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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2009 Rhif 3364 (Cy.296)**

**2009 No. 3364 (W.296)**

**ANIFEILIAID, CYMRU**

**ANIMALS, WALES**

Gorchymyn Defaid a Geifr  
(Cofnodion, Adnabod a Symud)  
(Cymru) 2009

The Sheep and Goats (Records,  
Identification and Movement)  
(Wales) Order 2009

**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 gwneud darpariaeth ar gyfer gweinyddu a gorfodi yng Nghymru Reoliad y Cyngor (EC) Rhif 21/2004 (sy'n sefydlu system ar gyfer adnabod a chofrestru defaid a geifr ac sy'n diwygio Rheoliad (EC) Rhif 1782/2003 a Chyfarwyddebau 92/102/EEC a 64/432/EEC). Mae'n dirymu ac yn disodli Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2008, O.S. 2008/130 (Cy.17).

This Order makes provision for the administration and enforcement in Wales of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC). It revokes and replaces the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008, S.I. 2008/130 (W.17).

Mae Rhan 2 yn darparu bod rhaid i'r dyfeisiau adnabod sy'n cael eu defnyddio er mwyn cydymffurfio â'r Gorchymyn hwn fod o fath sydd wedi'i gymeradwyo gan Weinidogion Cymru ac yn nodi rhai darpariaethau cyffredinol o ran gosod dyfeisiau adnabod.

Part 2 provides that identification devices used to comply with this Order must be of a type approved by the Welsh Ministers and sets out some general provisions in relation to the application of identification devices.

Mae Rhan 3 o'r Gorchymyn yn ei gwneud yn ofynnol i ddau fodd adnabod, gan gynnwys un ddyfais electronig, gael eu gosod ar anifail sy'n cael ei adnabod neu ei fewnforio ar neu ar ôl 31 Rhagfyr 2009. Mae'n caniatáu adnabod drwy ddau fodd adnabod anelectronig yn achos anifeiliaid a anwyd cyn 31 Rhagfyr 2009 ond sydd heb eu hadnabod erbyn y dyddiad hwnnw. Mae'n darparu ar gyfer adnabod anifeiliaid na fwriedir eu hallforio ac y bwriedir eu cigydda o fewn 12 mis ar ôl cael eu geni ag un tag adnabod (erthyglau 10 a 12).

Part 3 of the Order requires the application of two means of identification, including one electronic device, to an animal identified or imported on or after 31 December 2009. It allows identification by two non-electronic means of identification for animals born before 31 December 2009 but not identified by that date. It provides for animals that are not intended for export and intended for slaughter within 12 months of birth to be identified with a single identification tag (articles 10 and 12).

Mae Rhan 4 yn gwneud darpariaethau ar gyfer tynnu neu amnewid marciau adnabod ar anifeiliaid a gafodd eu hadnabod o dan Ran 3.

Part 4 makes provisions for the removal or replacement of identification marks on animals identified under Part 3.

Mae Rhan 5 yn gwneud darpariaethau ar gyfer adnabod geifr sydd heb eu hadnabod o dan Ran 3.

Part 5 makes provisions for the identification of goats not identified under Part 3.

Mae Rhan 6 yn gwneud darpariaethau ar gyfer amnewid marciau adnabod ar anifeiliaid a gafodd eu hadnabod cyn 31 Rhagfyr 2009 ac ar eifr.

Mae Rhan 7 yn gwneud darpariaeth i bob ceidwad gadw cofrestr gyfoes ar gyfer y daliad, gan nodi'r wybodaeth y mae'n rhaid iddi gael ei chofnodi yn y gofrestr a pha bryd.

Mae Rhan 8 yn gwneud darpariaeth i ddogfen adnabod gyd-fynd â phob anifail wrth iddo symud rhwng daliadau (erthygl 25) gan bennu pa bryd y mae'n rhaid cyflenwi'r ddogfen ac i bwy (erthygl 26).

Mae Rhan 9 yn nodi'r gofyniad bod rhaid i geidwaid gadw stocrestr flynyddol (erthygl 27) a rhoi gwybodaeth i Weinidogion Cymru ynghylch eu daliad (erthygl 28) a'r terfynau amser ar gyfer gwneud hynny.

Mae Rhan 10 yn darparu ar gyfer dyrannu rhifau lot i anifeiliaid mewn marchnad ac yn gwahardd gwerthu neu brynu anifeiliaid oni bai bod yr holl anifeiliaid o lot yn cael eu gwerthu neu eu prynu (erthygl 29). Mae'n esemptio marchnadoedd o'r angen i ailadnabod anifeiliaid sydd a'u nodau adnabod yn eisiau (erthygl 30) ac yn darparu ar gyfer cytuno ar drefniadau i ganiatáu i farchnadoedd barhau i weithredu os bydd y pŵer neu'r offer yn methu (erthygl 31).

Mae Rhan 11 yn gwneud darpariaeth ar gyfer y gofynion yngl n ag adnabod anifeiliaid y deur â hwy i Gymru o Aelod-wladwriaethau eraill, rhannau eraill o'r Deyrnas Unedig, Tiriogaethau Dibynnol y Goron a thrydydd gwledydd (erthyglau 32 a 33).

Mae Rhan 12 yn cynnwys darpariaethau amrywiol a darpariaethau gorfodi gan gynnwys y gofynion ynghylch anifeiliaid sydd i'w hallforio. Mae erthygl 37 yn nodi amddiffyniad ar gyfer methu ag adnabod anifail yn gywir yn achos triniaeth filfeddygol frys. Mae erthygl 38 yn rhoi amryw o bwerau i arolygwyr ac mae erthygl 39 yn galluogi arolygwyr i wahardd symud diadell o ddefaid neu eifre o eifr i ddaliad neu ohono. Mae erthyglau 40 a 41 yn ymwneud â rhoi gwybodaeth ffug neu gamarweiniol ac addasu marciau adnabod. Mae erthygl 42 yn ymwneud â thrangwyddau gan gyrff corfforaethol ac mae erthygl 43 yn ymwneud â thrangwyddau gan bartneriaethau a chymdeithasau anghorfforedig. Yr awdurdod lleol fydd yn gorfodi'r Gorchymyn, neu Weinidogion Cymru os cyfarwyddir hynny (erthygl 44).

Mae torri'r Gorchymyn yn dramgwydd o dan adran 73 o Ddeddf Iechyd Anifeiliaid 1981, sef tramgwydd y gellir ei gosbi yn unol ag adran 75 o'r Ddeddf honno.

Ni luniwyd Asesiad Effaith Rheoleiddiol ar gyfer y offeryn hwn.

Part 6 makes provisions for the replacement of identification marks on animals identified before 31 December 2009 and on goats.

Part 7 makes provision for every keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when.

Part 8 makes provision for a movement document to accompany every animal when it moves between holdings (article 25) and specifies when and to whom the document must be supplied (article 26).

Part 9 sets out the requirement for keepers to keep an annual inventory (article 27) and supply information to the Welsh Ministers about their holding (article 28) and the time limits for doing so.

Part 10 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals from a lot are bought or sold (article 29). It exempts markets from the need to re-identify animals with missing identification marks (article 30) and provides for arrangements to be agreed to allow markets to continue to operate in the event of a power or equipment failure (article 31).

Part 11 makes provision for the identification requirements of animals brought into Wales from other member States, other parts of the United Kingdom, the Crown Dependencies and from third countries (articles 32 and 33).

Part 12 contains miscellaneous and enforcement provisions including the requirements relating to animals which are to be exported. Article 37 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 38 confers various powers on inspectors and article 39 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 40 and 41 relate to the provision of false or misleading information and the alteration of identification marks. Article 42 relates to offences committed by bodies corporate and article 43 relates to offences committed by partnerships and unincorporated associations. The Order is enforced by the local authority or the Welsh Ministers if so directed (article 44).

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 Impact Assessment has not been prepared.

**2009 Rhif 3364 (Cy.296)**

**ANIFEILIAID, CYMRU**

Gorchymyn Defaid a Geifr  
(Cofnodion, Adnabod a Symud)  
(Cymru) 2009

*Wedi'i wneud* 18 Rhagfyr 2009  
*Yn dod i rym* 31 Rhagfyr 2009

CYNNWYS

RHAN 1

Rhagymadrodd

1. Enwi, cymhwyso a chychwyn
2. Dehongli
3. Awdurdod cymwys
4. Awdurdodiadau

RHAN 2

Dyfeisiau adnabod

5. Cymeradwyo dyfeisiau adnabod
6. Tagiau ychwanegol a dyfeisiau adnabod â gwybodaeth ychwanegol
7. Lliw dyfeisiau adnabod
8. Dinistrio dyfeisiau adnabod

RHAN 3

Adnabod anifeiliaid

9. Adnabod anifeiliaid a anwyd ar neu ar ôl 31 Rhagfyr 2009
10. Adnabod anifeiliaid a anwyd ar neu ar ôl 31 Rhagfyr 2009 ac y bwriedir eu cigydda.
11. Adnabod anifeiliaid a anwyd cyn 31 Rhagfyr 2009 ac na chawsant eu hadnabod erbyn hynny
12. Adnabod anifeiliaid a anwyd cyn 31 Rhagfyr 2009 a na chawsant eu hadnabod erbyn hynny ac y bwriedir eu cigydda.

**2009 No. 3364 (W.296)**

**ANIMALS, WALES**

The Sheep and Goats (Records,  
Identification and Movement)  
(Wales) Order 2009

*Made* 18 December 2009  
*Coming into force* 31 December 2009

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4. Authorisations

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7. Colour of identification devices
8. Destruction of identification devices

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9. Identification of animals born on or after the 31 December 2009.
10. Identification of animals born on or after 31 December 2009 and intended for slaughter.
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12. Identification of animals born before and not identified by 31 December 2009 and intended for slaughter.

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Tynnu neu amnewid modd adnabod anifeiliaid a gafodd eu hadnabod o dan Ran 3

13. Cymhwyso Rhan 4
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15. Amnewid modd adnabod anifeiliaid a gafodd eu hadnabod yn unol ag erthygl 9 neu erthygl 11.
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Cofrestrï daliadau

24. Cofrestr y daliad

#### RHAN 8

Dogfennau symud

25. Dogfen symud
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33. Derbyn anifeiliaid o Loegr, yr Alban, Gogledd Iwerddon neu Dirioogaethau Dibynnol y Goron
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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 1, 8(1), ac 83(2) o Ddeddf Iechyd Anifeiliaid 1981(1) ac sydd bellach wedi'u breinio ynddynt(2) yn gwneud y Gorchymyn a ganlyn dwy arfer y pwerau hynny.

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(1) 1981 p. 22 y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

(2) *Gweler* adran 86(1) i gael diffiniad o "the Ministers". Trosglwyddwyd swyddogaethau "the Ministers" i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd O.S. 1999/672 ac O.S. 2004/3044. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Ddeddf Llywodraeth Cymru 2006 ac Atodlen 11 iddi.

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The Welsh Ministers, in whom the powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(1) are now vested(2) makes the following Order in exercise of those powers.

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(1) 1981 c. 22 to which there are amendments not relevant to this Order.

(2) See section 86(1) for a definition of "the Ministers". The functions of "the Ministers" insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

### Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2009, mae'n gymwys yng Nghymru a daw i rym ar 31 Rhagfyr 2009.

### Dehongli

2.—(1) Yn y Gorchymyn hwn—

ystyr “anifail” (“*animal*”) yw unrhyw anifail o rywogaeth y ddafad neu'r afr;

ystyr “allforio” (“*export*”) yw anfon i Aelod-wladwriaeth arall neu i drydedd wlad;

ystyr “arolygydd” (“*inspector*”) yw person a benodwyd yn arolygydd at ddibenion y Gorchymyn hwn gan Weinidogion Cymru neu gan awdurdod lleol;

ystyr “awdurdod lleol” (“*local authority*”) o ran ardal yw'r cyngor sir neu'r cyngor bwrdeistref sirol ar gyfer yr ardal honno;

mae i “ceidwad” yr ystyr a roddir i “*keeper*” yn Erthygl 2 o Reoliad y Cyngor;

ystyr “cod adnabod” (“*identification code*”) yw'r cod a osodir ar fodd adnabod yn unol â'r gofynion o dan y Gorchymyn hwn neu o dan y Gorchymynion blaenorol;

ystyr “cofrestr” (“*register*”) yw'r gofrestr sy'n ofynnol gan Erthygl 5 o Reoliad y Cyngor;

ystyr “Cyfarwyddeb y Cyngor 92/102/EEC” (“*Council Directive 92/102/EEC*”) yw Cyfarwyddeb y Cyngor 92/102/EEC yngl n ag adnabod a chofrestru anifeiliaid(1);

mae i “daliad” yr ystyr a roddir i “*holding*” yn Erthygl 2 o Reoliad y Cyngor;

ystyr “dogfen symud” (“*movement document*”) yw'r ddogfen symud sy'n ofynnol gan Erthygl 6 o Reoliad y Cyngor;

ystyr “dull adnabod” (“*method of identification*”) yw tag clust, tag egwyd neu datw a osodir mewn Aelod-wladwriaeth arall neu drydedd wlad;

ystyr “dyfais adnabod” (“*identification device*”) yw tag clust, tag clust electronig, tag egwyd, tag egwyd electronig neu folws;

### Title, application and commencement

1. The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2009, it applies in Wales and comes into force on 31 December 2009.

### Interpretation

2.—(1) In this Order—

“animal” means any animal of the ovine or caprine species;

“central point of recording” means a holding approved by the Welsh Ministers under Section C.2 of the Annex to the Council Regulation for recording the identities of animals arriving at that holding;

“Council Directive 92/102/EEC” means Council Directive 92/102/EEC on the identification and registration of animals(1);

“the Council Regulation” means Council Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC(2);

“export” means sending to another member State or a third country;

“flockmark” means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

“herdmark” means the number allocated by the Welsh Ministers in respect of a herd of goats on a holding;

“holding” has the meaning given in Article 2 of the Council Regulation;

“identification code” means the code set out on a means of identification as required under this Order or under the previous Orders;

“identification device” means an eartag, electronic eartag, pastern tag, electronic pastern tag or bolus;

“identification mark” means a method of identification applied in another member State, a means of identification or an older means of identification;

(1) OJ Rhif L355, 5.12.92, t.32 a ddiddymwyd gan Gyfarwyddeb 2008/71/EC. Bydd anifeiliaid hŷn yn dal yn cael eu hadnabod yn unol â'r gorchymyn hwn.

(1) OJ No L355, 5.12.92, p.32 repealed by Directive 2008/71/EC. Older animals will still be identified in accordance with this order.

(2) OJ No L 5, 9.1.04, p 8 to which there are amendments not relevant to this Order.

ystyr “y Gorchymynion blaenorol” (“*the previous Orders*”) yw—

- (a) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2008(1);
- (b) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2006(2);
- (c) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) (Rhif 2) 2002(3);
- (ch) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) 2002(4);
- (d) Rheoliadau Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) 2002(5);
- (dd) Gorchymyn Defaid a Geifr (Cofrestru, Adnabod a Symud) (Lloegr) 2007(6);
- (e) Gorchymyn Defaid a Geifr (Cofrestru, Adnabod a Symud) (Lloegr) 2005(7);
- (f) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Lloegr) (Rhif 2) 2002(8);
- (ff) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Lloegr) 2002(9);
- (g) Gorchymyn Adnabod Defaid a Geifr (Lloegr) 2000(10);
- (ng) Gorchymyn Defaid a Geifr (Cofrestru, Adnabod a Symud) (Gogledd Iwerddon) 2005(11);
- (h) Gorchymyn Adnabod a Symud Defaid a Geifr (Gogledd Iwerddon) 2004(12);
- (i) Gorchymyn Adnabod a Symud Defaid a Geifr (Gogledd Iwerddon) 1997(13);
- (j) Rheoliadau Defaid a Geifr (Adnabod a Gallu Orlhain) (Yr Alban) 2006(14);

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(1) O.S. 2008/130 (Cy. 17).

(2) O.S. 2006/1036 (Cy. 106) a ddiwygiwyd gan O.S. 2006/2926 (Cy.261).

(3) O.S. 2002/2302 (Cy. 227), a ddiwygiwyd gan O.S. 2003/167 (Cy. 27), O.S. 2003/946 (Cy. 127) ac O.S. 2003/1966 (Cy. 211).

(4) O.S. 2002/1357 (Cy. 133).

(5) O.S. 2002/274 (Cy. 30), a ddiwygiwyd gan O.S. 2002/811 (Cy. 91).

(6) O.S. 2007/3493.

(7) O.S. 2005/3100, a ddiwygiwyd gan O.S. 2006/2987.

(8) O.S. 2002/2153, a ddiwygiwyd gan O.S. 2003/29, 2003/502 ac O.S. 2003/1728.

(9) O.S. 2002/240, a ddiwygiwyd gan O.S. 2002/764 ac 2002/1349.

(10) O.S. 2000/2027, a ddiwygiwyd gan O.S. 2001/281.

(11) Rh.St. 2005/353 (GI) a ddiwygiwyd gan Rh.St. (GI) 2006/508.

(12) Rh.St. (GI) 2004 Rhif 491.

(13) Rh.St. (GI) 1997 Rhif 173, a ddiwygiwyd gan Rh.St. (GI) 1998 Rhif 393.

(14) O.S.A. 2006/73, a ddiwygiwyd gan O.S.A. 2006/594 ac O.S.A. 2007/559.

“inspector” means a person appointed to be an inspector for the purposes of this Order by the Welsh Ministers or a local authority;

“keeper” has the meaning given in Article 2 of the Council Regulation;

“local authority” (“*awdurdod lleol*”) means in relation to an area the county council or county borough council for that area;

“market operator” means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such a person;

“means of identification” means an identification device or a tattoo;

“method of identification” means an eartag, pastern tag or tattoo applied in another member State or a third country;

“movement document” means the movement document required by Article 6 of the Council Regulation;

“the previous Orders” means—

- (a) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008(1);

- (b) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(2);

- (c) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No. 2) Order 2002(3);

- (d) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(4);

- (e) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(5);

- (f) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2007(6);

- (g) the Sheep and Goats (Registration, Identification and Movement)(England) Order 2005(7);

- (h) the Sheep and Goats Identification and Movement (Interim Measures)(England) (No. 2) Order 2002(8);

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(1) S.I. 2008/130 (W. 17).

(2) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W.261).

(3) S.I. 2002/2302 (W. 227), amended by S.I. 2003/167 (W. 27), S.I. 2003/946 (W. 127) and S.I. 2003/1966 (W. 211).

(4) S.I. 2002/1357 (W. 133).

(5) S.I. 2002/274 (W. 30), amended by S.I. 2002/811 (W. 91).

(6) S.I. 2007/3493.

(7) S.I. 2005/3100, amended by S.I. 2006/2987.

(8) S.I. 2002/2153, amended by S.I. 2003/29, 2003/502 and 2003/1728.

- (I) Gorchymyn Symud Defaid a Geifr (Mesurau Dros Dro) (Yr Alban) 2002(1); neu
- (II) Rheoliadau Adnabod Defaid a Geifr (Yr Alban) 2000(2);

ystyr “gweithredydd lladd-dy” (“*slaughterhouse operator*”) yw person sy’n rhedeg busnes lladd-dy neu gynrychiolydd i berson o’r fath a awdurdodwyd yn briodol;

ystyr “gweithredydd marchnad” (“*market operator*”) yw person sy’n gyfrifol am reoli derbyn neu werthu anifeiliaid mewn marchnad neu gynrychiolydd i berson o’r fath a awdurdodwyd yn briodol;

ystyr “marc adnabod” (“*identification mark*”) yw dull adnabod a osodwyd mewn Aelod-wladwriaeth arall, modd adnabod neu fodd adnabod hŷn;

ystyr “modd adnabod” (“*means of identification*”) yw dyfais adnabod neu datŵ;

ystyr “nod diadell” (“*flockmark*”) yw’r rhif a ddyrannwyd gan Weinidogion Cymru o ran diadell o ddefaid ar ddaliad;

ystyr “nod geifre” (“*herdmark*”) yw’r rhif a ddyrannwyd gan Weinidogion Cymru o ran geifre o eifr ar ddaliad;

ystyr “pwynt cofnodi canolog” (“*central point of recording*”) yw daliad a gymeradwywyd gan Weinidogion Cymru o dan Adran C.2 o’r Atodiad i Reoliad y Cyngor i gofnodi manylion adnabod anifeiliaid sy’n cyrraedd y daliad hwnnw;

ystyr “Rheoliad y Cyngor” (“*the Council Regulation*”) yw Rheoliad y Cyngor (EC) Rhif 21/2004 sy’n sefydlu system ar gyfer adnabod a chofrestru defaid a geifr ac sy’n diwygio Rheoliad (EC) Rhif 1782/2003 a Chyfarwyddebau 92/102/EEC a 64/432/EEC(3);

ystyr “rhif unigryw” (“*unique number*”) yw rhif sy’n unigryw i anifail mewn diadell neu eifre ac nad yw’n cynnwys mwy na 6 digid.

(2) Mae i ymadroddion sydd heb eu diffinio ym mharagraff (1) ac y mae’r ymadroddion Saesneg cyfatebol yn cael eu defnyddio yn Rheoliad y Cyngor yr un ystyr yn y Gorchymyn hwn ag sydd i’r ymadroddion Saesneg cyfatebol yn y Rheoliad hwnnw.

### Awdurdod cymwys

3. Gweinidogion Cymru yw’r awdurdod cymwys at ddibenion Rheoliad y Cyngor.

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- (1) O.S.A. 2002/38, a ddiwygiwyd gan O.S.A. 2002/221.
- (2) O.S.A. 2000/418, a ddiwygiwyd gan O.S.A. 2002/531 ac O.S.A. 2002/39.
- (3) OJ Rhif L 5, 9.1.04, t 8 y mae diwygiadau iddo nad ydynt yn berthnasol i’r Gorchymyn hwn.

- (i) the Sheep and Goats Identification and Movement (Interim Measures)(England) Order 2002(1);
- (j) the Sheep and Goats Identification (England) Order 2000(2);
- (k) the Sheep and Goats (Registration, Identification and Movement) Order (Northern Ireland) 2005(3);
- (l) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(4);
- (m) the Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(5);
- (n) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(6);
- (o) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(7); or
- (p) the Sheep and Goats Identification (Scotland) Regulations 2000(8);

“register” means the register required by Article 5 of the Council Regulation;

“slaughterhouse operator” means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

“unique number” means a number that is unique to an animal in a flock or herd and contains no more than 6 digits.

(2) Expressions not defined in paragraph (1) which are used in this Order and which are also used in the Council Regulation have the same meaning in this Order as they have in that Regulation.

### Competent authority

3. The Welsh Ministers are the competent authority for the purposes of the Council Regulation.

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- (1) S.I. 2002/240, amended by S.I. 2002/764 and 2002/1349.
- (2) S.I. 2000/2027, amended by S.I. 2001/281.
- (3) S.R. 2005/353 (NI) amended by S.R. (NI) 2006/508.
- (4) S.R. (NI) 2004 No. 491.
- (5) S.R. (NI) 1997 No. 173, amended by S.R. (NI) 1998 No. 393.
- (6) S.S.I. 2006/73, amended by S.S.I. 2006/594 and S.S.I. 2007/559.
- (7) S.S.I. 2002/38, amended by S.S.I. 2002/221.
- (8) S.S.I. 2000/418, amended by S.S.I. 2002/531 and S.S.I. 2002/39.



## **Awdurdodiadau**

4. Rhaid i unrhyw awdurdodiad neu gymeradwyaeth a ddyroddir o dan y Gorchymyn hwn neu o dan Reoliad y Cyngor fod mewn ysgrifen. Gallant fod yn ddarostyngedig i amodau a gellir eu diwygio, eu hatal neu eu dirymu trwy hysbysiad ar unrhyw adeg

## **RHAN 2**

### **Dyfeisiau adnabod**

#### **Cymeradwyo dyfeisiau adnabod**

5. Rhaid i ddyfeisiau adnabod a ddefnyddir i gydymffurfio â'r Gorchymyn hwn fod o fodel a gymeradwywyd gan Weinidogion Cymru.

#### **Tagiau ychwanegol a dyfeisiau adnabod â gwybodaeth ychwanegol**

6.—(1) Ar gais ceidwad, caiff gweithgynhyrchydd dyfeisiau adnabod, yn ddarostyngedig i erthygl 6(2), ychwanegu gwybodaeth atodol at ddyfais adnabod neu ddyfais amnewid ar yr amod—

- (a) bod yr wybodaeth atodol yn gwbl wahanol i'r cod adnabod; a
- (b) bod y cod adnabod yn parhau'n ddarllenadwy ac y gellir ei weld yn eglur bob amser.

(2) Caiff ceidwad osod tag ychwanegol ar anifail ond rhaid iddo beidio â chynnwys y llythrennau "UK" na dwyn nod diadell neu nod geifre, onid awdurdodir hynny gan Weinidogion Cymru.

#### **Lliw dyfeisiau adnabod**

7.—(1) Rhaid i bob dyfais adnabod, heblaw dyfeisiau amnewid a bolysau, fod yn felyn ac ni chaiff ceidwad osod dyfais adnabod felyn nad yw'n electronig.

(2) Ni chaiff neb osod dyfais adnabod goch ar unrhyw anifail, heblaw dyfais adnabod amnewid.

(3) Pan fo ceidwad yn ailadnabod anifail ac nad yw'r anifail hwnnw ar ei ddaliad genedigol, neu pan nad yw'r ceidwad yn gwybod y daliad genedigol, rhaid iddo ddefnyddio dyfais adnabod amnewid goch ond nid yw'r gofyniad bod rhaid defnyddio dyfais adnabod goch yn gymwys i ddefnyddio bolysau.

(4) Pan adnabyddir anifail drwy gyfrwng bolws ac ail ddyfais adnabod rhaid i'r ail ddyfais honno fod yn ddu a dim ond mewn cyfuniad â bolws y caniateir defnyddio dyfais adnabod ddu.

(5) Rhaid i'r cymeriadau ar bob dyfais adnabod fod o liw gwahanol i gefndir y ddyfais a bod yn eglur i'w darllen bob adeg pan fo'r ddyfais wedi'i gosod ar anifail.

## **Authorisations**

4. Any authorisations or approvals issued under this Order or the Council Regulation must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time.

## **PART 2**

### **Identification devices**

#### **Approval of identification devices**

5. Identification devices used to comply with this Order must be of a model approved by the Welsh Ministers.

#### **Additional tags and identification devices with additional information**

6.—(1) At the request of a keeper, a manufacturer of identification devices may, subject to article 6(2), add supplementary information to an identification device or replacement device provided that—

- (a) the supplementary information is distinct from the identification code; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(2) A keeper may apply an additional tag to an animal but it must not contain the letters "UK" or bear a flockmark or herdmark, unless authorised by the Welsh Ministers.

#### **Colour of identification devices**

7.—(1) All electronic identification devices, other than replacement devices and boluses, must be yellow and no keeper may apply a yellow identification device that is not electronic.

(2) No person may attach a red identification device to any animal, other than a replacement identification device.

(3) Where a keeper re-identifies an animal and that animal is not on its holding of birth, or the keeper does not know the holding of birth, they must use a red replacement identification device but the requirement to use a red identification device does not apply to the use of boluses.

(4) Where an animal is identified by means of a bolus and a second identification device that second device must be black and a black identification device may only be used in combination with a bolus.

(5) The characters on all identification devices must be a different colour from the background of the device and must be clearly legible at all times when the device is attached to an animal.

## Dinistriro dyfeisiau adnabod

8.—(1) Rhaid i weithredydd lladd-dy, iard nacer, cynel helpa neu safle rendro ac unrhyw berson arall sy'n cael gwared yn derfynol ar garcas anifail sydd wedi'i adnabod ddinistriro mewn modd diogel sy'n atal eu hailddefnyddio bob dyfais adnabod ar anifeiliaid y maent yn eu cigyddu neu'n cael gwared arnynt mewn modd arall.

(2) Mae dinistriro diogel yn cynnwys rendro unrhyw ddyfais adnabod.

## RHAN 3

### Adnabod anifeiliaid

#### Adnabod anifeiliaid a anwyd ar neu ar ôl 31 Rhagfyr 2009

9.—(1) Mae'r erthygl hon yn gymwys i'r canlynol—

- (a) defaid a anwyd ar neu ar ôl 31 Rhagfyr 2009;
- (b) defaid a anwyd cyn 31 Rhagfyr 2009 na chawsant eu hadnabod cyn y dyddiad hwnnw ac sydd ar eu daliad genedigol ac y mae eu ceidwaid yn dewis eu hadnabod yn electronig;
- (c) geifr a anwyd cyn 31 Rhagfyr 2009 na chawsant eu hadnabod cyn y dyddiad hwnnw ac sydd ar eu daliad genedigol ac y mae eu ceidwaid yn dewis eu hadnabod yn electronig; ac
- (ch) geifr a anwyd ar neu ar ôl 31 Rhagfyr 2009 y mae eu ceidwaid yn dewis eu hadnabod yn electronig.

(2) Rhaid i geidwad gydymffurfio ag Erthygl 4(1) (y paragraff cyntaf), Erthygl 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor a'r erthygl hon oni bai bod y dull adnabod amgen a nodir yn erthygl 10 wedi'i awdurdodi.

(3) At ddibenion Erthygl 4(1) o Reoliad y Cyngor, y terfynau amser ar gyfer adnabod anifail yw—

- (a) 9 mis o'r dyddiad geni, yn achos anifail a gedwir o dan amodau ffermio llai dwys neu ar faes; neu
- (b) 6 mis o'r dyddiad geni, yn achos unrhyw anifail arall.

(4) Ni chaniateir i anifail gael ei adnabod drwy ddefnyddio bolws mewn cyfuniad â thatŵ.

(5) Rhaid i'r cod adnabod ar fodd adnabod at ddibenion Adran A.2 o'r Atodiad i Reoliad y Cyngor fod fel a ganlyn—

- (a) y llythrennau "UK" neu, ar ddyfais adnabod electronig, y rhifau "826"; a
- (b) rhif 12 digid a ragnodir gan Weinidogion Cymru;

## Destruction of identification devices

8.—(1) The operator of a slaughterhouse, knackers yard, hunt kennels or rendering plant and any other person who finally disposes of an identified animal carcass must destroy in a secure manner which prevents reuse all identification devices on animals they slaughter or otherwise dispose of.

(2) Secure destruction includes the rendering of any identification device.

## PART 3

### Identification of animals

#### Identification of animals born on or after the 31 December 2009

9.—(1) This article applies to—

- (a) sheep born on or after 31 December 2009;
- (b) sheep born before 31 December 2009 that are not identified before that date and are on their holding of birth whose keepers chose to identify them electronically;
- (c) goats born before 31 December 2009 that are not identified before that date and are on their holding of birth whose keepers chose to identify them electronically; and
- (d) goats born on or after 31 December 2009 whose keepers chose to identify them electronically.

(2) A keeper must comply with Article 4(1) (first paragraph), Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and this article unless the alternative identification method set out in article 10 is authorised.

(3) For the purpose of Article 4(1) of the Council Regulation, the time limits for identifying an animal are—

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal.

(4) No animal may be identified by the use of a bolus in combination with a tattoo.

(5) The identification code on a means of identification for the purposes of Section A.2. of the Annex to the Council Regulation must be—

- (a) the letters "UK" or, on an electronic identification device, the numbers "826"; and
- (b) a 12 digit number prescribed by the Welsh Ministers;

a rhaid iddo fod yn union yr un fath ar y modd adnabod cyntaf ac ar yr ail fodd adnabod.

### **Adnabod anifeiliaid a anwyd ar neu ar ôl 31 Rhagfyr 2009 ac y bwriedir eu cigydda**

10.—(1) Ar gyfer anifeiliaid y bwriedir eu cigydda cyn 12 mis oed ac na fwriedir eu hallforio, awdurdodir y dull adnabod yn Adran A.7 o'r Atodiad i Reoliad y Cyngor.

(2) Y cod adnabod sy'n orfodol at ddibenion Adran A.7 o'r Atodiad i Reoliad y Cyngor yw'r llythrennau "UK" ac wedyn nod y ddiadell neu nod yr eifre; ni chaniateir i unrhyw rif arall a ddyroddir gan yr awdurdod cymwys gael ei gofnodi yn weledol ar y tag clust hwn.

(3) Pan fwriedir cigydda ar ôl 12 mis oed neu allforio anifail a gafodd ei adnabod o dan baragraff (1) rhaid i'r anifail hwnnw gael ei adnabod yn unol ag erthygl 9 a rhaid tynnu'r tag clust gwreiddiol.

(4) Caiff ceidwad ailadnabod o dan erthygl 9 anifail a gafodd ei adnabod o dan yr erthygl hon ac nid oes angen iddo gigydda'r anifail hwnnw cyn 12 mis oed ar yr amodau canlynol yn unig—

- (a) os yw'r anifail ar ei ddaliad genedigol; neu
- (b) os oes gan y ceidwad gofnod cyflawn o holl symudiadau'r anifail.

(5) Pan ailadnabyddir anifail o dan baragraff (4)(b) rhaid i'r ceidwad groesgyfeirio'r hen god adnabod a'r cod adnabod newydd yng nghofrestr y daliad.

(6) Caiff ceidwad ailadnabod anifail a gafodd ei adnabod o dan baragraff (1) drwy ddefnyddio tag clust o'r math a ddisgrifir ym mharagraff (2) sy'n cynnwys dynodiad electronig.

### **Adnabod anifeiliaid a anwyd cyn 31 Rhagfyr 2009 ac na chawsant eu hadnabod erbyn hynny**

11.—(1) Mae'r erthygl hon yn gymwys i anifeiliaid a anwyd cyn y dyddiad hwn ond na chawsant eu hadnabod erbyn 31 Rhagfyr 2009 ac sydd dal ar eu daliad genedigol.

(2) Rhaid i geidwad gydymffurfio ag Erthygl (4)(1) (y paragraff cyntaf) ac Erthygl 4(2)(a) a (b) o Reoliad y Cyngor a'r erthygl hon oni bai bod y dull adnabod amgen a nodir yn erthygl 12 wedi'i awdurdodi.

(3) At ddibenion Erthygl 4(1) o Reoliad y Cyngor, y terfynau amser ar gyfer adnabod anifail yw—

- (a) 9 mis o'r dyddiad geni, yn achos anifail a gedwir o dan amodau ffermio llai dwys neu ar faes; neu
- (b) 6 mis o'r dyddiad geni, yn achos unrhyw anifail arall.

and must be identical on the first and second means of identification.

### **Identification of animals born on or after 31 December 2009 and intended for slaughter**

10.—(1) For animals intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the letters "UK" followed by the flockmark or herdmark; no other number issued by the competent authority may be visibly recorded on this eartag.

(3) Where it is intended to slaughter after the age of 12 months or to export an animal identified under paragraph (1) that animal must be identified in accordance with article 9 and the original eartag removed.

(4) A keeper may re-identify under article 9 an animal identified under this article and need not slaughter that animal before the age of 12 months only if—

- (a) the animal is on its holding of birth; or
- (b) the keeper has a complete record of all the animal's movements.

(5) Where an animal is re-identified under paragraph (4)(b) the keeper must cross-reference the old and new identification codes in the holding register.

(6) A keeper may re-identify an animal identified under paragraph (1) by using an eartag of the kind described in paragraph (2) which includes an electronic identifier.

### **Identification of animals born before and not identified by 31 December 2009**

11.—(1) This article applies to animals born before but not identified by 31 December 2009 and on their holding of birth.

(2) A keeper must comply with Article (4)(1)(first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article unless the alternative method of identification set out in article 12 is authorised.

(3) For the purposes of Article 4(1) of the Council Regulation, the time limits for identifying an animal are:-

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal

(4) Caiff dyfais adnabod a osodir fel y modd adnabod cyntaf neu'r ail fodd adnabod fod o unrhyw liw heblaw coch.

(5) Rhaid i'r cod adnabod ar fodd adnabod at ddibenion Adran A.2 o'r Atodiad i Reoliad y Cyngor fod fel a ganlyn—

- (a) Y llythrennau “UK”;
- (b) Nod y ddiadell neu nod yr eifre y genir yr anifail iddi; ac
- (c) Rhif unigryw.

#### **Adnabod anifeiliaid a anwyd cyn 31 Rhagfyr 2009 a na chawsant eu hadnabod erbyn hynny ac y bwriedir eu cigyddu**

**12.—**(1) Ar gyfer anifeiliaid a anwyd cyn 31 Rhagfyr 2009 ac y bwriedir eu cigyddu cyn 12 mis oed ac na fwriedir eu hallforio, awdurdodir y dull adnabod yn Adran A.7 o'r Atodiad i Reoliad y Cyngor fel dull amgen yn lle'r modd adnabod.

(2) Rhaid i'r cod adnabod at ddibenion Adran A.7 o'r Atodiad i Reoliad y Cyngor fod yr un fath â'r hyn a nodir yn is-baragraff (a) i (c) o erthygl 11(5).

(3) Rhaid i unrhyw anifail a gafodd ei adnabod â'r modd adnabod y cyfeirir ato ym mharagraff (1) (“y tag adnabod cyntaf”) gael ei adnabod ag ail fodd adnabod yn unol â pharagraffau (4) i (6)—

- (a) os na chaiff ei cigyddu cyn 12 mis oed; neu
- (b) os caiff ei draddodi i'w allforio.

(4) Rhaid i'r ail fodd adnabod fod naill ai—

- (a) yn dag adnabod ychwanegol neu, onid yw'n fwriad allforio'r anifail, yn datw, ac iddo'r un cod adnabod ag sydd ar y tag adnabod cyntaf; neu
- (b) yn ddau dag adnabod ychwanegol neu, onid yw'n fwriad allforio'r anifail, yn dag adnabod a thatw sy'n dwyn—
  - (i) y llythrennau “UK”;
  - (ii) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y gosodir y modd adnabod ychwanegol; a
  - (iii) rhif unigryw.

(5) Pan osodir dau fodd adnabod ychwanegol rhaid i'r ceidwad gofnodi gwybodaeth am ychwanegu'r modd adnabod newydd gan gynnwys y cod adnabod llawn ar y modd adnabod ychwanegol a'r llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod gwreiddiol yn y gofrestr onid yw'r anifail ar eu daliad genedigol.

(4) An identification device applied as the first or second means of identification may be any colour other than red.

(5) The identification code on a means of identification for the purposes of Section A.2 of the Annex to the Council Regulation must be—

- (a) The letters “UK”;
- (b) The flockmark or herdmark of the flock or herd into which the animal is born; and
- (c) A unique number.

#### **Identification of animals born before and not identified by 31 December 2009 and intended for slaughter**

**12.—**(1) For animals born before 31 December 2009 and intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised as an alternative to the means of identification.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the same as that set out in sub-paragraph (a) to (c) of article 11 (5).

(3) Any animal identified by the means of identification referred to in paragraph (1) (“the first identification tag”) must be identified with a second means of identification in accordance with paragraphs (4) to (6) if it—

- (a) Is not slaughtered before the age of 12 months; or
- (b) Is consigned for export.

(4) The second means of identification must be either—

- (a) An additional identification tag or, unless the animal is destined for export, a tattoo, with the same identification code as on the first identification tag; or
- (b) Two additional identification tags or, unless the animal is destined for export, an identification tag and a tattoo which bear—
  - (i) the letters “UK”;
  - (ii) the flockmark or herdmark of the flock or herd where the additional means of identification are applied; and
  - (iii) a unique number.

(5) Where two additional means of identification are applied the keeper must record information about the addition of the new means of identification including the full identification code on the additional means of identification and the letters and flockmark or herdmark on the original means of identification in the register unless the animal is on its holding of birth.

(6) Yn achos anifeiliaid a draddodir i'w hallforio rhaid i'r ceidwad osod yr ail fodd adnabod cyn i'r anifail adael y daliad gwreiddiol.

#### RHAN 4

Tynnu neu amnewid modd adnabod anifeiliaid a gafodd eu hadnabod o dan Ran 3

#### Cymhwysio Rhan 4

13. Mae'r Rhan hon yn gymwys i bob anifail a gafodd ei adnabod o dan Ran 3.

#### Tynnu neu amnewid modd adnabod

14.—(1) Ni chaff neb fynd yn groes i Erthygl 4(6) (y paragraff cyntaf) o Reoliad y Cyngor na methu â chydymffurfio â hi.

(2) Ond rhaid i geidwad amnewid modd adnabod sydd ar goll neu'n annarllenadwy, yn unol ag erthyglau 15 neu 16 yn ôl gofynion yr achos, cyn gynted â phosibl ar ôl gweld bod y modd adnabod gwreiddiol ar goll neu'n annarllenadwy, ond beth bynnag—

- (a) dim hwyrach nag 28 diwrnod ar ôl gweld ei fod ar goll neu'n annarllenadwy, a
- (b) cyn i'r anifail gael ei symud o'r daliad.

(3) Pan amnewidir marc adnabod â marc adnabod sy'n dwyn cod adnabod gwahanol a bod yr hen god adnabod yn hysbys rhaid i'r ceidwad groesgyfeirio'r hen god adnabod a'r cod adnabod newydd yng nghofrestr y daliad onis yw'r anifail ar eu daliad genedigol a anwyd cyn 31 Rhagfyr 2009.

(4) Mae'n amddiffyniad i unrhyw berson a gyhuddir o dramgwydd o fynd yn groes i baragraffau (1) neu (2) neu o fethu â chydymffurfio â hwy brofi —

- (a) bod y modd adnabod wedi'i dynnu i atal poen neu ddioddefaint diangen i anifail; a
- (b) bod modd adnabod amnewid sy'n dwyn yr un cod adnabod wedi'i osod ar yr anifail cyn gynted ag y gellid.

#### Amnewid modd adnabod anifeiliaid a gafodd eu hadnabod yn unol ag erthygl 9 neu erthygl 11.

15.—(1) Pan fo anifail a gafodd ei adnabod yn unol ag erthygl 9 neu erthygl 11 yn colli un modd adnabod, neu pan fo'r modd adnabod hwnnw'n annarllenadwy, mae'r modd adnabod yn cael ei amnewid yn unol â'r erthygl hon os yw'n cael ei amnewid ag un sy'n dwyn yr un rhif 12 digid neu os tynnir y ddyfais adnabod sydd ar ôl a bod yr anifail yn cael ei ailadnabod yn unol ag erthygl 9 neu erthygl 11.

(2) Pan fo anifail a gafodd ei adnabod yn unol ag erthygl 9 neu erthygl 11 yn colli'r ddau fodd adnabod, neu pan fo'r ddau fodd adnabod yn annarllenadwy

(6) In the case of animals consigned for export the keeper must apply the second means of identification before the animal leaves the holding of origin.

#### PART 4

Removal or replacement of means of identification of animals identified under Part 3

#### Application of Part 4

13. This Part applies to all animals identified under Part 3.

#### Removal or replacement of means of identification

14.—(1) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation.

(2) But a keeper must replace a lost or illegible means of identification, in accordance with articles 15 or 16 as the case may require, as soon as possible after the original means of identification is discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was discovered to be lost or illegible, and
- (b) before the animal is moved from the holding.

(3) Where an identification mark is replaced with an identification mark bearing a different identification code and the old identification code is known the keeper must cross-reference the old and new identification codes in the holding register unless the animal is on its holding of birth and was born before 31 December 2009.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) to prove that—

- (a) the means of identification was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

#### Replacement of the means of identification for animals identified according to article 9 or article 11.

15.—(1) Where an animal identified according to article 9 or article 11 loses one means of identification, or that means of identification becomes illegible, the means of identification is replaced in accordance with this article if it is replaced with one bearing the same 12 digit number or the remaining identification device is removed and the animal is re-identified according to article 9 or article 11.

(2) Where an animal identified according to article 9 or article 11 loses both means of identification, or both means of identification become illegible it is re-

mae'n cael ei ailadnabod yn unol â'r erthygl hon os yw'n cael ei ailadnabod yn unol ag erthygl 9 neu erthygl 11.

**Amnewid modd adnabod a gollwyd neu sy'n annarllenadwy ar gyfer anifeiliaid a gafodd eu hadnabod yn unol ag erthygl 10 neu erthygl 12.**

16.—(1) Pan fo anifail a gafodd ei adnabod yn unol ag erthygl 10 neu erthygl 12 yn colli ei dag clust neu pan fo'r tag clust hwnnw'n annarllenadwy a'i fod ar ei ddaliad genedigol mae'n cael ei ailadnabod yn unol â'r erthygl hon os caiff y tag clust ei amnewid â thag clust sy'n dwyn yr un nod diadell neu'r un nod geifre.

(2) Pan fo anifail a gafodd ei adnabod yn unol ag erthygl 10 neu erthygl 12 yn colli ei dag clust neu pan fo'r tag clust hwnnw'n annarllenadwy ac nad yw ar ei ddaliad genedigol, neu os nad yw'r ceidwad yn gwybod a yw ar ei ddaliad genedigol, mae'n cael ei ailadnabod yn unol â'r erthygl hon os caiff y tag clust ei amnewid â thag clust coch sy'n dwyn nod y ddiadell neu nod yr eifre ar gyfer y daliad y mae'r anifail arno bellach.

**RHAN 5**

Adnabod geifr a anwyd ar neu ar ôl 31 Rhagfyr 2009

**Adnabod geifr**

17.—(1) Pan fo gafr ar ei daliad genedigol ac na chafodd ei hadnabod cyn 31 Rhagfyr 2009 rhaid i'r ceidwad, os nad yw wedi'i hadnabod yn unol â Rhan 3, ei hadnabod o fewn y terfynau amser a bennir yn erthygl 9(3), â naill ai—

- (a) dau dag clust;
- (b) tag clust a thag egwyd; neu
- (c) tag clust a thatw.

(2) Rhaid i'r cod adnabod ar fodd adnabod fod fel a ganlyn—

- (a) y llythrennau "UK"; a
- (b) rhif 12 digid yn unol â chynllun rhifo a ragnodir gan Weinidogion Cymru;

a rhaid iddo fod yn union yr un fath ar y modd adnabod cyntaf a'r ail fodd adnabod.

**Ailadnabod geifr**

18. Caniateir i eifr a gafodd eu hadnabod yn unol ag erthygl 17 gael eu hailadnabod yn unol ag erthygl 9.

**RHAN 6**

Tynnu neu amnewid marciau adnabod ar anifeiliaid a gafodd eu hadnabod cyn 31 Rhagfyr 2009

identified according to this article if it is re-identified according to article 9 or article 11.

**Replacement of lost or illegible means of identification for animals identified according to article 10 or article 12**

16.—(1) Where an animal identified according to article 10 or article 12 loses its eartag or that eartag becomes illegible and is on its holding of birth it is re-identified according to this article if the eartag is replaced with an eartag bearing the same flockmark or herdmark.

(2) Where an animal identified according to article 10 or article 12 loses its eartag or that eartag becomes illegible and is not on its holding of birth, or if the keeper does not know if it is on its holding of birth, it is re-identified according to this article if the eartag is replaced with a red eartag bearing the flockmark or herdmark of the holding the animal is now on.

**PART 5**

Identification of goats born on or after 31 December 2009

**Identification of goats**

17.—(1) Where a goat is on its holding of birth and has not been identified before 31 December 2009 the keeper must, if they have not identified it in accordance with Part 3, identify it within the time limits specified in article 9(3), with either—

- (a) two eartags;
- (b) an eartag and a pastern tag; or
- (c) an eartag and a tattoo.

(2) The identification code on a means of identification must be—

- (a) the letters "UK"; and
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers;

and must be identical on the first and second means of identification.

**Re-identification of goats**

18. Goats identified in accordance with article 17 may be re-identified in accordance with article 9.

**PART 6**

Removal or replacement of identification marks on animals identified before 31 December 2009

## Cymhwyso Rhan 6

19. Mae'r Rhan hon yn gymwys i bob anifail a gafodd ei adnabod cyn 31 Rhagfyr 2009 ac i eifr a gafodd eu hadnabod yn unol ag erthygl 17.

### Tynnu neu amnewid marciau adnabod

20.—(1) Ni chaiff neb fynd yn groes i Erthygl 4(6) (y paragraff cyntaf) o Reoliad y Cyngor na methu â chydymffurfio â hi.

(2) Ond rhaid i geidwad amnewid marc adnabod sydd ar goll neu'n annarllenadwy, yn unol ag erthygl 21, erthygl 22 neu erthygl 23 (pa erthygl bynnag sy'n gymwys) cyn gynted â phosibl ar ôl gweld bod y marc adnabod gwreiddiol ar goll neu'n annarllenadwy, ond beth bynnag—

- (a) dim hwyrach nag 28 diwrnod ar ôl gweld ei fod ar goll neu'n annarllenadwy, a
- (b) cyn i'r anifail gael ei symud o'r daliad.

(3) Pan amnewidir marc adnabod â marc adnabod sy'n dwyn cod adnabod gwahanol ac nad yw'r anifail ar ei ddaliad genedigol a bod yr hen god adnabod yn hysbys rhaid i'r ceidwad groesgyfeirio'r hen god adnabod a'r cod adnabod newydd yng nghofrestr y daliad.

(4) Mae'n amddiffyniad i unrhyw berson a gyhuddir o dramgwydd o fynd yn groes i baragraffau (1) neu (2) neu o fethu â chydymffurfio â hwy brofi —

- (a) bod y marc adnabod wedi'i dynnu i atal poen neu ddiodefaint diangen i anifail; a
- (b) bod modd adnabod amnewid yn dwyn yr un cod adnabod wedi'i osod ar yr anifail cyn gynted ag y gellid.

(5) Caiff ceidwad dynnu marciau adnabod ac ailadnabod anifail yn unol ag erthygl 9 ar unrhyw adeg.

### Amnewid marc adnabod sengl ar anifail sydd â dau dag

21. Mae anifail yn cael ei ailadnabod yn unol â'r erthygl hon os amnewidir y modd adnabod sydd ar goll neu sy'n annarllenadwy—

- (a) â modd adnabod sy'n dwyn yr un rhif unigryw â'r modd adnabod sydd ar goll neu sy'n annarllenadwy;
- (b) â dau fodd adnabod anelectronig, ill dau'n dwyn yr un rhif; neu
- (c) â'r modd adnabod a bennir yn Erthyglau 4(1) (y paragraff cyntaf), 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

### Amnewid marc adnabod sengl ar anifail sydd ag un tag

22.—(1) Mae'r erthygl hon yn gymwys pan fo'r modd adnabod neu'r modd adnabod hŷn ar anifail

## Application of Part 6

19. This Part applies to all animals identified before 31 December 2009 and to goats identified in accordance with article 17.

### Removal or replacement of identification marks

20.—(1) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation.

(2) But a keeper must replace a lost or illegible identification mark, in accordance with article 21, article 22 or article 23 (whichever article is applicable) as soon as possible after the original identification mark is discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was discovered to be lost or illegible; and
- (b) before the animal is moved from the holding.

(3) Where an identification mark is replaced with an identification mark bearing a different identification code and the animal is not on its holding of birth and the old identification code is known the keeper must cross-reference the old and new identification codes in the holding register.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) to prove that—

- (a) the identification mark was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

(5) A keeper may at any time remove identification marks and re-identify the animal in accordance with article 9.

### Replacement of a single identification mark on a double-tagged animal

21. An animal is re-identified according to this article if the missing or illegible means of identification is replaced with—

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) two non-electronic means of identification, both bearing the same number; or
- (c) the means of identification specified in Articles 4(1) (first paragraph), 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

### Replacement of a identification mark on a single tagged animal

22.—(1) This article applies where the means of identification or older means of identification on a

sydd â ffurf adnabod sengl ar goll neu'n annarllenadwy.

(2) Yn yr erthygl hon ystyr "anifail â ffurf adnabod sengl" yw anifail a gafodd ei adnabod ag un modd adnabod h n yn unig a hwnnw'n cynnwys rhif unigryw a osodwyd o dan y Gorchmynion blaenorol.

(3) Os bydd ceidwad yn amnewid tag sydd ar goll neu'n annarllenadwy ar anifail a anwyd ar ôl 9 Gorffennaf 2005 rhaid i fodd adnabod newydd neu fodd adnabod amnewid fod yn dag adnabod ac nid yn datw.

(4) Os yw'r anifail ar ei ddaliad genedigol rhaid i'r ceidwad amnewid y modd adnabod sydd ar goll neu'n annarllenadwy—

- (a) â modd adnabod sy'n dwyn yr un rhif unigryw â'r modd adnabod sydd ar goll neu'n annarllenadwy;
- (b) â modd adnabod newydd;
- (c) â dau fodd adnabod anelectronig, ill dau'n dwyn yr un rhif; neu
- (ch) â'r modd adnabod a bennir yn Erthyglau 4(1) (y paragraff cyntaf), 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

(5) Os nad yw'r anifail ar ei ddaliad genedigol, caiff y ceidwad amnewid y modd adnabod sydd ar goll neu'n annarllenadwy—

- (a) â modd adnabod sy'n dwyn yr un rhif unigryw â'r modd adnabod sydd ar goll neu'n annarllenadwy;
- (b) â modd adnabod amnewid;
- (c) â dau fodd adnabod anelectronig, ill dau'n dwyn yr un rhif; neu
- (ch) â'r modd adnabod a bennir yn Erthyglau 4(1) (y paragraff cyntaf), 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

(6) Os caiff anifail ei ailadnabod â'r modd adnabod y cyfeirir ato ym mharagraff (5)(b) i (ch) uchod rhaid i'r ceidwad gofnodi gwybodaeth am y modd amnewid gan gynnwys y cod adnabod llawn ar y modd amnewid a chofnodi'r llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod gwreiddiol, os ydynt yn hysbys, yng nghofrestr y daliad.

#### **Ailadnabod anifeiliaid a gafodd eu hadnabod o dan Orchmynion blaenorol â marc adnabod nad yw'n cynnwys rhif unigryw.**

**23.—**(1) Mae'r erthygl hon yn gymwys i anifeiliaid a gafodd eu hadnabod o dan Orchmynion blaenorol â marc adnabod nad yw'n cynnwys rhif unigryw.

(2) Os bydd—

- (a) y marc adnabod yn mynd ar goll neu'n annarllenadwy; neu
- (b) yr anifail yn cael ei symud o ddaliad

single identified animals is lost or illegible.

(2) In this article "single-identified animal" means an animal identified with only one older means of identification containing a unique number applied under previous Orders.

(3) If a keeper is replacing a lost or illegible tag on an animal born after 9 July 2005 a new or replacement means of identification must be an identification tag and not a tattoo.

(4) If the animal is on its holding of birth the keeper must replace the missing or illegible means of identification with a—

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) a new means of identification;
- (c) two non-electronic means of identification both bearing the same number; or
- (d) the means of identification specified in Articles 4(1) (first paragraph), 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(5) If the animal is not on its holding of birth, the keeper may replace the missing or illegible means of identification with

- (a) means of identification bearing the same unique number as the lost or illegible means of identification;
- (b) a replacement means of identification;
- (c) two non-electronic means of identification, both bearing the same number; or
- (d) the means of identification specified in Articles 4(1)(first paragraph), 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(6) If an animal is re-identified by the means of identification referred to in paragraph (5)(b) to (d) above the keeper must record information about the replacement including the full identification code on the replacement and record the letters or flockmark or herdmark on the original means of identification, if known, within the holding register.

#### **Re-identification of animals identified under previous Orders with an identification mark that does not contain a unique number.**

**23.—**(1) This article applies to animals identified under previous Orders with a means of identification that does not contain a unique number.

(2) If the means of identification

- (a) becomes lost or illegible; or
- (b) the animal is moved from a holding



rhaid i'r anifail gael ei ailadnabod yn unol â pharagraffau (3) neu (4).

(3) Os yw'r anifail ar ei ddaliad genedigol rhaid i'r ceidwad ailadnabod yr anifail—

- (a) â modd adnabod newydd;
- (b) â dau fodd adnabod anelectronig, ill dau'n dwyn yr un rhif; neu
- (c) â'r modd adnabod a bennir yn Erthyglau 4(1) (y paragraff cyntaf), 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

(4) Os nad yw'r anifail ar ei ddaliad genedigol rhaid i'r ceidwad ailadnabod yr anifail—

- (a) â modd adnabod newydd;
- (b) â dau fodd adnabod anelectronig, ill dau'n dwyn yr un rhif; neu
- (c) â'r modd adnabod a bennir yn Erthyglau 4(1) (y paragraff cyntaf), 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

(5) Os caiff anifail ei ailadnabod â'r modd adnabod y cyfeirir ato ym mharagraff (4) uchod rhaid i'r ceidwad gofnodi gwybodaeth am y modd amnewid gan gynnwys y cod adnabod llawn ar y modd amnewid a chofnodi'r llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod gwreiddiol, os ydynt yn hysbys, yng nghofrestr y daliad.

(6) Os caiff anifail ei ailadnabod yn unol â pharagraffau (3) neu (4) rhaid i'r cod adnabod ar fodd adnabod newydd fod fel a ganlyn—

- (a) y llythrennau "UK"; a
- (b) rhif 12 digid yn unol â chynllun rhifo a ragnodir gan Weinidogion Cymru;

the animal must be re-identified in accordance with paragraphs (3) or (4).

(3) If the animal is on its holding of birth the keeper must re-identify the animal with —

- (a) a new means of identification
- (b) two non-electronic means of identification both bearing the same number ;or
- (c) the means of identification specified in Articles 4(1) (first paragraph), 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(4) If the animal is not on its holding of birth the keeper must re-identify the animal with—

- (a) a new means of identification;
- (b) two non-electronic means of identification both bearing the same number; or
- (c) the means of identification specified in Articles 4(1) (first paragraph), 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(5) If an animal is re-identified by the means of identification referred to in paragraph (4) above the keeper must record information about the replacement including the full identification code on the replacement and record the letters or flockmark or herdmark on the original means of identification, if known, within the holding register.

(6) If an animal is re-identified in accordance with paragraphs (3) or (4) the identification code on a new means of identification must be:-

- (a) the letters "UK"; and
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers;

## RHAN 7

### Cofrestri daliadau

#### Cofrestr y daliad

**24.—**(1) Mae'n dramgwydd i geidwad, heblaw cludwr, fethu â chydymffurfio ag Erthygl 5(1), (3) a (5) o Reoliad y Cyngor.

(2) Pan gaiff anifail ei symud i'w ddaliad neu ohono, rhaid i'r ceidwad gofnodi—

- (a) yr wybodaeth sy'n ofynnol gan Adran B o'r Atodiad i Reoliad y Cyngor; a
- (b) nifer yr anifeiliaid a symudwyd.

(3) Rhaid i'r wybodaeth y cyfeirir ati ym mharagraff (2) o ran anifeiliaid a symudir i ddaliad gael ei chofnodi gan y ceidwad drwy ei chofnodi yn y gofrestr ond caniateir i god adnabod unigol pob anifail, fel dewis arall, gael ei gofnodi drwy gadw copi deublyg neu gopi ardystiedig o'r dogfennau symud yn nhrefn eu

## PART 7

### Holding registers

#### Holding register

**24.—**(1) It is an offence for a keeper, other than a transporter, to fail to comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved onto or from its holding, the keeper must record—

- (a) the information required by Section B of the Annex to the Council Regulation; and
- (b) the number of animals moved.

(3) The information referred to in paragraph (2) in respect of animals moving onto a holding must be recorded by the keeper by entering it in the register but the individual identification codes of each animal may, alternatively, be recorded by retaining a duplicate or certified copy of the movement documents in date

dyddiadau a chroesgyfeirio'r rheiny â'r cofnodion symud perthnasol yng nghofrestr y daliad.

(4) Rhaid i'r wybodaeth y cyfeirir ati ym mharagraff (2) o ran anifeiliaid a symudir o ddaliad gael ei chofnodi gan y ceidwad drwy naill ai—

- (a) ei chofnodi yn y gofrestr; neu
- (b) cadw copi deublyg neu gopi ardystiedig o'r ddogfen symud a chadw'r copi deublyg neu'r copi ardystiedig hwnnw gyda'r gofrestr yn eu trefn gronolegol gydag unrhyw ddogfennau symud eraill a gedwir.

(5) Mae'n dramgwydd cadw'r gofrestr ar ffurf heblaw'r ffurf a gymeradwywyd gan Weinidogion Cymru.

(6) Rhaid i'r ceidwad lenwi'r gofrestr—

- (a) yn achos symud anifail i ddaliad neu ohono heblaw drwy bwynt cofnodi canolog, o fewn 36 awr ar ôl ei symud;
- (b) yn achos symud anifail i ddaliad neu ohono drwy bwynt cofnodi canolog, o fewn 48 awr ar ôl ei symud;
- (c) yn achos amnewid marc adnabod, o fewn 36 awr ar ôl ei amnewid;
- (ch) yn achos cod adnabod anifail, blwyddyn ei eni, dyddiad ei adnabod, ei hil ac, os yw'n hysbys, ei genoteip, o fewn 36 awr ar ôl ei adnabod;
- (d) yn achos marwolaeth anifail, o fewn 36 awr ar ôl darganfyddiad ei farwolaeth.

(7) Os yw'r ceidwad yn symud ei anifeiliaid i ddaliad arall ond ei fod yn parhau yn geidwad iddynt, nid oes rhaid i'r ceidwad gadw'r gofrestr ar y daliad hwnnw ond rhaid iddo allu ei dangos o fewn amser rhesymol i Weinidogion Cymru pan ofynnir amdani.

(8) At ddibenion Erthygl 5(3) o Reoliad y Cyngor, y cyfnod y mae'n rhaid sicrhau bod y gofrestr, gan gynnwys y copïau deublyg neu'r copïau ardystiedig o'r dogfennau symud os ydynt yn cael eu cadw yn unol â pharagraff (4)(b) ar gael yw 3 blynedd o'r dyddiad olaf y bydd anifail y cyfeirir ato yn y ddogfen yn marw neu'n ymadael â'r daliad.

(9) Pan ailadnabyddir anifail rhaid i'r ceidwad gofnodi dyddiad ei ailadnabod yn y gofrestr.

## RHAN 8

### Dogfennau symud

#### Dogfen symud

**25.—**(1) Mae'n dramgwydd i geidwad fethu â chydymffurfio ag Erthygl 6(1) o Reoliad y Cyngor a llenwi'r ddogfen symud ar ffurf a gymeradwywyd gan Weinidogion Cymru ac eithrio y caniateir i fanylion adnabod yr anifeiliaid a symudir gael eu cofnodi yn y daliad a gyrchir os yw'r daliad hwnnw'n bwynt cofnodi

order and cross-referencing them to the relevant movement records in the holding register.

(4) The information referred to in paragraph (2) in respect of animals moving off a holding must be recorded by the keeper by either—

- (a) entering it in the register; or
- (b) retaining a duplicate or certified copy of the movement document and keeping such duplicate or copy with the register in chronological order with any other movement documents retained.

(5) It is an offence to keep the register in a form other than that approved by the Welsh Ministers.

(6) The keeper must complete the register—

- (a) in the case of the movement of an animal onto or from a holding other than via a central point of recording, within 36 hours of the movement;
- (b) in the case of a movement of an animal onto or from a holding via a central point of recording, within 48 hours of the movement;
- (c) in the case of the replacement of an identification mark, within 36 hours of the replacement;
- (d) in the case of the identification code of an animal, the year of its birth, the date of its identification, its race and, if known its genotype, within 36 hours of its identification;
- (e) in the case of the death of an animal, within 36 hours of the discovery of its death.

(7) Where a keeper moves their animals to another holding but continues to be the keeper, the keeper does not have to keep the register on that holding but must be able to produce it within a reasonable time to the Welsh Ministers upon request.

(8) For the purposes of Article 5(3) of the Council Regulation, the period for which the register, including the duplicate or certified copies of the movement documents if kept in accordance with paragraph (4)(b), must be available is 3 years from the last day when an animal referred to on the document dies or leaves the holding.

(9) When an animal is re-identified the keeper must record in the register the date of re-identification.

## PART 8

### Movement documents

#### Movement document

**25.—**(1) It is an offence for a keeper to fail to comply with Article 6(1) of the Council Regulation and complete the movement document in a form approved by the Welsh Ministers except that the identities of the animals moved may be recorded at the holding of destination where that holding is a central point of

canolog ac os yw'r anifeiliaid yn cael eu cludo yn unol ag Adran C, pwynt 2(a) o'r Atodiad.

(2) Mae'n dramgwydd i geidwad yn y daliad a gyrchir fethu â chydymffurfio ag Erthygl 6(3) o Reoliad y Cyngor a methu â chadw'r dogfennau symud yn eu trefn gronolegol.

(3) At ddibenion Erthygl 6(3) y cyfnod lleiaf y mae'n rhaid i'r ceidwad ar y daliad hwnnw gadw'r ddogfen symud yw 3 blynedd o ddyddiad symud anifail i'w ddaliad.

### Cyflenwi dogfen symud

**26.**—(1) Yn achos anifail a symudir i ddaliad arall—

- (a) ar ôl i'r anifail gyrraedd y daliad arall hwnnw, rhaid i'r cludwr roi'r ddogfen symud i'r ceidwad yn y daliad hwnnw; a
- (b) rhaid i'r ceidwad yn y daliad hwnnw anfon copi o'r ddogfen symud i'r awdurdod lleol o fewn 3 diwrnod ar ôl i'r anifail gyrraedd y daliad.

(2) Yn achos anifail a symudwyd o ddaliad i borthladd ac y bwriedir ei draddodi y tu allan i Brydain Fawr, rhaid i'r ceidwad yn y daliad hwnnw anfon copi o'r ddogfen symud i'r awdurdod lleol o fewn 3 diwrnod ar ôl i'r anifail ymadael â'r daliad.

## RHAN 9

### Cronfa ddata ganolog

#### Stocrestr o anifeiliaid

**27.**—(1) At ddibenion Erthygl 7(2) o Reoliad y Cyngor, rhaid i geidwad sy'n cadw anifeiliaid yn barhaol wneud stocrestr o nifer yr anifeiliaid ar ei ddaliad ar 1 Ionawr bob blwyddyn.

(2) Mae'n dramgwydd i geidwad fethu â darparu canlyniad y stocrestr flynyddol i Weinidogion Cymru erbyn 1 Chwefror bob blwyddyn.

#### Cyflenwi gwybodaeth

**28.**—(1) Ar ôl cael hysbysiad o dan Erthygl 8(2) o Reoliad y Cyngor fod person wedi dod yn geidwad daliad, rhaid i Weinidogion Cymru, yn ddarostyngedig i baragraff (2), ddyrannu nod diadell mewn perthynas â phob diadell o ddefaid ar y daliad a nod geifre mewn perthynas â phob geifre o eifr ar y daliad.

(2) Os lladd-dy neu farchnad yw'r daliad, dim ond os ydynt o'r farn ei bod yn briodol gwneud hynny y mae'n rhaid i Weinidogion Cymru ddyrannu nod diadell neu nod geifre.

(3) Rhaid i'r ceidwad hysbysu Gweinidogion Cymru mewn ysgrifenedig am unrhyw newid yn yr wybodaeth a bennir yn Erthygl 8(2)(a) o Reoliad y Cyngor o fewn 30 diwrnod ar ôl newid o'r fath.

recording and the animals are transported in accordance with Section C, point 2(a) of the Annex.

(2) It is an offence for the keeper at the holding of destination to fail to comply with Article 6(3) of the Council Regulation and to fail to keep the movement documents in chronological order.

(3) For the purposes of Article 6(3) the minimum period for which the keeper at that holding must keep the movement document is 3 years from the date of the movement of an animal onto their holding.

### Supply of movement document

**26.**—(1) In the case of an animal moved to another holding—

- (a) upon the animal's arrival at that other holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal arriving at the holding.

(2) In the case of an animal moved from a holding to a port and intended for consignment outside Great Britain, the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal leaving the holding.

## PART 9

### Central database

#### Inventory of animals

**27.**—(1) For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals on their holding as at the 1st January each year.

(2) It is an offence for a keeper to fail to provide the result of the annual inventory to the Welsh Ministers by 1 February each year.

#### Supply of information

**28.**—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Welsh Ministers must, subject to paragraph (2), allocate a flockmark in respect of each flock of sheep on the holding and a herdmark in respect of each herd of goats on the holding.

(2) When the holding is a slaughterhouse or a market, the Welsh Ministers must allocate a flockmark or herdmark only where the Welsh Ministers deem it appropriate to do so.

(3) The keeper must notify the Welsh Ministers in writing of any change in the information specified in Article 8(2)(a) of the Council Regulation within 30 days of such change.

### Marchnadoedd

29.—(1) Rhaid i weithredydd marchnad sicrhau bod yr holl anifeiliaid yn cael eu rhannu'n lotiau o un neu fwy o anifeiliaid yn union ar ôl iddynt gyrraedd y farchnad a bod rhif lot yn cael ei ddyrannu i bob lot.

(2) Ni chaiff neb brynu anifail mewn marchnad oni bai ei fod yn prynu'r holl anifeiliaid eraill yn y lot y mae'r anifail yn perthyn iddo ac yn symud y lot gyfan o'r farchnad i'r un daliad.

(3) Ni chaiff neb werthu anifail mewn marchnad oni bai ei fod yn gwerthu'r holl anifeiliaid eraill yn y lot i'r un prynwr.

(4) Ni chaiff gweithredydd marchnad dderbyn anifail i farchnad oni bai—

- (a) ei fod wedi'i adnabod yn unol â'r Gorchymyn hwn; a
- (b) bod dogfen symud yn cyd-fynd â'r anifail a honno wedi'i llenwi yn unol â Rhan 8.

(5) Ond caniateir i weithredydd marchnad dderbyn anifail i farchnad sydd heb ei adnabod yn unol â'r Gorchymyn hwn gyda chymeradwyaeth yr awdurdod lleol.

### Amnewid marciau adnabod a gollwyd mewn marchnadoedd

30.—(1) Nid yw gofynion y Gorchymyn hwn i gyfnewid adnabod yn gymwys i weithredydd marchnad neu weithredydd lladd-dy.

(2) Os bydd marc adnabod yn cael ei dynnu neu ei gollu neu os sylwir ei fod yn annarllenadwy tra bydd anifail mewn marchnad, rhaid i'r ceidwad a fydd yn prynu'r anifail yn y farchnad osod marc adnabod amnewid yn unol â'r Gorchymyn hwn.

### Cynlluniau wrth gefn ar gyfer methiant pŵer ac offer

31.—(1) Caiff awdurdodau lleol esemptio gweithredwyr marchnadoedd, canolfannau casglu a lladd-dai rhag yr angen i gofnodi'r canlynol—

- (a) rhif unigryw anifail ar ddogfen symud;
- (b) rhif unigryw anifail yng nghofrestr daliad; neu
- (c) rhifau'r anifeiliaid mewn unrhyw lwyth sy'n dwyn nod diadell neu nod geifre penodol,

os oes cynllun wrth gefn wedi'i gytuno rhwng yr awdurdod lleol a'r gweithredydd marchnad neu'r gweithredydd lladd-dy.

### Markets

29.—(1) A market operator must ensure that all animals are divided into lots of one or more animals immediately upon their arrival at the market and that a lot number is allocated to each lot.

(2) No person may buy an animal at a market unless they buy all the other animals in the lot to which that animal belongs and moves the entire lot from the market to the same holding.

(3) No person may sell an animal at a market unless they also sell all the other animals in the lot to the same buyer.

(4) A market operator may not receive an animal onto a market unless—

- (a) it is identified in accordance with this Order; and
- (b) it is accompanied by a movement document which is completed in accordance with Part 8.

(5) But a market operator may receive an animal onto a market which is not identified in accordance with this Order with the approval of the local authority.

### Replacement of identification marks lost at markets

30.—(1) The requirements in this Order to replace an identification mark do not apply to a market operator or slaughterhouse operator.

(2) If an identification mark is removed, lost or discovered to be illegible while an animal is at a market, the keeper who purchases the animal at the market must apply a replacement in accordance with this Order.

### Contingency planning for power and equipment failures

31.—(1) Local authorities may exempt market, collection centre and slaughterhouse operators from the need to record—

- (a) an animal's unique number on a movement document;
- (b) an animal's unique number in a holding register; or
- (c) the numbers of animals in any batch bearing a particular flockmark or herdmark,

where a contingency plan has been agreed between the local authority and the market or slaughterhouse operator.

(2) Caiff awdurdod lleol dynnu unrhyw esemptiad o'r fath yn ôl os nad yw'n fodlon mwyach ar delerau'r cynllun wrth gefn neu sut y mae'n cael ei roi ar waith.

(3) Rhaid i gynllun wrth gefn y cytunir arno o dan baragraff (1) nodi'r amodau y mae'n rhaid i'r gweithredydd marchnad neu'r gweithredydd lladd-dy eu bodloni ac o dan ba amgylchiadau y bydd yr esemptiadau ym mharagraff (1) yn gymwys, cyhyd ag y bodlonir yr amodau hynny.

(4) Rhaid i weithredydd marchnad neu weithredydd lladd-dy ofyn am gydsyniad yr awdurdod lleol cyn gynted â phosibl bob tro y bydd yn dymuno defnyddio'r esemptiadau ym mharagraff (1) a rhaid iddo roi'r gorau i dderbyn anifeiliaid heb gofnodi'r wybodaeth y cyfeirir ati ym mharagraff (1) os gwrthodir y cydsyniad hwnnw.

(5) At ddibenion yr erthygl hon ystyr "canolfan gasglu" yw unrhyw ddaliad lle y bydd defaid neu eiffr sy'n tarddu o ddaliadau gwahanol yn cael eu grwpio gyda'i gilydd i ffurfio llwythi o anifeiliaid y bwriedir eu hallforio neu a ddefnyddir wrth allforio.

## RHAN 11

### Anifeiliaid y deur a hwy i Gymru

#### Derbyn anifeiliaid o Aelod-wladwriaeth arall

32.—(1) Ni chaiff neb dderbyn anifail o Aelod-wladwriaeth arall oni bai ei fod wedi'i adnabod yn unol â'r canlynol—

- (a) Rheoliad y Cyngor, yn achos anifail a anwyd ar ôl 9 Gorffennaf 2005; neu
- (b) Cyfarwyddeb y Cyngor 92/102/EEC, yn achos anifail a anwyd ar neu cyn 9 Gorffennaf 2005.

(2) Mae'n dramgwydd tynnu neu amnewid dull adnabod gwreiddiol anifail sy'n tarddu o Aelod-wladwriaeth arall yn groes i Erthygl 4(5) o Reoliad y Cyngor.

#### Derbyn anifeiliaid o Loegr, yr Alban, Gogledd Iwerddon neu Diriogaethau Dibynnol y Goron

33. Ni chaiff neb dderbyn anifail o Loegr, yr Alban, Gogledd Iwerddon, Ynysoedd y Sianel neu Ynys Manaw oni bai bod yr anifail wedi'i adnabod a bod dogfen symud yn cyd-fynd ag ef yn unol â'r canlynol—

- (a) yn achos anifail a anwyd ar ôl 9 Gorffennaf 2005, Rheoliad y Cyngor, gan gynnwys unrhyw randdirymiad a arferwyd o dan Reoliad y Cyngor; neu
- (b) yn achos anifail o Loegr, yr Alban neu Ogledd Iwerddon a anwyd ar neu cyn 9 Gorffennaf 2005 y Gorchmynion blaenorol ac unrhyw ofynion ychwanegol a osodwyd mewn deddfwriaeth sy'n gorfodi Rheoliad y Cyngor mewn perthynas â'r anifeiliaid hynny; neu

(2) A local authority may withdraw any such exemption if it is no longer satisfied with the operation or terms of the contingency plan.

(3) A contingency plan agreed under paragraph (1) must set out the conditions which must be met by the market or slaughterhouse operator and the circumstances in which, provided those conditions are met, the exemptions in paragraph (1) will apply.

(4) A market or slaughterhouse operator must seek the consent of the local authority as soon as possible on every occasion when they wish to apply the exemptions in paragraph (1) and must cease to accept animals without recording the information referred to in paragraph (1) if that consent is refused.

(5) For the purposes of this article "collection centre" means any holding at which sheep or goats originating from different holdings are grouped together to form consignments of animals intended for export or which is used in the course of export.

## PART 11

### Animals brought into Wales

#### Receipt of animals from another member State

32.—(1) No person may receive an animal from another member State unless it is identified in accordance with—

- (a) the Council Regulation, in the case of an animal born after 9th July 2005; or
- (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9th July 2005.

(2) It is an offence to remove or replace the original method of identification of an animal originating in another member State in contravention of Article 4(5) of the Council Regulation.

#### Receipt of animals from England, Scotland, Northern Ireland or the Crown Dependencies

33. No person may receive an animal from England, Scotland, Northern Ireland, the Channel Islands or the Isle of Man unless it is identified and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9th July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal from England, Scotland or Northern Ireland born on or before 9th July 2005 the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to those animals; or

- (c) yn achos anifeiliaid o Diriogaethau Dibynnol y Goron a anwyd ar neu cyn 9 Gorffennaf 2005 Cyfarwyddeb y Cyngor 92/102/EEC.

#### **Adnabod anifeiliaid a fewnforir o drydydd gwledydd**

34.—(1) Mae'n dramgwydd i geidwad fethu â chydymffurfio ag Erthygl 4(4) o Reoliad y Cyngor a'r erthygl hon.

(2) At ddibenion Erthygl 4(4) (y paragraff cyntaf) o Reoliad y Cyngor, y cyfnod ar gyfer adnabod anifail yw 14 diwrnod.

(3) Rhaid i fodd adnabod anifeiliaid a fewnforir o drydedd wlad fod yr un fath â'r hyn a nodir yn Erthygl 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor a'r cod adnabod at ddibenion Adran A.2 o'r Atodiad yw—

- (a) y llythrennau "UK";
- (b) rhif 12 digid yn unol â chynllun rhifo a ragnodir gan Weinidogion Cymru.

(4) Pan gaiff anifail ei fewnforio o drydedd wlad a'i ailadnabod yn unol â'r erthygl hon, rhaid i'r ceidwad gofnodi gwybodaeth am ychwanegu'r modd adnabod newydd yn y gofrestr ynghyd â'r cod adnabod llawn ar y modd adnabod newydd a'r cod adnabod llawn ar y dull adnabod a osodwyd yn y drydedd wlad.

#### **Colli dulliau adnabod a osodwyd mewn trydedd wlad**

35. Pan gaiff anifail ei fewnforio o drydedd wlad a'i ailadnabod yn unol ag Erthygl 4(4) o Reoliad y Cyngor, nid yw'n ofynnol i'r ceidwad amnewid dull adnabod a osodwyd yn y drydedd wlad os bydd hwnnw wedyn yn cael ei golli neu'n mynd yn annarllenadwy.

### **RHAN 12**

Amrywiol

#### **Adnabod a chofnodi anifeiliaid i'w hallforio**

36.—(1) Rhaid i geidwad adnabod pob anifail a draddodir i'w allforio yn unol ag Erthygl 4(2)(a) a (b) ac Erthygl 9(3) o Reoliad y Cyngor.

(2) Pan fydd anifail a gafodd eu hadnabod cyn 31 Rhagfyr 2009 yn cael ei draddodi i'w allforio rhaid i'r ceidwad gofnodi ei fanylion adnabod unigol yng nghofrestr y daliad ac ni chaiff allforio'r anifail hwnnw tan 30 diwrnod ar ôl i'w fanylion adnabod gael eu cofnodi.

#### **Amddiffyniad ynghylch symud ar gyfer triniaeth filfeddygol frys**

37. Mae'n amddiffyniad i unrhyw berson sydd wedi'i gyhuddo o dramgwydd o fynd yn groes i unrhyw

- (c) in the case of animals from the Crown Dependencies born on or before 9th July 2005 Council Directive 92/102/EEC.

#### **Identification of animals imported from third countries**

34.—(1) It is an offence for a keeper to fail to comply with Article 4(4) of the Council Regulation and this article.

(2) For the purposes of Article 4(4) (first paragraph) of the Council Regulation, the period for identifying an animal is 14 days.

(3) The means of identification for animals imported from a third country must be the same as that set out in Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex is—

- (a) the letters "UK";
- (b) a 12 digit number in accordance with a numbering scheme prescribed by the Welsh Ministers.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record information about the addition of the new means of identification in the register together with the full identification code on the new means of identification and the full code on the method of identification applied in the third country.

#### **Loss of methods of identification applied in a third country**

35. Where an animal is imported from a third country and re-identified in accordance with Article 4(4) of the Council Regulation, the keeper is not required to replace a method of identification applied in the third country if it subsequently becomes lost or illegible.

### **PART 12**

Miscellaneous

#### **Identification and recording of animals for export**

36.—(1) A keeper must identify all animals consigned for export in accordance with Article 4(2)(a) and (b) and Article 9(3) of the Council Regulation.

(2) Once an animal identified before 31 December 2009 is consigned for export the keeper must record its individual identity in the holding register and may not export that animal until 30 days after its identity has been recorded.

#### **Defence related to movement for emergency veterinary treatment**

37. It is a defence for any person charged with an offence of contravening or failing to comply with any

ddarpariaeth yn y Gorchymyn hwn sy'n ymwneud â symud anifail o ddaliad heb osod neu roi arno y modd adnabod sy'n ofynnol neu o beidio â chydymffurfio â hi brofi bod yr anifail wedi'i symud o'r daliad er mwyn cael triniaeth filfeddygol frys.

### **Pwerau arolygwyr**

**38.**—(1) Caiff arolygydd, at unrhyw ddiben sy'n ymwneud â gorfodi'r Gorchymyn hwn—

- (a) casglu, corlannu a marcio unrhyw anifail a'i gwneud yn ofynnol i geidwad drefnu casglu, corlannu, marcio a diogelu unrhyw anifail;
- (b) ei gwneud yn ofynnol i'r ceidwad ddangos neu gopïo unrhyw ddogfen neu gofnod;
- (c) symud a chadw unrhyw ddogfen neu gofnod;
- (ch) cael mynediad at, a gwirio gweithrediad, unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â chofnodion;
- (d) os cedwir cofnod drwy gyfrwng cyfrifiadur, ei gwneud yn ofynnol i'r cofnod gael ei ddangos ar ffurf y gellir mynd â hi ymaith;
- (dd) ei gwneud yn ofynnol i unrhyw ddyfeisiau adnabod sydd heb eu defnyddio gael eu dangos, a chofnodi eu rhifau;
- (e) mynd â chynrychiolydd o'r Comisiwn Ewropeaidd gydag ef sy'n gweithredu at ddibenion Erthygl 12 o Reoliad y Cyngor, neu fynd ag unrhyw bobl neu bethau gydag ef y mae o'r farn eu bod yn angenrheidiol.

(2) Rhaid i berson y mae arolygydd sy'n gweithredu o dan baragraff (1) yn ei gwneud yn ofynnol iddo wneud unrhyw beth wneud hynny'n ddi-oed, oni bai bod ganddo achos rhesymol a mater i'r person hwnnw yw profi unrhyw achos rhesymol o'r fath.

### **Pŵer i wahardd symud anifeiliaid**

**39.**—(1) Caiff arolygydd, drwy gyflwyno hysbysiad i geidwad, wahardd symud defaid i'r daliad a bennir yn yr hysbysiad neu ohono, os yw wedi'i fodloni bod y gwaharddiad yn angenrheidiol er mwyn i'r Gorchymyn hwn gael ei orfodi'n iawn o ran y ddiadell honno.

(2) Caiff arolygydd, drwy gyflwyno hysbysiad i geidwad, wahardd symud geifr i'r daliad a bennir yn yr hysbysiad neu ohono, os yw wedi'i fodloni bod y gwaharddiad yn angenrheidiol er mwyn i'r Gorchymyn hwn gael ei orfodi'n iawn o ran yr eifre honno.

(3) Caniateir i hysbysiad a gyflwynir o dan yr erthygl hon gael ei ddiwygio neu ei ddirymu drwy hysbysiad ychwanegol ar unrhyw adeg.

### **Gwybodaeth ffug**

**40.** Ni chaiff neb roi gwybodaeth y mae'n gwybod ei bod yn ffug neu'n gamarweiniol i berson sy'n gweithredu o dan y Gorchymyn hwn.

provision in this Order relating to the movement of an animal from a holding without attaching or applying the required means of identification to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.

### **Powers of inspectors**

**38.**—(1) An inspector may, for any purpose relating to the enforcement of this Order—

- (a) collect, pen and mark any animal and require a keeper to arrange for the collection, penning, marking and securing of any animal;
- (b) require the keeper to produce or copy any document or record;
- (c) remove and retain any document or record;
- (d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;
- (e) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away;
- (f) require the production of any unused identification devices, and record their numbers;
- (g) take with them a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any people or things they consider necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless they have reasonable cause, do so without delay and proof of any such reasonable cause lies on that person.

### **Power to prohibit movement of animals**

**39.**—(1) An inspector may, by serving notice on a keeper, prohibit the movement of sheep onto or from the holding specified in the notice, if they are satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that flock.

(2) An inspector may, by serving notice on a keeper, prohibit the movement of goats onto or from the holding specified in the notice, if they are satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that herd.

(3) A notice served under this article may be amended or revoked by further notice at any time.

### **False information**

**40.** No person may furnish information which they know to be false or misleading to a person acting under this Order.

### **Addasu marciau adnabod**

41. Ni chaiff neb addasu, dileu neu ddifwyno'r wybodaeth ar unrhyw farc adnabod sydd wedi'i osod ar anifail o dan y canlynol—

- (a) Rheoliad y Cyngor;
- (b) y Gorchymyn hwn neu unrhyw ddarpariaeth sy'n rhoi ei effaith i Reoliad y Cyngor yn Lloegr, yr Alban neu Ogledd Iwerddon;
- (c) y Gorchymynion blaenorol; neu
- (ch) Cyfarwydddeb y Cyngor 92/102/EEC, yn achos anifail a farciwyd mewn Aelod-wladwriaeth arall yn unol â'r Gyfarwydddeb honno.

### **Tramgyddau gan gyrff corfforaethol**

42.—(1) Os dangosir bod tramgydd yn erbyn Deddf Iechyd Anifeiliaid 1981 a gyflawnwyd gan gorff corfforaethol—

- (a) wedi'i gyflawni gyda chydysyniad neu ymoddefiad swyddog; neu
- (b) i'w briodoli i unrhyw esgeulustod ar ei ran,

bydd y swyddog yn ogystal â'r corff corfforaethol yn euog o'r tramgydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(2) Os yw materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys o ran gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli fel pe bai'n gyfarwyddwr i'r corff.

(3) Ystyr "swyddog", o ran corff corfforaethol, yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff, neu berson sy'n honni ei fod yn gweithredu yn rhinwedd unrhyw swydd o'r fath.

### **Tramgyddau gan bartneriaethau a chymdeithasau anghorfforedig**

43.—(1) Caniateir i achos am dramgydd o dan y Gorchymyn hwn yr honnir ei fod wedi'i gyflawni gan bartneriaeth neu gymdeithas anghorfforedig gael ei ddwyn yn enw'r bartneriaeth neu'r gymdeithas.

(2) At ddibenion achosion o'r fath—

- (a) mae rheolau llys yngl n â chyflwyno dogfennau i fod i gael effaith fel pe bai'r bartneriaeth neu'r gymdeithas yn gorff corfforaethol;

### **Alteration of identification marks**

41. No person may alter, obliterate or deface the information on any identification mark attached to an animal under—

- (a) the Council Regulation;
- (b) this Order or any provision that gives effect to the Council Regulation in England, Scotland, or Northern Ireland;
- (c) the previous Orders; or
- (d) Council Directive 92/102/EEC, in the case of an animal marked in another member State in accordance with that Directive.

### **Offences by bodies corporate**

42.—(1) If an offence against the Animal Health Act 1981 committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on their part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with their functions of management as if they were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

### **Offences by partnerships and unincorporated associations**

43.—(1) Proceedings for an offence under this Order alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;



(b) mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2) yn gymwys o ran y bartneriaeth neu'r gymdeithas fel y maent yn gymwys o ran corff corfforaethol.

(3) Mae dirwy a osodir ar bartneriaeth neu gymdeithas o'i chollfarnu am dramgwydd o dan y Gorchymyn hwn i'w thalu o gronfeydd y bartneriaeth neu'r gymdeithas.

(4) Os profir bod tramgwydd o dan y Gorchymyn hwn a gyflawnwyd gan bartneriaeth wedi'i gyflawni gyda chydysyniad neu ymoddefiad partner, neu y gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran partner, mae'r partner hwnnw (yn ogystal â'r bartneriaeth) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

At y dibenion hyn, mae "partner" yn cynnwys person sy'n honni ei fod yn gweithredu fel partner.

(5) Os profir bod tramgwydd o dan y Gorchymyn hwn a gyflawnwyd gan gymdeithas anghorfforedig wedi'i gyflawni gyda chydysyniad neu ymoddefiad swyddog i'r gymdeithas, neu y gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran swyddog, mae'r swyddog hwnnw (yn ogystal â'r gymdeithas) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

At y dibenion hyn, ystyr "swyddog" yw swyddog i'r gymdeithas neu aelod o'i chorff llywodraethu neu berson sy'n honni ei fod yn gweithredu yn rhinwedd swydd o'r fath.

## Gorfodi

44.—(1) Yr awdurdod lleol fydd yn gorfodi'r Gorchymyn hwn.

(2) Caiff Gweinidogion Cymru gyfarwyddo, mewn perthynas ag achosion o ddisgrifiad penodol neu ag unrhyw achos penodol, fod rhaid i ddyletswydd orfodi a osodwyd ar awdurdod lleol gan y Gorchymyn hwn gael ei chyflawni gan Weinidogion Cymru ac nid gan yr awdurdod lleol.

(1) 1925 p. 86. Diddymwyd is-adrannau (1) a (2) o adran 33 gan Ddeddf Llysoedd Ynadon 1952 (p. 55), adran 132 ac Atodlen 6; diwygiwyd is-adran (3) gan Ddeddf Llysoedd 1971 (p. 23), adran 56(1) ac Atodlen 8, rhan II, paragraff 19; diwygiwyd is-adran (4) gan Ddeddf Llysoedd 2003 (p. 39), adran 109(1) a (3), Atodlen 8, paragraff 71 ac Atodlen 10, a chan Ddeddf Llysoedd Ynadon 1980 (p. 43), adran 154 ac Atodlen 7, paragraff 5; diddymwyd is-adran (5) gan Ddeddf Llysoedd Ynadon 1952, adran 132, Atodlen 6.

(2) 1980 p. 43. Diwygiwyd is-baragraff 2(a) gan Ddeddf Gweithdrefnau ac Ymchwiliadau Troseddol 1996 (p. 25), adran 47, Atodlen 1, paragraff 13, a'i ddiddymu gan Ddeddf Cyfiawnder Troseddol 2003 (p. 44), adrannau 41 a 332, Atodlen 3, rhan 2, paragraff 51, is-baragraffau (1), (13)(a) ac Atodlen 37, rhan 4 (i fod yn effeithiol o ddyddiad sydd i'w benodi); diddymwyd paragraff 5 gan Ddeddf Cyfiawnder Troseddol 1991 (p. 53), adrannau 25(2) a 101(2) ac Atodlen 13; diwygiwyd paragraff 6 gan Ddeddf Cyfiawnder Troseddol 2003, adran 41, Atodlen 3, rhan 2, paragraff 51, is-baragraffau (1) a (13)(b) (i fod yn effeithiol o ddyddiad sydd i'w benodi).

(b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Courts Act 1980(2) apply in relation to the partnership or associations as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under this Order is to be paid out of the funds of the partnership or association.

(4) Where an offence under this Order committed by a partnership is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "partner" includes a person purporting to act as a partner.

(5) Where an offence under this Order committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

For these purposes, "officer" means an officer of the association or a member of its governing body or a person purporting to act in such a capacity.

## Enforcement

44.—(1) This Order is enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority by this Order must be discharged by the Welsh Ministers and not by the local authority.

(1) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates' Courts Act 1952, section 132, Schedule 6.

(2) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a) and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

## Dirymu

45. Mae Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2008(1) wedi'i ddirymu.

## Revocations

45. The Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008(1) is revoked.

*Elin Jones*

Y Gweinidog dros Faterion Gwleidyddig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

18 Rhagfyr 2009

18 December 2009

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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 3364 (Cy.296)**

**ANIFEILIAID, CYMRU**

Gorchymyn Defaid a Geifr  
(Cofnodion, Adnabod a Symud)  
(Cymru) 2009

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 3364 (W.296)**

**ANIMALS, WALES**

The Sheep and Goats (Records,  
Identification and Movement)  
(Wales) Order 2009