

OFFERYNNAU STATUDOL CYMRU

2000 Rhif 3341 (Cy. 219)

BWYD, CYMRU

Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) (Siopau Cigyddion) (Diwygio) (Cymru) 2000

<i>Wedi'u gwneud</i>	- -	<i>19 Rhagfyr 2000</i>
<i>Yn dod i rym:—</i>		
<i>Rheoliadau 1 a 5</i>		<i>31 Rhagfyr 2000</i>
<i>Rheoliadau 2, 3 a 4</i>		<i>30 Mehefin 2001</i>

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddir gan adrannau 16(1)(d) ac (f) a (3), 19(1)(b), 26(2)(a) a (d) a (3), 45(1) a 48(1)(b) ac (c) o Ddeddf Diogelwch Bwyd 1990(1), a pharagraff 5(3) o Atodlen 1 iddi, ac sydd bellach wedi'u breinio ynndo(2), ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol —

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) (Siopau Cigyddion) (Diwygio) (Cymru) 2000 a deuant i rym fel a ganlyn—

- rheoliadau 1 a 5 ar 31 Rhagfyr 2000
- rheoliadau 2, 3 a 4 ar 30 Mehefin 2001

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn y Rheoliadau hyn ystyr “y Rheoliadau cyffredinol” yw Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) 1995(3).

Diwygio rheoliad 3(1)

2. Yn rheoliad 3(1) o'r Rheoliadau Cyffredinol (cymhwyso darpariaethau'r Rheoliadau cyffredinol), yn lle'r geiriau “regulations 4 and 5” rhoddir y geiriau “regulations 4, 4A and 5”.

- 1990 p.16. Diwygiwyd adran 48 gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p.28).
- Trosglwyddwyd y swyddogaethau a freiniwyd yng Ngweinidogion y Goron o dan Ddeddf Diogelwch Bwyd 1990, ac eithrio adran 54(4), i Gynulliad Cenedlaethol Cymru, i'r graddau y maent yn arferadwy mewn perthynas â Chymru, gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).
- O.S. 1995/1763, nad oes diwygiadau perthnasol iddo wedi'u gwneud.

Mewnosod rheoliad 4A ac Atodlen 1A

3.—(1) Ar ôl rheoliad 4 o'r Rheoliadau cyffredinol mewnosodir y rheoliad canlynol—

“Licences for butchers' shops

4A. Schedule 1A (provisions relating to the licensing of butchers' shops) shall have effect.”.

(2) Ar ôl Atodlen 1 i'r Rheoliadau cyffredinol mewnosodir fel Atodlen 1A y darpariaethau a nodir yn yr Atodlen i'r Rheoliadau hyn.

Diwygio rheoliad 6(1)

4. Yn rheoliad 6(1) (tramgwyddau a chosbau) o'r Rheoliadau cyffredinol ar ôl “or 5,” mewnosodir “or paragraph 2 of Schedule 1A”.

Darpariaeth drosiannol

5.—(1) Cyn i reoliadau 2, 3 a 4 uchod ddod i rym —

(a) caiff personau wneud cais am drwyddedau fel pe bai'r rheoliadau hynny mewn grym drwy gyflwyno ceisiadau sy'n cydymffurfio ag Atodlen 1A i'r Rheoliadau cyffredinol, fel y'i nodir yn yr Atodlen i'r Rheoliadau hyn;

(b) o ran awdurdodau bwyd —

(i) rhaid iddynt benderfynu ar unrhyw geisiadau o'r fath a gânt, hysbysu'r penderfyniadau a, pan fo hynny'n briodol, roi trwyddedau; a

(ii) gallant atal neu ddiddymu unrhyw drwydded a roddwyd mewn perthynas â chais o'r fath a chymryd unrhyw gamau y credant eu bod yn briodol at ddibenion gwneud penderfyniadau ynghylch ceisiadau a thrwyddedau o'r fath (gan gynnwys archwilio safleoedd a chael taliadau),

fel pe bai'r Atodlen a enwyd 1A mewn grym;

(2) Bydd unrhyw drwydded a roir gan awdurdod bwyd yn unol â chais o'r fath, yn ddarostyngedig i baragraff 10 o Atodlen 1A, yn para mewn grym am gyfnod o flwyddyn gan ddechrau ar ddyddiad ei rhoi neu 30 Mehefin 2001.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(4).

19 Rhagfyr 2000

D. Elis Thomas
Llywydd y Cynulliad Cenedlaethol

YR ATODLEN

Rheoliad 3(2)

ATODLEN 1A I'W MEWNOSOD YN Y RHEOLIADAU CYFFREDINOL

“SCHEDULE 1A

Regulations 4A and 6(1)

LICENSING OF BUTCHERS' SHOPS

1. The following definitions shall apply for the purposes of this Schedule—

“applicant” means a person who is applying for a licence and “application” means an application for a licence;

“appropriate food authority” in relation to a butcher’s shop, or an application or licence relating to a butcher’s shop, means the food authority for the area in which the shop is situated (or in the case of moveable premises, ordinarily kept) or the food authority which has registered the shop under regulation 2 of the Food Premises (Registration) Regulations 1991⁽⁵⁾;

“butcher’s shop” means the premises of a food business in or from which —

- (a) commercial operations are carried out in relation to unwrapped raw meat, and
- (b) raw meat and ready to eat food are both placed on the market for sale or supply; other than catering premises;

“catering premises” means premises, or parts of premises, which are used solely for the purposes of a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, —

- (a) food is prepared for delivery to the ultimate consumer for consumption, and
- (b) no food is prepared or supplied with a view to it being subject to further treatment or processing after it has left the premises;

“HACCP procedures” mean procedures critical to ensuring food safety by Hazard Analysis and Critical Control Points systems and which are based on the following principles —

- (a) analysis of the potential food hazards in a food business operation;
- (b) identification of the points in those operations where food hazards may occur;
- (c) deciding which of the points identified are critical to ensuring food safety (“critical points”);
- (d) identification and implementation of effective control and monitoring procedures (including critical limits), at those critical points;
- (e) verification to confirm that the Hazard Analysis and Critical Control Points system is working effectively;
- (f) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the operations of the food business change; and
- (g) documentation of all procedures appropriate to the effective application of the principles listed in (a) to (f), including documentation which identifies the persons who have undertaken training in accordance with paragraph 5(1)(b) or (c);

“licence” means a licence issued under this Schedule;

“meat” means fresh meat within the meaning of regulation 2(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995⁽⁶⁾ or regulation 2(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995⁽⁷⁾ and wild game meat

⁽⁵⁾ O.S. 1991/2825, nad oes diwygiadau perthnasol iddo wedi'u gwneud.

⁽⁶⁾ O.S. 1995/539.

⁽⁷⁾ O.S. 1995/540.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

as defined in regulation 2(1) of the Wild Game Meat (Hygiene and Inspection) Regulations 1995(8);

“raw meat” means meat which is not ready to eat food;

“ready to eat food” means any food for consumption without further treatment or processing;

“unwrapped” means neither wrapped so as to prevent the passage of micro—organisms nor enclosed in a receptacle which prevents the passage of such organisms.

2. No person shall use premises for the purposes of a butcher’s shop except —

- (a) in accordance with a licence which is in force in respect of those premises, or
- (b) where the exception made by paragraph 9 applies.

3.—(1) An applicant shall submit his application to the appropriate food authority not less than 28 days before the date on which a licence is required.

(2) The appropriate food authority shall within 28 days of the receipt of such an application —

- (a) determine it; and
- (b) give notice of their determination to the applicant.

(3) A notice given under sub-paragraph (2) of the refusal of an application shall specify any condition in paragraph 5 which is not satisfied and shall contain particulars of the right of appeal which is conferred by section 37(1)(c) of the Act.

4.—(1) The appropriate food authority shall issue a licence in respect of a butcher’s shop if —

- (a) the applicant has submitted to it an application which sets out his or her address and either specifies the location of his or her shop or, in the case of movable premises, other information which identifies the premises to which the application relates; and
- (b) it is satisfied that the conditions specified in paragraph 5 are met on the basis of the information submitted by the applicant and any other information relating to the food business which it has acquired from an inspection of the shop or otherwise.

(2) The appropriate food authority shall impose a charge of £100 on any person to whom it issues a licence.

(3) Any sum which is payable by way of, or on account of, a charge imposed under sub-paragraph (2) may accompany the application to which it relates or may be recovered as a civil debt by the food authority after it has determined the application.

5.—(1) Subject to sub-paragraphs (6) and (7), the conditions are that —

- (a) the food business in the butcher’s shop complies with the requirements of these Regulations (including this Schedule) and the Food Safety (Temperature Control) Regulations 1995(9);
- (b) all food handlers in the shop are trained in food hygiene to the standards required to enable them to perform their duties with a view to ensuring that all the food in the shop complies with those requirements;
- (c) at least one person working in the shop is trained in food hygiene to enable him or her to supervise the activities of the food business with a view to ensuring that all of the food in the shop complies with those requirements and that the HACCP procedures which apply are followed; and
- (d) HACCP procedures are in place.

(8) O.S. 1995/2148.

(9) O.S. 1995/2200, nad oes diwygiadau perthnasol iddo wedi'u gwneud.

(2) Subject to sub-paragraph (7), the applicant or a proprietor or manager of the butcher's shop shall make available records of —

- (a) the HACCP procedures which apply in the shop; and
- (b) the training which persons have undertaken to enable them to carry out operations in the shop;

when requested to do so by the appropriate food authority.

(3) Records made available under sub-paragraph (2) shall be either —

- (a) in writing; or
- (b) where there is a means by which they may be read, in electronic form.

(4) Records relating to the HACCP procedures which apply in the shop shall be kept —

- (a) in the case of any document which sets out those procedures, until it is replaced by a further document which sets out those procedures;
- (b) in the case of any document which records how those procedures have been applied, for the period of not less than 12 months which begins on the date of its creation.

(5) Records of the training which persons have undertaken to enable them to carry out operations in the shop shall be kept until those persons cease to be retained to carry out those operations.

(6) In mixed business premises in which over half of the floor area is laid out for the storage, handling or display of goods other than meat, the conditions in sub-paragraph (1), and the requirements relating to records in sub-paragraphs (2) to (5), shall apply only to the parts of the premises specified below —

- (a) where both unwrapped raw meat and ready to eat food are stored, handled or displayed in the same part of the premises, that part;
- (b) where unwrapped raw meat is handled, stored or displayed in one part of the premises and ready to eat food is stored, handled or displayed in an adjoining part of the premises, each of those parts; and
- (c) where the same food handler is working on the storage, handling or display of both unwrapped raw meat and ready to eat food, or the same equipment is in use in relation to such meat and food, each part in which such meat or food is stored, handled or displayed.

(7) Where premises are not being used as a butcher's shop when the application relating to them is submitted to the appropriate food authority, the applicant shall provide information to that authority on the commercial operations, training and HACCP procedures which he or she proposes to introduce and the authority shall take that information into account when it determines the application.

6. Subject to paragraphs 7 and 10, a licence shall remain in force for the period of one year commencing on the day on which it is issued.

7. Subject to paragraph 10, where a further licence is granted to a person who has held a licence for not less than 8 months and both licences relate to the same butcher's shop, that further licence shall be issued for the period of one year which commences immediately after the expiry of the licence held by that person at the date of application for the further licence.

8. Each licence shall contain the condition that the person who holds it shall give notice to the appropriate food authority of any material change which may reduce the safety of food sold or supplied from the butcher's shop to which the licence relates, including any material change to the layout or ownership of the premises or the operation of the food business.

9.—(1) Where a food authority has refused to issue a licence in respect of an application made in the circumstances specified in sub-paragraph (2), the premises to which the application relates

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may continue to be used as a butchers' shop until the time specified in section 37(5) of the Act for bringing an appeal under that section has expired or, if an appeal under that section is brought, until the appeal is finally disposed of or abandoned.

(2) The circumstances specified for the purposes of sub-paragraph (1) are that on the date on which the application was made the premises to which it relates are used as a butcher's shop and either —

- (a) the application is made before 30 June 2001 or
- (b) on the date on which the application is made, a licence is in force in respect of the premises to which the application relates.

10.—(1) Where any of the conditions specified in paragraph 5 cease to be satisfied in respect of a butcher's shop, the appropriate food authority may suspend or revoke any licence which it has issued in respect of that shop and give notice of its decision to the proprietor of the shop.

(2) A notice given under sub-paragraph (1) shall specify the conditions specified in paragraph 5 which have been breached.

(3) A decision to revoke or suspend a licence made under sub-paragraph (1) shall not take effect until the time specified in section 37(5) of the Act for bringing an appeal under that section has expired or, if an appeal under that section is lodged, until the appeal is finally disposed of or abandoned.”.

EXPLANATORY NOTE

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) 1995 (“y Rheoliadau cyffredinol”) mewn perthynas â Chymru (gweler rheoliad 1(2)) drwy gyflwyno gofyniad bod siopau cigyddion i'w trwyddedu gan awdurdodau bwyd. At y dibenion hyn mae siopau cigyddion yn safleoedd gosodedig neu yn unedau symudol y trafodir cig amrwd sydd heb ei lapio ynddynt ac y gwerthir cig amrwd a bwyd sy'n barod i'w fwyta ohonynt i ddefnyddwyr (gweler y diffiniad o siop gigydd (“butcher's shop”) ym mharagraff 1 o Atodlen 1A).

Mae Rheoliad 2 yn diwygio rheoliad 3 o'r rheoliadau cyffredinol fel nad yw'r darpariaethau sy'n berthnasol i drwyddedu siopau cigyddion yn gymwys i'r busnesau hynny y mae'r darpariaethau sectoraidd a restrir yn y rheoliad hwnnw'n gymwys iddynt.

Mae rheoliad 3 yn mewnosod y darpariaethau a nodir yn yr Atodlen fel Atodlen 1A sy'n gwneud darpariaeth ar gyfer trwyddedu siopau cigyddion. Mae paragraff 4 o'r Atodlen yn gwneud darpariaeth ar gyfer ceisiadau am drwyddedau ac yn darparu bod tâl o £100 yn daladwy mewn perthynas â rhoi trwydded.

Mae paragraff 5 yn gosod amodau trwyddedau. Ar safleoedd busnes cymysg nid yw'r amodau'n gymwys ond i rannau penodol ohonynt yn unig (gweler paragraff 5(6)).

Mae paragraff 6 yn darparu y bydd trwyddedau'n para mewn grym am gyfnodau o flwyddyn.

Mae paragraff 7 yn cael effaith pan fydd ceisydd sy'n dal trwydded mewn perthynas â siop gigydd yn gwneud cais am drwydded bellach ynglyn â'i siop hyd at bedwar mis cyn i'w drwydded gyfredol

ddod i ben. Os caniatéir y drwydded bellach, mae'n dechrau pan ddaw'r drwydded gyfredol i ben fel na fydd y ceisydd yn cael ei ragfarnu drwy wneud cais cyn i'w drwydded gyfredol ddod i ben.

Mae paragraff 9 yn caniatáu i safleoedd siopau cigyddion sefydledig bara i gael eu defnyddio os yw cais am drwydded wedi'i wrthod ac os nad yw'r amser i apelio yn erbyn y gwrthodiad wedi dirwyn i ben neu os oes apêl yn cael ei dwyn yn erbyn y gwrthodiad (gweler adran 37 o Ddeddf Diogelwch Bwyd 1990 sy'n darparu ar gyfer dwyn apelau o fewn mis).

Mae paragraff 10 yn darparu ar gyfer atal a diddymu trwyddedau ac i drwyddedau bara mewn grym hyd nes bod yr amser i apelio yn erbyn yr atal neu'r diddymu wedi dirwyn i ben a thra bod apêl ar y gweill (gweler adran 37).

Mae rheoliad 4 yn diwygio rheoliad 6(1) o'r Rheoliadau cyffredinol fel bod defnyddio safle fel siop gigydd heblaw yn unol â'r drwydded yn dramgwydd troseddol.

Mae rheoliad 5 yn cynnwys darpariaethau trosiannol fel y gellir rhoi'r trwyddedau cyn y diwrnod cyntaf y mae'n ofynnol eu cael. Mae trwyddedau o'r fath yn para mewn grym am gyfnod o flwyddyn gan ddechrau ar y diwrnod hwnnw.

Cafodd Arfarniad Rheoliadol ei baratoi a gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd – Cymru, Llawr 1, Southgate House, Wood Street, Caerdydd, CF10 1EW.