



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 832 (Cy. 202)

2017 No. 832 (W. 202)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Deunyddiau ac Eitemau
mewn Cysylltiad â Bwyd (Cymru)
(Diwygio) 2017**

**The Materials and Articles in
Contact with Food (Wales)
(Amendment) Regulations 2017**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) 2012 (O.S. 2012/2705 (Cy. 291)) ("y prif Reoliadau").

These Regulations amend the Materials and Articles in Contact with Food (Wales) Regulations 2012 (S.I. 2012/2705 (W. 291)) ("the principal Regulations").

Mae'r diwygiadau'n—

The amendments—

- (a) darparu ar gyfer gorfodi'n barhaus Reoliad y Comisiwn (EU) Rhif 10/2011 ar ddeunyddiau ac eitemau plastig y bwriedir iddynt ddod i gysylltiad â bwyd (OJ Rhif L 12, 15.1.2011, t 1) ("Rheoliad 10/2011") fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) 2017/752 sy'n diwygio ac yn cywiro Rheoliad (EU) Rhif 10/2011 ar ddeunyddiau ac eitemau plastig y bwriedir iddynt ddod i gysylltiad â bwyd (OJ Rhif L 113, 29.4.2017, t 18) drwy—
 - (i) disodli'r diffiniad o Reoliad 10/2011 yn y prif Reoliadau er mwyn i gyfeiriadau at Reoliad 10/2011 fod yn gyfeiriadau at y Rheoliad hwnnw fel y'i diwygiwyd (*rheoliad 3*); a
 - (ii) diwygio cyfeiriadau at Reoliad 10/2011 yn y tabl yn yr Atodlen i'r prif Reoliadau i orfodi diwygiadau a wnaed i Reoliad 10/2011 (*rheoliad 14(b)*);
- (b) cymhwyso darpariaethau penodol yn Neddf Diogelwch Bwyd 1990 (1990 p. 16) ("Deddf 1990"), gydag addasiadau, i'r prif Reoliadau (*rheoliadau 13 a 15*). Cymhwysir adran 10 o Ddeddf 1990 (gydag addasiadau) i alluogi i hysbysiadau gwella gael eu cyflwyno i'w gwneud yn ofynnol i gydymffurfio ag unrhyw un neu ragor o'r darpariaethau a restrir yn rheoliad 27(1)(a) o'r prif Reoliadau fel y'i

- (a) provide for the continuing enforcement of Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food (OJ No L 12, 15.1.2011, p 1) ("Regulation 10/2011") as last amended by Commission Regulation (EU) 2017/752 amending and correcting Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food (OJ No L 113, 29.4.2017, p 18) by—
 - (i) replacing the definition of Regulation 10/2011 in the principal Regulations in order for references to Regulation 10/2011 to be references to that Regulation as amended (*regulation 3*); and
 - (ii) amending references to Regulation 10/2011 in the table in the Schedule to the principal Regulations to enforce amendments made to Regulation 10/2011 (*regulation 14(b)*);
- (b) apply certain provisions of the Food Safety Act 1990 (1990 c. 16) ("the 1990 Act"), with modifications, to the principal Regulations (*regulations 13 and 15*). Section 10 of the 1990 Act is applied (with modifications) to enable improvement notices to be served to require compliance with any of the provisions listed in regulation 27(1)(a) of the principal Regulations as amended by these Regulations.

diwygir gan y Rheoliadau hyn. Mae'r darpariaethau, fel y'u cymhwysir, yn gwneud methu â chydymffurfio â hysbysiad gwella yn drosedd. Gwneir diwygiadau canlyniadol—

- (i) i ddarparu mai drwy gyflwyno hysbysiadau gwella, yn hytrach na thrwy erlyniadau, y mae achosion o beidio â chydymffurfio â darpariaethau penodedig i gael eu trin (*rheoliadau 4, 5, 7(b), 9, 10, 12 a 14(c)*);
- (ii) i ail-rifo'r Atodlen bresennol i'r prif Reoliadau (*rheoliadau 6, 7(a), 14(a) a 15*); ac
- (c) gwneud mân ddiwygiadau sy'n egluro pwy yw'r awdurdodau cymwys (*rheoliad 8*) a'r awdurdodau gorfodi (*rheoliad 11*).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The provisions, as applied, make the failure to comply with an improvement notice an offence. Consequential amendments are made—

- (i) to provide that cases of non-compliance with specified provisions are to be dealt with by the service of improvement notices rather than by prosecutions (*regulations 4, 5, 7(b), 9, 10, 12 and 14(c)*);
- (ii) to renumber the existing Schedule to the principal Regulations (*regulations 6, 7(a), 14(a) and 15*); and
- (c) make minor amendments to clarify the competent authorities (*regulation 8*) and enforcement authorities (*regulation 11*).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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FOOD, WALES

**Rheoliadau Deunyddiau ac Eitemau
mewn Cysylltiad â Bwyd (Cymru)
(Diwygio) 2017**

**The Materials and Articles in
Contact with Food (Wales)
(Amendment) Regulations 2017**

Gwnaed 9 Awst 2017

Made 9 August 2017

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 11 Awst 2017

*Laid before the National Assembly
for Wales* 11 August 2017

Yn dod i rym 14 Medi 2017

Coming into force 14 September 2017

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 16(2), 17(1) a (2), ac 48(1) o Ddeddf Diogelwch Bwyd 1990(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(2), 17(1) and (2), and 48(1) of the Food Safety Act 1990(1).

Yn unol ag adran 48(4A)(2) o Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd cyn gwneud y Rheoliadau hyn.

In accordance with section 48(4A)(2) of the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency before making these Regulations.

Ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd wrth lunio a gwerthuso'r Rheoliadau hyn fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(3).

There has been open and transparent public consultation during the preparation and evaluation of these Regulations 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).

(1) 1990 p. 16. Diwygiwyd adran 16(2) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999"). Diwygiwyd adran 17(1) a (2) gan baragraffau 8 a 12(a) o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 48 gan baragraff 8 o Atodlen 5 i Ddeddf 1999. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers" i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf 1999.

(3) OJ Rhif L 31, 1.2.2002, t 1, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor (OJ Rhif L 189, 27.6.2014, t 1).

(1) 1990 c. 16. Section 16(2) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Section 17(1) and (2) was amended by paragraphs 8 and 12(a) of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 48 was amended by paragraph 8 of Schedule 5 to the 1999 Act. Functions formerly exercisable by the "the Ministers" so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(3) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p 1).

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) (Diwygio) 2017.

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

(3) Daw'r Rheoliadau hyn i rym ar 14 Medi 2017.

Diwygio Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) 2012

2. Mae Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) 2012(1) wedi eu diwygio yn unol â rheoliadau 3 i 15.

3. Yn rheoliad 2(1) (dehongli), yn lle'r diffiniad o "Rheoliad 10/2011" rhodder—

“ystyr “Rheoliad 10/2011” (“*Regulation 10/2011*”) yw Rheoliad y Comisiwn (EU) Rhif 10/2011 ar ddeunyddiau ac eitemau plastig y bwriedir iddynt ddod i gysylltiad â bwyd(2);”.

4. Yn rheoliad 7 (troseddau mynd yn groes i ddarpariaethau penodedig yn Rheoliad 450/2009), hepgorer paragraff (2).

5. Yn rheoliad 12(8) (rheolaethau a therfynau), hepgorer “(6)”.

6. Yn rheoliad 13 (dehongli Rhan 6 a'r Atodlen)—

(a) yn y pennawd, yn lle “a'r Atodlen” rhodder “ac Atodlen 1”; a

(b) yn lle “yr Atodlen” rhodder “Atodlen 1”.

7. Yn rheoliad 14 (troseddau mynd yn groes i ddarpariaethau penodedig yn Rheoliad 10/2011)—

(a) ym mharagraff (1), yn lle “o'r Atodlen” rhodder “o Atodlen 1”; a

(b) hepgorer paragraff (2).

8. Yn lle rheoliad 15 (awdurdodau cymwys at ddibenion Rheoliad 10/2011), rhodder—

“15. Yr awdurdodau cymwys at ddibenion Erthyglau 8 ac 16(1) o Reoliad 10/2011 yw'r Asiantaeth Safonau Bwyd, pob awdurdod bwyd yn ei ardal a phob awdurdod iechyd porthladd yn ei ranbarth.”

9. Yn rheoliad 16 (cyfyngiadau ar ddefnyddio deilliadau epocsi penodol (BADGE, BFDGE a NOGE))—

Title, application and commencement

1.—(1) The title of these Regulations is the Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2017.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 14 September 2017.

Amendment of the Materials and Articles in Contact with Food (Wales) Regulations 2012

2. The Materials and Articles in Contact with Food (Wales) Regulations 2012(1) are amended in accordance with regulations 3 to 15.

3. In regulation 2(1) (interpretation), for the definition of “Regulation 10/2011” substitute—

““Regulation 10/2011” (“*Rheoliad 10/2011*”) means Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food(2);”.

4. In regulation 7 (offences of contravening specified provisions of Regulation 450/2009), omit paragraph (2).

5. In regulation 12(8) (controls and limits), omit “(6)”.

6. In regulation 13 (interpretation of Part 6 and the Schedule)—

(a) in the heading, for “the Schedule” substitute “Schedule 1”; and

(b) for “the Schedule” substitute “Schedule 1”.

7. In regulation 14 (offences of contravening specified provisions of Regulation 10/2011)—

(a) in paragraph (1), for “the Schedule” substitute “Schedule 1”; and

(b) omit paragraph (2).

8. For regulation 15 (competent authorities for the purposes of Regulation 10/2011), substitute—

“15. The competent authorities for the purposes of Articles 8 and 16(1) of Regulation 10/2011 are the Food Standards Agency, each food authority in its area and each port health authority in its district.”

9. In regulation 16 (restrictions on the use of certain epoxy derivatives (BADGE, BFDGE and NOGE))—

(1) O.S. 2012/2705 (Cy. 291).

(2) Diwygiwyd y Rheoliad hwn ddiwethaf gan Reoliad y Comisiwn (EU) 2017/752 (OJ Rhif L 113, 29.4.2017, t 18).

(1) S.I. 2012/2705 (W. 291).

(2) This Regulation was last amended by Commission Regulation (EU) 2017/752 (OJ No L 113, 29.4.2017, p 18).

- (a) ym mharagraff (1)(b), yn lle “paragraffau (2) a (3)” rhodder “paragraff (2)”;
- (b) hepgorer paragraff (3); ac
- (c) ym mharagraff (4), hepgorer “neu (3)”.

10. Yn rheoliad 19 (troseddau a chosbau)—

- (a) ym mharagraff (1), hepgorer “neu (4)”;
- (b) ym mharagraff (3), hepgorer “, neu sy’n methu â chydymffurfio â rheoliad 10(6)”;
- (c) yn lle paragraff (5) rhodder—

“(5) Mae person sy’n euog o drosedd yn agored—

- (a) yn achos trosedd a grëir gan baragraff (1) neu (4) neu gan reoliad 4(3), 5, 7(1), 14(1), neu 16(4)—
 - (i) o’i gollfarnu ar ddiad, i ddirwy, neu i garchariad am gyfnod nad yw’n hwy na dwy flynedd, neu’r ddau, neu
 - (ii) o’i gollfarnu’n ddiannod, i ddirwy; a
- (b) yn achos trosedd a grëir gan baragraff (2) neu (3), o’i gollfarnu’n ddiannod i ddirwy nad yw’n uwch na lefel 4 ar y raddfa safonol.”

11. Yn rheoliad 20 (gweithredu a gorfodi), yn lle paragraff (2) rhodder—

“(2) Caiff yr Asiantaeth Safonau Bwyd hefyd weithredu a gorfodi darpariaethau—

- (a) Erthyglau 16(1) a 17(2) o Reoliad 1935/2004;
- (b) Erthygl 13 o Reoliad 450/2009; ac
- (c) Erthygl 16(1) o Reoliad 10/2011.”

12. Yn rheoliad 23(2) (y terfyn amser ar gyfer erlyniadau), hepgorer “7(2), 14(2) neu”.

13. Yn lle rheoliad 27 (cymhwyso amrywiol ddarpariaethau’r Ddeddf) rhodder y canlynol—

“27.—(1) Mae adran 10(1) a (2) o’r Ddeddf (hysbysiadau gwella) yn gymwys at ddibenion y Rheoliadau hyn gyda’r addasiad (yn achos adran 10(1)) a nodir yn Rhan 1 o Atodlen 2 at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy’n ei gwneud yn ofynnol i’r person hwnnw gydymffurfio ag unrhyw un neu ragor o’r darpariaethau a ganlyn—
 - (i) rheoliadau 10(4), 10(6) a 12(6);
 - (ii) Erthygl 16 o Reoliad 1935/2004;

- (a) in paragraph (1)(b), for “paragraphs (2) and (3) are” substitute “paragraph (2) is”;
- (b) omit paragraph (3); and
- (c) in paragraph (4), omit “or (3)”.

10. In regulation 19 (offences and penalties)—

- (a) in paragraph (1), omit “or (4)”;
- (b) in paragraph (3), omit “or fails to comply with regulation 10(6)”;
- (c) for paragraph (5) substitute—

“(5) A person guilty of an offence is liable—

- (a) in the case of an offence created by paragraph (1) or (4) or by regulation 4(3), 5, 7(1), 14(1), or 16(4)—
 - (i) on conviction on indictment to a fine or to a term of imprisonment not exceeding two years or both, or
 - (ii) on summary conviction to a fine; and
- (b) in the case of an offence created by paragraph (2) or (3), on summary conviction to a fine not exceeding level 4 on the standard scale.”

11. In regulation 20 (execution and enforcement), for paragraph (2) substitute—

“(2) The Food Standards Agency may also execute and enforce the provisions of—

- (a) Articles 16(1) and 17(2) of Regulation 1935/2004;
- (b) Article 13 of Regulation 450/2009; and
- (c) Article 16(1) of Regulation 10/2011.”

12. In regulation 23(2) (time limit for prosecutions), omit “7(2), 14(2) or”.

13. For regulation 27 (application of various provisions of the Act) substitute the following—

“27.—(1) Section 10(1) and (2) of the Act (improvement notices) applies for the purposes of these Regulations with the modification (in the case of section 10(1)) set out in Part 1 of Schedule 2 for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring that person to comply with any of the following provisions—
 - (i) regulations 10(4), 10(6) and 12(6);
 - (ii) Article 16 of Regulation 1935/2004;

- (iii) Erthygl 5 o Reoliad 1895/2005;
- (iv) Erthyglau 12 a 13 o Reoliad 450/2009; a
- (v) ail frawddeg Erthygl 8, Erthygl 15 fel y'i darllenir gydag Atodiad IV, ac Erthygl 16 o Reoliad 10/2011; a

(b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn drosedd.

(2) Mae darpariaethau'r Ddeddf a bennir yng ngholofn 1 o'r tabl yn Rhan 2 o Atodlen 2 yn gymwys, gyda'r addasiadau (os oes rhai) a bennir yng ngholofn 2 o'r tabl hwnnw.

(3) Nid yw paragraffau (1) a (2) yn rhagfarnu cymhwyso'r Ddeddf i'r Rheoliadau hyn at ddibenion ac eithrio'r rhai a bennir ym mharagraff (1)."

14. Yn yr Atodlen (darpariaethau penodedig yn Rheoliad 10/2011)—

- (a) ail-rifer yr Atodlen yn Atodlen 1;
- (b) yn lle'r testun yn y golofn gyntaf o seithfed res (sy'n ymwneud ag Erthygl 11) y tabl, rhodder "Erthygl 11(1) ac Atodiad I, fel y'u darllenir gydag Erthygl 11(3) a (4)"; ac
- (c) hepgorer y cofnodion yn rhes olaf y tabl.

15. Ar ôl Atodlen 1 mewnosoder yr Atodlen 2 a nodir yn yr Atodlen i'r Rheoliadau hyn.

- (iii) Article 5 of Regulation 1895/2005;
- (iv) Articles 12 and 13 of Regulation 450/2009; and
- (v) the second sentence of Article 8, Article 15 as read with Annex IV, and Article 16 of Regulation 10/2011; and

(b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) The provisions of the Act specified in column 1 of the table in Part 2 of Schedule 2 apply, with the modifications (if any) specified in column 2 of that table.

(3) Paragraphs (1) and (2) are without prejudice to the application of the Act to these Regulations for purposes other than those specified in paragraph (1)."

14. In the Schedule (specified provisions of Regulation 10/2011)—

- (a) renumber the Schedule as Schedule 1;
- (b) for the text in the first column of the seventh row (which relates to Article 11) of the table, substitute "Article 11(1) and Annex I, as read with Article 11(3) and (4)"; and
- (c) omit the entries in the final row of the table.

15. After Schedule 1 insert the Schedule 2 set out in the Schedule to these Regulations.

Rebecca Evans

Gweinidog Iechyd y Cyhoedd a Gwasanaethau Cymdeithasol o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon, un o Weinidogion Cymru

9 Awst 2017

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers

9 August 2017

YR ATODLEN Rheoliad 15
Cymhwysio darpariaethau Deddf
Diogelwch Bwyd 1990

“ATODLEN 2 Rheoliad 27

RHAN 1

Addasu adran 10(1)

1. Yn lle adran 10(1) o'r Ddeddf (hysbysiadau gwella) rhodder—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the authorised officer's grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person's failure to so comply;
- (c) specify the measures which, in the authorised officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(1A) The provisions referred to in subsection (1) are—

- (a) regulations 10(4), 10(6) and 12(6) of the Materials and Articles in Contact with Food (Wales) Regulations 2012;
- (b) Article 16 of Regulation 1935/2004;
- (c) Article 5 of Regulation 1895/2005;
- (d) Articles 12 and 13 of Regulation 450/2009; and
- (e) the second sentence of Article 8, Article 15 as read with Annex IV, and Article 16 of Regulation 10/2011.”

SCHEDULE Regulation 15
Application of provisions of the Food
Safety Act 1990

“SCHEDULE 2 Regulation 27

PART 1

Modification of section 10(1)

1. For section 10(1) of the Act (improvement notices) substitute—

“(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the authorised officer's grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person's failure to so comply;
- (c) specify the measures which, in the authorised officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(1A) The provisions referred to in subsection (1) are—

- (a) regulations 10(4), 10(6) and 12(6) of the Materials and Articles in Contact with Food (Wales) Regulations 2012;
- (b) Article 16 of Regulation 1935/2004;
- (c) Article 5 of Regulation 1895/2005;
- (d) Articles 12 and 13 of Regulation 450/2009; and
- (e) the second sentence of Article 8, Article 15 as read with Annex IV, and Article 16 of Regulation 10/2011.”

RHAN 2

Cymhwyso ac addasu darpariaethau eraill o'r Ddeddf

<i>Colofn 1</i> <i>Darpariaeth y Ddeddf</i>	<i>Colofn 2</i> <i>Yr addasiad</i>
Adran 2 (ystyr estynedig "sale" etc.)	Yn lle "this Act" (ym mhob lle y mae'n digwydd) rhodder "the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Adran 3 (rhagdybiaethau y bwriedir i fwyd gael ei fwyta gan bobl)	Yn is-adran (1), yn lle "this Act" rhodder "the Materials and Articles in Contact with Food (Wales) Regulations 2012, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 and Regulation 10/2011".
Adran 20 (troseddau oherwydd bai person arall)	Yn lle "any of the preceding provisions of this Part" rhodder "section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Adran 21(1) a (5) (amddiffyniad diwydrwydd dyladwy)	Yn is-adran (1), yn lle "any of the preceding provisions of this Part" rhodder "section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Adran 30(6) ac (8) (sy'n ymwneud â thystiolaeth o dystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd)	Yn is-adran (8), yn lle "this Act" rhodder "the Materials and Articles in Contact with Food (Wales) Regulations 2012".

PART 2

Application and modification of other provisions of the Act

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Modification</i>
Section 2 (extended meaning of "sale" etc.)	For "this Act" (in each place it occurs) substitute "the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for "this Act" substitute "the Materials and Articles in Contact with Food (Wales) Regulations 2012, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 and Regulation 10/2011".
Section 20 (offences due to fault of another person)	For "any of the preceding provisions of this Part" substitute "section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for "any of the preceding provisions of this Part" substitute "section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012".
Section 30(6) and (8) (which relates to evidence of certificates given by a food analyst or examiner)	In subsection (8), for "this Act" substitute "the Materials and Articles in Contact with Food (Wales) Regulations 2012".

Adran 32 (pwerau mynediad)	Yn lle “this Act” (ym mhob lle y mae’n digwydd) rhodder “the Materials and Articles in Contact with Food (Wales) Regulations 2012, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 and Regulation 10/2011”.	Section 32 (powers of entry)	For “this Act” (in each place it occurs) substitute “the Materials and Articles in Contact with Food (Wales) Regulations 2012, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 and Regulation 10/2011”.
Adran 33 (rhwystro etc. swyddogion)	Yn is-adran (1), yn lle “this Act” (ym mhob lle y mae’n digwydd), rhodder “section 10(1) of this Act as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012”.	Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place it occurs) substitute “section 10(1) of this Act as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012”.
Adran 35(1) a (2) (cosbi troseddau)	Yn is-adran (1), ar ôl “section 33(1) above” mewnosoder “, as applied and modified by regulation 27 of, and Part 2 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012,”. Ar ôl is-adran (1) mewnosoder— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012 shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.” Yn is-adran (2), yn y geiriau agoriadol, yn lle “any other offence under this Act” rhodder “an offence under section 33(2), as applied by regulation 27 of, and Part 2 of	Section 35(1) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above” insert “, as applied and modified by regulation 27 of, and Part 2 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012,”. After subsection (1) insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012 shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.” In subsection (2), in the opening words, for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 27 of, and Part 2 of

Adran 36 (troseddau gan gyrff corfforaethol)	Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012.”. Yn is-adran (1), yn lle “this Act” rhodder “section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012”.	Section 36 (offences by bodies corporate)	Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012.”. In subsection (1), for “this Act” substitute “section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012”.
Adran 36A (troseddau gan bartneriaethau Albanaidd)	Yn lle “this Act” rhodder “section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012”.	Section 36A (offences by Scottish partnerships)	For “this Act” substitute “section 10(2) as applied by regulation 27 of the Materials and Articles in Contact with Food (Wales) Regulations 2012”.
Adran 37(1) a (6) (apelau i lys ynadon)	Yn lle is-adran (1) rhodder— “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under section 10(1), as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012, may appeal to a magistrates’ court.” Yn is-adran (6)— yn lle “(3) or (4)” rhodder “(1)”; ac ym mharagraff (a), hepgorer “or to the sheriff”.	Section 37(1) and (6) (appeals to a magistrates’ court)	For subsection (1) substitute— “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under section 10(1), as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations 2012, may appeal to a magistrates’ court.” In subsection (6)— for “(3) or (4)” substitute “(1)”; and in paragraph (a), omit “or to the sheriff”.
Adran 39 (apelau yn erbyn hysbysiadau gwella)	Yn lle is-adran (1) rhodder— “(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations	Section 39 (appeals against improvement notices)	For subsection (1) substitute— “(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 27 of, and Part 1 of Schedule 2 to, the Materials and Articles in Contact with Food (Wales) Regulations

2012, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the magistrates’ court may in the circumstances think fit.”

Yn is-adran (3), hepgorer “for want of prosecution.”.

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2012, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the magistrates’ court may in the circumstances think fit.”

In subsection (3), omit “for want of prosecution.”.

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