Procedures for the Control of Reproduction" substitute—

"Castration.

Embryo collection or transfer by a surgical method.

Implantation of a subcutaneous contraceptive.

Laparoscopic insemination.

Ovum transplantation, including ovum collection, by a surgical method.

Vasectomy."

Schedule 4

7.—(1) The amendments to Schedule 4 (birds: requirements when carrying out certain permitted procedures) are as follows.

(2) Immediately before paragraph 1 (castration) insert—

"A1. All procedures in the section on birds in Schedule 1

Except in the case of beak trimming (where the provisions of paragraph 5 apply), no procedure listed in the section on birds in Schedule 1 may be performed on birds that are laying hens or that are intended to become laying hens unless they are kept on establishments with fewer than 350 such birds.

A2. Neck tagging

The procedure may only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

A3. Bylchu gweoedd

Caniateir rhoi'r driniaeth i hwyaid a ffermir, yn unig, a hynny yn unig os rhoddir y driniaeth o fewn 36 awr ar ôl deor at ddibenion rhaglen gwella brîd.

A4. Tagio gweoedd

Caniateir rhoi'r driniaeth i adar a ffermir at ddibenion rhaglenni gwella brîd neu i brofi am bresenoldeb clefyd, yn unig.

Caniateir rhoi'r driniaeth i adar ac eithrio adar a ffermir at ddibenion cadwraeth yn unig (gan gynnwys addysg a rhaglenni bridio mewn caethiwed) neu ar gyfer ymchwil.

A5. Tagio adenydd

Caniateir rhoi'r driniaeth i adar a ffermir at ddibenion rhaglenni gwella brîd neu brofi am bresenoldeb clefyd, yn unig.

Caniateir rhoi'r driniaeth i adar ac eithrio adar a ffermir at ddibenion cadwraeth yn unig (gan gynnwys addysg a rhaglenni bridio mewn caethiwed) neu ar gyfer ymchwil."

(3) Ym mharagraff 5 (torri pigau dofednod), yn lle'r geiriau "Ar ddofednod y bwriedir iddynt fod yn ieir dodwy ac a gedwir mewn sefydliadau gyda 350 neu ragor o ieir dodwy" rhodder "Ar ddofednod y bwriedir iddynt fod yn ieir dodwy ac a gedwir mewn sefydliadau gyda 350 neu ragor o ddofednod o'r fath neu ieir dodwy".

Atodlen 5

8.—(1) Mae'r diwygiadau i Atodlen 5 (defaid: gofynion wrth roi triniaethau penodol a ganiateir) fel a ganlyn.

(2) Ar ôl paragraff 1 (ysbaddu) mewnosoder—

"1A. Casglu neu drosglwyddo embryonau drwy ddull llawfeddygol

Rhaid rhoi anesthetig."

(3) Ar ôl paragraff 2 (gosod dyfais atal cenedlu o dan y croen) mewnosoder —

"2A. Ffrwythloni laparosgopig

Ni cheir rhoi'r driniaeth ac eithrio fel rhan o raglen gwella brîd.

Rhaid rhoi anesthetig.

2B. Trawsblannu ofa, gan gynnwys casglu ofa, drwy ddull llawfeddygol

Rhaid rhoi anesthetig."

A3. Web notching

The procedure may only be carried out on farmed ducks and only where performed within 36 hours of hatching for the purposes of a breed improvement programme.

A4. Web tagging

The procedure may only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

The procedure may only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research.

A5. Wing tagging

The procedure may only be carried out on farmed birds for the purposes of breed improvement programmes or testing for the presence of disease.

The procedure may only be carried out on birds other than farmed birds for conservation purposes (including education and captive breeding programmes) or for research."

(3) In paragraph 5 (beak trimming of poultry) for the words "On poultry that are intended to become laying hens and which are kept on establishments with 350 or more laying hens" substitute "On poultry that are intended to become laying hens and which are kept on establishments with 350 or more such poultry or laying hens".

Schedule 5

8.—(1) The amendments to Schedule 5 (sheep: requirements when carrying out certain permitted procedures) are as follows.

(2) After paragraph 1 (castration) insert—

"1A. Embryo collection or transfer by a surgical method

An anaesthetic must be administered."

(3) After paragraph 2 (implantation of a subcutaneous contraceptive) insert—

"2A. Laparoscopic insemination

The procedure may only be carried out as part of a breed improvement programme.

An anaesthetic must be administered.

2B. Ovum transplantation, including ovum collection, by a surgical method

An anaesthetic must be administered."

Atodlen 6

9.—(1) Mae'r diwygiadau i Atodlen 6 (geifr: gofynion wrth roi triniaethau penodol a ganiateir) fel a ganlyn.

(2) Ar ôl paragraff 1 (ysbaddu) mewnosoder—

"1A. Casglu neu drosglwyddo embryonau drwy ddull llawfeddygol

Rhaid rhoi anesthetig."

(3) Ar ôl paragraff 2 (gosod dyfais atal cenedlu o dan y croen) mewnosoder —

"2A. Ffrwythloni laparosgopig

Ni cheir rhoi'r driniaeth ac eithrio fel rhan o raglen gwella brîd.

Rhaid rhoi anesthetig.

2B. Trawsblannu ofa, gan gynnwys casglu ofa, drwy ddull llawfeddygol

Rhaid rhoi anesthetig."

Schedule 6

9.—(1) The amendments to Schedule 6 (goats: requirements when carrying out certain permitted procedures) are as follows.

(2) After paragraph 1 (castration) insert—

"1A. Embryo collection or transfer by a surgical method

An anaesthetic must be administered."

(3) After paragraph 2 (implantation of a subcutaneous contraceptive) insert—

"2A. Laparoscopic insemination

The procedure may only be carried out as part of a breed improvement programme.

An anaesthetic must be administered.

2B. Ovum transplantation, including ovum collection, by a surgical method

An anaesthetic must be administered."

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

2 Rhagfyr 2008

2 December 2008

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