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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 1492 (Cy.135)**

**2010 No. 1492 (W.135)**

**BWYD, CYMRU**

**FOOD, WALES**

**Rheoliadau Llaeth Yfed (Cymru)  
2010**

**The Drinking Milk (Wales)  
Regulations 2010**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru ac yn dod i rym ar 18 Mehefin 2010, yn gwneud darpariaeth ar gyfer gorfodi Erthygl 114(2) o Reoliad y Cyngor (EC) Rhif 1234/2007, ac Atodiad XIII ("yr Atodiad") i'r Rheoliad hwnnw sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (Rheoliad CMO Sengl) (OJ Rhif L 299, 16.11.2007, t 1). Mae Rheoliadau Llaeth Yfed 1998 (O.S. 1998/2424) wedi eu dirymu gan reoliad 8.

These Regulations, which apply in relation to Wales and come into force on 18 June 2010, make provision for the enforcement of Article 114(2) of, and Annex XIII ("the Annex") to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.2007, p 1). The Drinking Milk Regulations 1998 (S.I. 1998/2424) are revoked by regulation 8.

Mae gwerthu neu ddanfôn llaeth a defnyddio neu beidio â defnyddio disgrifiad gwerthu ar gyfer unrhyw gynnyrch yn groes i'r Atodiad wedi eu gwahardd. (Rheoliad 3)

The sale or delivery of milk and the use or non-use of a sales description for any product in contravention of the Annex is prohibited. (Regulation 3)

Mae mewnfornio unrhyw gynnyrch o'r tu allan i'r Gymuned yn groes i bwynt IV o'r Atodiad wedi ei wahardd. (Rheoliad 4)

The importation of any product from outside the Community in contravention of point IV of the Annex is prohibited. (Regulation 4)

Mae rheoliad 5 yn gwneud darpariaeth ar gyfer gorfodi ac mae rheoliad 6 yn cynnwys darpariaeth am dramgwyddau a chosbau.

Regulation 5 makes provision for enforcement and regulation 6 contains provision about offences and penalties.

Mae darpariaethau penodedig yn Neddf Diogelwch Bwyd 1990 wedi eu hymgorffori yn y Rheoliadau. (Rheoliad 7)

Certain provisions of the Food Safety Act 1990 are incorporated in the Regulations. (Regulation 7)

Mae rheoliad 9 yn cynnwys diwygiadau i Reoliadau Labelu Bwyd 1996 (O.S. 1996/1499).

Regulation 9 contains amendments to the Food Labelling Regulations 1996 (S.I. 1996/1499).

Nid oes asesiad effaith wedi ei lunio ar gyfer yr offeryn hwn, gan na ragwelir unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**2010 Rhif 1492 (Cy.135)**

**BWYD, CYMRU**

**Rheoliadau Llaeth Yfed (Cymru)  
2010**

*Gwnaed* 25 Mai 2010

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 27 Mai 2010

*Yn dod i rym* 18 Mehefin 2010

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i'r cyfeiriadau at ddarpariaethau Erthygl 114(2) o Reoliad y Cyngor (EC) Rhif 1234/2007, ac Atodiad XIII i'r Rheoliad hwnnw, sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (Rheoliad CMO Sengl)(2) gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o dro i dro.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(3), cafwyd ymgynghori agored a thryloyw â'r cyhoedd yn ystod y cyfnod yr oedd y Rheoliadau a ganlyn yn cael eu paratoi a'u gwerthuso.

**2010 No. 1492 (W.135)**

**FOOD, WALES**

**The Drinking Milk (Wales)  
Regulations 2010**

*Made* 25 May 2010

*Laid before the National  
Assembly for Wales* 27 May 2010

*Coming into force* 18 June 2010

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(1) and it appears to the Welsh Ministers that it is expedient for the references to the provisions of Article 114(2) of, and Annex XIII to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(2) to be construed as references to those provisions as amended from time to time.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3), there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

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(1) 1972 p.68.

(2) OJ Rhif L 299, 16.11.2007, t. 1 y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Rheoliadau hyn.

(3) OJ Rhif L 31, 1.2.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 OJ Rhif L188, 18.7.2009 t.14.

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(1) 1972 c.68.

(2) OJ No L 299, 16.11.2007, p. 1 to which there are amendments not relevant to these Regulations.

(3) OJ No. L 31, 1.2.2002, p. 1, as last amended by Commission Regulation (EC) No 596/2009 OJ No L188, 18.7.2009 p.14.

Yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990(1), mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol gan yr Asiantaeth Safonau Bwyd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan baragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2) ac adrannau 6(4), 16(1), 17(2), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(3) ac a freiniwyd bellach yng Ngweinidogion Cymru(4).

## Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Llaeth Yfed (Cymru) 2010. Maent yn dod i rym ar 18 Mehefin 2010 ac yn gymwys o ran Cymru.

## Dehongli

2.–(1) Yn y Rheoliadau hyn–

ystyr "yr Atodiad" ("*the Annex*") yw Atodiad XIII i Reoliad y Cyngor;

ystyr "awdurdod bwyd" ("*food authority*") yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr "Deddf 1990" ("*the 1990 Act*") yw Deddf Diogelwch Bwyd 1990;

ystyr "Erthygl 114(2)" ("*Article 114(2)*") yw Erthygl 114(2) o Reoliad y Cyngor;

mae "gwerthu" ("*sell*") yn cynnwys meddu ar rywbeth i'w werthu, a chynnig rhywbeth, ei roi ar ddangos neu ei hysbysebu i'w werthu;

mae i "llaeth" yr ystyr a roddir i "*milk*" ym mhwynt I(a) o'r Atodiad;

mae i "llaeth yfed" yr ystyr a roddir i "*drinking milk*" ym mhwynt I(b) o'r Atodiad; ac

In accordance with section 48(4A) of the Food Safety Act 1990(1), the Welsh Ministers have had regard to relevant advice from the Food Standards Agency.

The Welsh Ministers make the following Regulations in exercise of powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972(2) and sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990(3) and now vested in the Welsh Ministers(4).

## Title, commencement and application

1. The title of these Regulations is the Drinking Milk (Wales) Regulations 2010. They come into force on 18 June 2010 and apply in relation to Wales.

## Interpretation

2.–(1) In these Regulations–

"the 1990 Act" ("*Deddf 1990*") means the Food Safety Act 1990;

"the Annex" ("*yr Atodiad*") means Annex XIII to the Council Regulation;

"Article 114(2)" ("*Erthygl 114(2)*") means Article 114(2) of the Council Regulation;

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

"drinking milk" ("*llaeth yfed*") has the meaning given in point I(b) of the Annex;

"food authority" ("*awdurdod bwyd*") means a county council or a county borough council.

"milk" ("*llaeth*") has the meaning given in point I(a) of the Annex; and

(1) 1990 p.16. Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28) ("*Deddf 1999*"), ac Atodlen 5, paragraff 21, iddi.

(2) Mewnosodwyd paragraff 1A gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(3) Diwygiwyd adran 6(4) gan adran 31 o Ddeddf Dadreoleiddio a Chontractio Allan 1994, p. 40, ac Atodlen 9, paragraff 6 iddi ac adran 40(1) o Ddeddf 1999 ac Atodlen 5, paragraff 10(1) a (3) iddi; diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf 1999 ac Atodlen 5, paragraffau 7 ac 8 iddi; diwygiwyd adran 17(2) gan adran 40(1) o Ddeddf 1999 ac Atodlen 5, paragraffau 7, 8 a 12 iddi; diwygiwyd adran 48(1) gan adran 40(1) o Ddeddf 1999 ac Atodlen 5, paragraffau 7 ac 8 iddi.

(4) O ran Cymru, cafodd y swyddogaethau a oedd gynt yn arferadwy gan "the Ministers" eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir ynghyd ag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi, p. 32.

(1) 1990 c.16. Section 48(4A) is inserted by section 40(1) of, and Schedule 5, paragraph 21, to, the Food Standards Act 1999 (c. 28) ("*the 1999 Act*").

(2) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(3) Section 6(4) is amended by section 31 of, and Schedule 9, paragraph 6, to, the Deregulation and Contracting Out Act 1994 c. 40 and section 40(1) of, and Schedule 5, paragraph 10(1) and (3), to, the 1999 Act; section 16(1) is amended by section 40(1) of, and Schedule 5, paragraphs 7 and 8, to, the 1999 Act; section 17(2) is amended by section 40(1) of, and Schedule 5, paragraphs 7, 8 and 12, to, the 1999 Act; section 48(1) is amended by section (40)(1) of, and Schedule 5, paragraphs 7 and 8, to, the 1999 Act.

(4) In relation to Wales functions formerly exercisable by "the Ministers" were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 c. 32.

ystyr "Rheoliad y Cyngor" ("*the Council Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (Rheoliad CMO Sengl).

(2) Mae i ymadroddion eraill, sy'n cael eu defnyddio yn y Rheoliadau hyn ond sydd heb eu diffinio ynddynt, ac y mae'r ymadroddion Saesneg sy'n cyfateb iddynt yn ymddangos yn Rheoliad y Cyngor, yr un ystyr yn y Rheoliadau hyn ag sydd i'r ymadroddion Saesneg hynny yn Rheoliad y Cyngor.

(3) Mae cyfeiriadau yn y Rheoliadau hyn at Erthygl 114(2) a'r Atodiad yn gyfeiriadau at Erthygl 114(2) a'r Atodiad fel y'u diwygir o dro i dro.

### **Gwerthu neu ddanfôn llaeth a defnyddio disgrifiad gwerthu**

3. Ni chaiff neb—

- (a) gwerthu neu ddanfôn llaeth; na
- (b) defnyddio neu esgeuluso defnyddio disgrifiad gwerthu ar gyfer unrhyw gynnyrch,

yn groes i Erthygl 114(2) neu bwynt II(1) a (2) o'r Atodiad fel y'u darllenir ynghyd â phwynt III o'r Atodiad.

### **Mewnforio cynhyrchion o'r tu allan i'r Undeb Ewropeaidd i'w gwerthu fel llaeth yfed**

4. Ni chaiff neb fewnforio i Gymru o'r tu allan i'r Undeb Ewropeaidd unrhyw gynnyrch i'w werthu fel llaeth yfed yn groes i bwynt IV o'r Atodiad.

### **Gorfodi**

5.—(1) Rhaid i bob awdurdod bwyd orfodi darpariaethau'r Rheoliadau hyn o fewn ei ardal.

(2) Rhaid i bob awdurdod bwyd roi i unrhyw awdurdod bwyd arall ym Mhrydain Fawr unrhyw gymorth a gwybodaeth y mae angen rhesymol eu cael ar yr awdurdod bwyd arall hwnnw er mwyn cyflawni ei ddyletswyddau o dan y Rheoliadau hyn neu ddarpariaeth gyfatebol.

(3) Yn y rheoliad hwn, ystyr "darpariaeth gyfatebol" ("*equivalent provision*") yw darpariaeth mewn Rheoliadau a wnaed yn Lloegr neu'r Alban er mwyn gweithredu Erthygl 114(2) neu'r Atodiad.

### **Tramgwyddau a chosbau**

6. Bydd unrhyw berson sy'n methu â chydymffurfio â rheoliad 3 neu 4—

- (a) yn euog o dramgwydd; a
- (b) yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

"sell" ("*gwerthu*") includes possess for sale and offer, expose or advertise for sale.

(2) Other expressions used in these Regulations and in the Council Regulation which are not defined in these Regulations have the same meaning in these Regulations as they have in the Council Regulation.

(3) References in these Regulations to Article 114(2) and the Annex are references to Article 114(2) and the Annex as amended from time to time.

### **Sale or delivery of milk and use of sales description**

3. No person may—

- (a) sell or deliver milk; or
- (b) use or omit to use a sales description for any product,

in contravention of Article 114(2) or point II(1) and (2) of the Annex as read with point III of the Annex.

### **Importation of products from outside the European Union for sale as drinking milk**

4. No person may import into Wales from outside the European Union any product for sale as drinking milk in contravention of point IV of the Annex.

### **Enforcement**

5.—(1) Each food authority must enforce the provisions of these Regulations within its area.

(2) Each food authority must give such assistance and information to any other food authority in Great Britain as that other food authority may reasonably require for the purpose of carrying out its duties under these Regulations or an equivalent provision.

(3) In this regulation, "equivalent provision" ("*darpariaeth gyfatebol*") means a provision in Regulations made in England or Scotland for the purpose of implementing Article 114(2) or the Annex.

### **Offences and penalties**

6. Any person who fails to comply with regulation 3 or 4 is—

- (a) guilty of an offence; and
- (b) liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## Cymhwyso darpariaethau Deddf 1990

7.–(1) Mae darpariaethau Deddf 1990 a nodwyd ym mharagraff (3) yn gymwys at ddibenion y Rheoliadau hyn.

(2) At ddibenion y Rheoliadau hyn, rhaid i unrhyw gyfeiriad yn y darpariaethau hynny at Ddeddf 1990 neu at Ran o Ddeddf 1990 gael ei ddehongli fel cyfeiriad at y Rheoliadau hyn.

(3) Dyma'r darpariaethau—

- (a) adran 2 (ystyr estynedig "sale" etc.)(1);
- (b) adran 3 (rhagdybiaethau bod bwyd wedi ei fwriadu i bobl ei fwyta);
- (c) adran 20 (tramgwyddau oherwydd bai person arall);
- (ch) adran 21 (amddiffyniad diwydrwydd dyladwy)(2);
- (d) is-adran (8) o adran 30 (dadansoddi etc. samplau);
- (dd) adran 33 (rhwystro etc. swyddogion);
- (e) is-adrannau (1) i (3) o adran 35 (cosbi tramgwyddau) i'r graddau y mae'r is-adrannau'n ymwneud â thramgwyddau o dan is-adrannau (1) a (2) o adran 33(3);
- (f) adran 36 (tramgwyddau gan gyrrff corfforaethol); ac
- (ff) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddiwyll).

## Dirymu

8. Mae Rheoliadau Llaeth Yfed 1998(4) wedi eu dirymu o ran Cymru.

## Diwygiadau

9.–(1) Mae rheoliad 2(1) o Reoliadau Labelu Bwyd 1996(5) wedi ei ddiwygio'n unol â pharagraffau (2) i (4).

(2) Ar ôl y diffiniad o "confectionery product", mewnosoder—

""Council Regulation 1234/2007" means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);".

(1) Mae adran 2 wedi ei diwygio gan adran 40(1) o Ddeddf Safonau Bwyd 1999, ac Atodlen 5, paragraffau 7 ac 8 iddi (p. 28).

(2) Diwygiwyd adran 21 gan O.S. 2004/3279.

(3) Diwygiwyd adran 35(3) gan O.S. 2004/3279.

(4) O.S. 1998/2424.

(5) O.S. 1996/1499.

## Application of provisions of the 1990 Act

7.–(1) The provisions of the 1990 Act set out in paragraph (3) apply for the purposes of these Regulations.

(2) For the purposes of these Regulations, any reference in those provisions to the 1990 Act or to a Part of the 1990 Act must be construed as a reference to these Regulations.

(3) The provisions are—

- (a) section 2 (extended meaning of "sale" etc.)(1);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence)(2);
- (e) sub-section (8) of section 30 (analysis etc. of samples);
- (f) section 33 (obstruction etc. of officers);
- (g) sub-sections (1) to (3) of section 35 (punishment of offences) in so far as the sub-sections relate to offences under sub-sections (1) and (2) of section 33(3);
- (h) section 36 (offences by bodies corporate); and
- (i) section 44 (protection of officers acting in good faith).

## Revocation

8. The Drinking Milk Regulations 1998(4) are revoked in relation to Wales.

## Amendments

9.–(1) Regulation 2(1) of the Food Labelling Regulations 1996(5) is amended in accordance with paragraphs (2) to (4).

(2) After the definition of "confectionery product", insert—

""Council Regulation 1234/2007" means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);".

(1) Section 2 is amended by section 40(1) of, and Schedule 5, paragraphs 7 and 8, to, the Food Standards Act 1999 (c. 28).

(2) Section 21 is amended by S.I. 2004/3279.

(3) Section 35(3) is amended by S.I. 2004/3279.

(4) S.I. 1998/2424.

(5) S.I. 1996/1499.

(3) Yn y diffiniad o "raw milk", yn lle'r geiriau "Article 3(1) of Council Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk", rhodder "point III(1) of Annex XIII to Council Regulation 1234/2007".

(4) Yn y diffiniadau o "semi-skimmed milk", "skimmed milk" a "whole milk", yn lle'r geiriau "Article 3(1) of Council Regulation (EC) No 2597/97", rhodder "point III(1) of Annex XIII to Council Regulation 1234/2007".

(3) In the definition of "raw milk", for the words "Article 3(1) of Council Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk", substitute "point III(1) of Annex XIII to Council Regulation 1234/2007".

(4) In the definitions of "semi-skimmed milk", "skimmed milk" and "whole milk", for the words "Article 3(1) of Council Regulation (EC) No 2597/97", substitute "point III(1) of Annex XIII to Council Regulation 1234/2007".

*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

25 Mai 2010

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Minister for Rural Affairs, one of the Welsh Ministers

25 May 2010

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