



OFFERYNNAU STATUDOL
CYMRU

2008 Rhif 3154 (Cy.282)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Enseffalopathiau
Sbyngffurf Trosglwyddadwy
(Cymru) 2008

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn dirymu ac yn ail-wneud gyda diwygiadau Rheoliadau Enseffalopathiau Sbyngffurf Trosglwyddadwy (Cymru) 2006 (O.S. 2006/1266 (Cy.117)), a oedd yn gorfodi Rheoliad (EC) Rhif 999/2001 o Senedd Ewrop a'r Cyngor yn gosod rheolau i atal, rheoli a dileu rhai mathau o enseffalopathiau sbyngffurf trosglwyddadwy (OJ Rhif L 147, 31.5.2001, t. 1) fel y'i diwygiwyd ("Rheoliad TSE y Gymuned"). Mae'r Rheoliadau hyn yn awr yn gweithredu Penderfyniad y Comisiwn 2007/411 sy'n gwahardd rhoi ar y farchnad gynhyrchion sy'n dod o anifeiliaid buchol a anwyd neu a fagwyd o fewn y Deyrnas Unedig cyn 1 Awst 1996 at unrhyw ddiben, yn esemtio'r anifeiliaid hynny rhag mesurau rheoli a dileu penodol a osodwyd yn Rheoliad (EC) Rhif 999/2001 ac yn diddymu Penderfyniad 2005/598 (OJ Rhif L 155, 15.6.2007, t. 74).

Diwygiwyd Rheoliad y Comisiwn (EC) Rhif. 999/2001 gan Reoliad y Comisiwn (EC) Rhif 727/2007 a oedd yn diwyggo Atodiad VII i Reoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cyngor a oedd yn gosod rheolau i atal, rheoli a dileu rhai mathau o enseffalopathi sbyngffurf trosglwyddadwy (OJ Rhif L 158, 18.6.2008, t. 5). Mae'r Rheoliadau hyn yn gweithredu'r diwygiadau hynny ac eithrio rhai darpariaethau a ataliwyd gan ddyfarniad llys Ewropeidd y Gwrandawriad Cyntaf ar 28 Medi 2007 (pwyntiau 2(3)(b)(iii), 2(3)(d) a 4 o Atodiad VII i Reoliad (EC) Rhif 999/2001).

WELSH
STATUTORY INSTRUMENTS

2008 No. 3154 (W.252)

ANIMALS, WALES

ANIMAL HEALTH

The Transmissible Spongiform
Encephalopathies (Wales)
Regulations 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, revoke and remake with amendments the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 (S.I. 2006/1266 (W.117)), which enforced Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L147, 31.5.2001, p.1) as amended ("the Community TSE Regulation"). These Regulations now implement Commission Decision 2007/411 prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No. 999/2001 and repealing Decision 2005/598 (OJ No L 155, 15.6.2007, p.74).

Commission Regulation (EC) No. 999/2001 was amended by Commission Regulation (EC) No 727/2007 amending Annex VII to Regulation (EC) No. 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ No L 158, 18.6.2008, p.5). These Regulations implement those amendments with the exception of certain provisions that were suspended by a judgment of the European Court of First Instance on 28 September 2007 (points 2(3)(b)(iii), 2(3)(d) and 4 of Annex VII to Regulation (EC) No. 999/2001).

Y prif Reoliadau

Mae'r Rheoliadau yn darparu mai Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion Rheoliad TSE y Gymuned (ac eithrio yn Atodlen 7 a pharagraff 2 o Atodlen 8, lle mae'r Asiantaeth Safonau Bwyd yn awdurdod cymwys) (rheoliad 3) ac yn darparu eithriad ar gyfer ymchwil (rheoliad 4).

Mae'r darpariaethau yn Rhan 2 yn cyflwyno'r Atodleni 2 i 8.

Mae Rhan 3 yn ymwneud â gweinyddu a gorfodi.

Mae rheoliadau 6 i 10 yn ymwneud â chymeradwyo, awdurdodi, trwyddedu a chofrestru, dyletswyddau'r meddiannydd, atal, diwygio a dirymu cymeradwyaeth, etc., a gweithdrefn apelio. Mae Rheoliad 11 yn ymwneud â phrisio.

Mae rheoliadau 12 i 14 yn rhoi pwerau i Weinidogion Cymru a'r awdurdod lleol i benodi arolygwyr, ac yn ymdrin â phwerau mynediad a phwerau arolygwyr. Mae rheoliad 15 yn darparu ar gyfer gweithdrefn hysbysu, ac mae rheoliad 16 yn darparu ar gyfer trwyddedau sy'n caniatáu symud yn ystod cyfnod o gyfyngu ar symudiadau.

Mae rheoliadau 17 i 19 yn ymwneud â rhwystro arolygwr, cosbau, a thramgyddau gan gorff corfforaethol. Mae person sy'n euog o dramgydd o dan y Rheoliadau hyn yn agored—

- (a) o'i golffarnu'n ddiannod, i ddirwy o ddim mwy na'r mwyafswm statudol neu garchar am dymor o dri mis neu'r ddau, neu
- (b) o'i golffarnu ar ddiadiad, i ddirwy neu garchar am dymor o ddim mwy na dwy flynedd neu'r ddau.

Mae rheoliad 20 yn manylu ar bwy sy'n gyfrifol am orfodi'r Rheoliadau hyn.

Mae rheoliad 21 yn dirymu: Rheoliadau Enseffalopathiau Sbyngffurf Trosglwyddadwy (Cymru) 2006; Rheoliadau Cynhyrchion Buchol (Cyfyngu ar eu Rhoi ar y Farchnad) (Cymru) 2005; Rheoliadau Iawndal Enseffalopathi Sbyngffurf Buchol (BSE) (Cymru) 2006 a Rheoliadau Iawndal Enseffalopathi Sbyngffurf Trosglwyddadwy (TSE) Defaid a Geifr (Cymru) 2006.

Atodlen 1

Yn Atodlen 1 nodir at ba offerynnau y Gymuned y dylid dehongli cyfeiriadau atynt fel cyfeiriadau at yr offerynnau hynny fel y'u diwygiwyd o bryd i'w gilydd.

The main Regulations

The Regulations provide that the Welsh Ministers are the competent authority for the purposes of the Community TSE Regulation (except in Schedule 7 and paragraph 2 of Schedule 8, where the competent authority is the Food Standards Agency) (regulation 3) and provide an exception for research (regulation 4).

The provisions in Part 2 introduce Schedules 2 to 8.

Part 3 deals with administration and enforcement.

Regulations 6 to 10 deal with approvals, authorisations, licences and registrations, occupier's duties, suspension, amendment and revocations of approvals, etc., and an appeals procedure. Regulation 11 deals with valuations.

Regulations 12 to 14 give powers to the Welsh Ministers and the local authority to appoint inspectors, and deal with powers of entry and powers of inspectors. Regulation 15 provides for a notice procedure, and regulation 16 provides for licences permitting movement during a movement restriction.

Regulations 17 to 19 deal with obstruction of an inspector, penalties, and offences by a body corporate. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or both.

Regulation 20 details who is responsible for enforcing these Regulations.

Regulation 21 revokes: the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006; the Bovine Products (Restriction on Placing on the Market) (Wales) (No.2) Regulations 2005; the Bovine Spongiform Encephalopathy (BSE) Compensation (Wales) Regulations 2006 and the Sheep and Goats Transmissible Spongiform Encephalopathy (TSE) Compensation (Wales) Regulations 2006.

Schedule 1

Schedule 1 sets out those Community instruments to which any reference should be construed as to those instruments as amended from time to time.

Atodlen 2

Mae Atodlen 2 yn ymwneud â monitro ar gyfer TSE. Mae paragraff 1 yn darparu ar gyfer hysbysu Gweinidogion Cymru ynghylch stoc trig y mae'n rhaid eu profi am TSE o dan Reoliad TSE y Gymuned. Mae paragraff 2 yn ei gwneud yn dramgydd traddodi anifail sydd dros yr oedran i ladd-dy i'w fwyta gan bobl, neu i gigydda anifail o'r fath i'w fwyta gan bobl. Mae paragraff 3 yn darparu ar gyfer samplu coesyn yr ymennydd mewn anifeiliaid buchol penodedig. Mae paragraff 4 yn darparu ar gyfer cymeradwyo labordai sy'n profi samplau coesyn ymennydd o'r fath, ac yn cyflwyno ffioedd newydd fel a ganlyn—

- (a) £29,770 am gymeradwyaeth ddechreuel i labordy;
- (b) £8,834 am brofion hyfedredd blynnyddol ac adolygu dilynol am y flwyddyn gyntaf ar ôl cymeradwyo;
- (c) £4,135 am brofion hyfedredd blynnyddol o'r ail flwyddyn ymlaen ar ôl cymeradwyo;
- (ch) £1,385 am brawf hyfedredd sengl (yn dilyn methiant yn y profion hyfedredd blynnyddol); a
- (d) £87.24 yr awr am arolygydd (ar gyfer unrhyw arolygiadau ychwanegol y bydd eu hangen i wirio cydymffurfiaeth â'r telerau cymeradwyo).

Mae paragraff 5 yn creu gofyniad bod unrhyw un sy'n cigydda anifeiliaid dros 30 mis oed ar gyfer eu bwyta gan bobl i gael Dull Gofynnol o Weithredu.

Mae paragraff 6 yn darparu ar gyfer cadw cynhyrchion a'u gwaredu, a pharagraff 7 yn ymwneud ag iawndal.

Mae paragraffau 8 i 15 yn nodi'r gofynion sylfaenol y mae'n rhaid eu cynnwys mewn Dull Gofynnol o Weithredu.

Atodlen 3

Mae Atodlen 3 yn ymwneud â rheoli a dileu TSE mewn anifeiliaid buchol. Mae paragraff 1 yn darparu ar gyfer hysbysu Gweinidogion Cymru ynghylch anifail sydd dan amheuaeth. Mae paragraffau 2 a 3 yn darparu ar gyfer cyfyngu ar a chigyddwr anifail sydd dan amheuaeth. Mae paragraffau 4 a 5 yn ymwneud ag epil a chohortau'r anifail sydd dan amheuaeth. Mae paragraff 6 yn ymwneud â hysbysu ynghylch anifail fu farw neu a gafodd ei ladd tra oedd dan gyfyngiadau, ac y mae paragraff 7 yn gwahardd rhoi epil ar y farchnad.

Mae paragraffau 8 i 10 yn ymdrin ag iawndal.

Schedule 2

Schedule 2 deals with monitoring for TSEs. Paragraph 1 provides for notification to the Welsh Ministers of fallen stock that must be tested for TSE under the Community TSE Regulation. Paragraph 2 makes it an offence to consign an over-age animal to a slaughterhouse for human consumption or to slaughter such an animal for human consumption. Paragraph 3 provides for brain stem sampling of specified bovine animals. Paragraph 4 provides for the approval of laboratories that test such brain stem samples and introduces new fees as follows—

- (a) £29,770 for the initial approval of a laboratory;
- (b) £8,834 for annual proficiency testing and a follow-up inspection for the first year after approval;
- (c) £4,135 for annual proficiency testing from the second year after approval;
- (d) £1,385 for Single proficiency test (in the event of a failure in the annual proficiency testing); and
- (e) £87.24 per hour for an inspector (for any additional inspections that are necessary to check for compliance with the terms of the approval).

Paragraph 5 creates a requirement for anyone slaughtering animals over 30 months old for human consumption to have a Required Method of Operation.

Paragraph 6 provides for retention of products and their disposal, and paragraph 7 deals with compensation.

Paragraphs 8 to 15 specify the minimum requirements that must appear in a Required Method of Operation.

Schedule 3

Schedule 3 deals with control and eradication of TSEs in bovine animals. Paragraph 1 provides for notification of a suspect animal to the Welsh Ministers. Paragraphs 2 and 3 provide for the restriction and slaughter of notified and suspect animals. Paragraphs 4 and 5 deal with the offspring and cohorts of the suspect. Paragraph 6 provides for the notification and restriction of the carcasses of animals that die or are killed while under restriction, and paragraph 7 prohibits the placing on the market of offspring.

Paragraphs 8 to 10 deal with compensation.

Atodlen 4

Mae Atodlen 4 yn ymwneud â rheoli a dileu TSE mewn defaid a geifr. Mae paragraff 1 yn darparu ar gyfer hysbysu Gweinidogion Cymru ynghylch anifail sydd dan amheuaeth. Mae paragraffau 2 a 3 yn darparu ar gyfer cyfyngu a chigyddal anifail a amheuir. Mae paragraffau 4 a 5 yn ymwneud â chyfyngiadau symud. Mae paragraffau 6 i 9 yn darparu ar gyfer gweithredu ar ôl cael cadarnhad. Mae paragraff 10 yn darparu ar gyfer amser i apelio, a pharagraff 11 yn darparu ar gyfer lladd a dinistrio. Mae paragraffau 12 i 14 yn ymwneud ag anifeiliaid heintiedig o ddaliad arall, pori ar dir comin a diadelloedd lluosog ar ddaliad. Mae paragraff 15 yn ymwneud â meddianwyr dilynol y tir.

Mae paragraffau 16 i 24 yn nodi'r weithdrefn sydd i'w dilyn ar ôl lladd neu ddinistrio'r anifeiliaid. Mae paragraff 16 yn cyfyngu ar gyflwyno anifeiliaid i ddaliad. Mae paragraff 17 yn rheoleiddio'r defnydd o gynnyrch cenhedlol defaid, a pharagraff 18 yn cyfyngu ar symud anifeiliaid o ddaliad.

Mae paragraff 19 yn nodi'r amseroedd pan fydd cyfnodau cyfyngu yn cychwyn. Mae paragraff 20 yn darparu ar gyfer hysbysu am anifeiliaid sy'n marw tra eu bod dan gyfyngiadau. Mae paragraff 21 yn ymdrin â rhoi epil ar y farchnad, ac mae paragraffau 22 i 24 yn ymdrin ag iawndal.

Atodlen 5

Mae Atodlen 5 yn ymdrin ag anifeiliaid nad ydynt o deulu'r fuwch y ddafad na'r afr. Mae paragraffau 1 i 3 yn ymwneud â hysbysu ynghylch, cyfyngu a lladd anifeiliaid sydd dan amheuaeth. Mae paragraff 4 yn darparu ar gyfer iawndal. Mae paragraff 5 yn ymdrin â chadw a gwaredu cynhyrchion anifeiliaid o deulu'r carw.

Atodlen 6

Mae Atodlen 6 yn ymwneud â bwydydd anifeiliaid. Ym mharagraffau 1 i 3 gwaherddir rhoi bwydydd penodedig i anifeiliaid cnoi cil ac anifeiliaid nad ydynt yn cnoi cil, a darperir ar gyfer eithriadau. Mae paragraffau 4 a 5 yn darparu ar gyfer cyfyngiadau symud a chigyddal anifeiliaid sydd dan amheuaeth o fod wedi eu bwydo â bwydydd gwaharddedig, ac mae paragraff 6 yn darparu ar gyfer iawndal. Mae paragraff 7 yn gwahardd cifydda anifeiliaid sydd dan gyfyngiadau ar gyfer eu bwyta gan bobl.

Mae paragraffau 8 a 9 yn rheoleiddio cynhyrchu a defnyddio blawd pysgod i'w fwydo i anifeiliaid nad ydynt yn cnoi cil. Mae paragraffau 10 a 11 yn rheoleiddio bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm neu ffosffad tricalsiwm. Mae paragraffau 12 a 13 yn rheoleiddio bwydydd anifeiliaid sy'n cynnwys cynnyrch gwaed a blawd gwaed.

Schedule 4

Schedule 4 deals with control and eradication of TSEs in sheep and goats. Paragraph 1 provides for notification of a suspect animal to the Welsh Ministers. Paragraphs 2 and 3 provide for the restriction and slaughter of the suspect. Paragraphs 4 and 5 deal with movement restrictions. Paragraphs 6 to 9 provide for action following confirmation. Paragraph 10 provides for time for appeals, and paragraph 11 provides for killing and destruction. Paragraphs 12 to 14 deal with infected animals from another holding, common grazing and multiple flocks on a holding. Paragraph 15 deals with subsequent occupiers of the land.

Paragraphs 16 to 24 set out the procedure to be followed after the killing or destruction. Paragraph 16 restricts the introduction of animals onto a holding. Paragraph 17 regulates the use of ovine germinal products, and paragraph 18 restricts the movement of animals from a holding.

Paragraph 19 specifies when the time relating to restrictions begins. Paragraph 20 provides for notification of animals that die while under restriction. Paragraph 21 deals with placing on the market of progeny. Paragraphs 22 to 24 deal with compensation.

Schedule 5

Schedule 5 deals with animals that are not bovine, ovine, or caprine. Paragraphs 1 to 3 concern notification, restriction and slaughter of suspect animals. Paragraph 4 provides for compensation. Paragraph 5 concerns the retention of cervine products and their disposal.

Schedule 6

Schedule 6 deals with feedingstuffs. Paragraphs 1 to 3 prohibit feeding specified feedingstuffs to ruminant and non-ruminant animals, and provide for exceptions. Paragraphs 4 and 5 provide for movement restrictions and slaughter of animals suspected of having been fed prohibited feedingstuffs, and paragraph 6 provides for compensation. Paragraph 7 prohibits the slaughter for human consumption of restricted animals.

Paragraphs 8 and 9 regulate the production and use of fishmeal for feeding to non-ruminant animals. Paragraphs 10 and 11 regulate feedingstuffs containing dicalcium phosphate or tricalcium phosphate. Paragraphs 12 and 13 regulate feedingstuffs containing blood products and blood meal.

Ym mharagraff 14 darperir ar gyfer newidiadau yn y defnydd o gyfarpar. Mae paragraffau 15 a 16 yn rheoli gweithgynhyrchu, storio a chludo protein anifeiliaid wedi'i brosesu a chynhyrchion sy'n cynnwys protein o'r fath. Mae paragraff 17 yn rheoli allforio, ac mae paragraff 18 yn rheoleiddio gwrraith sy'n dod o brotein anifeiliaid. Mae paragraff 19 yn ymwneud â chofnodion, a pharagraff 20 yn ymwneud â thrawshalogi.

Atodlen 7

Yn Atodlen 7 ymdrinnir â deunydd risg penodedig, cig a adenillir yn fecanyddol a dulliau cigydda. Mae paragraff 1 yn penodi'r Asiantaeth Safonau Bwyd yn awdurdod cymwys ar gyfer yr Atodlen hon. Mae paragraff 2 yn darparu ar gyfer hyfforddi staff lladd-dai a safleoedd torri lle y tynnir ymaith y deunydd risg penodedig

Mae paragraff 3 yn ymwneud â chig a wahanir yn fecanyddol, mae paragraff 4 yn ymwneud â phithio, mae paragraff 5 yn ymwneud â chynaeafu tafodau, ac mae paragraff 6 yn ymwneud â chynaeafu cig y pen.

Mae paragraff 7 yn rheoli tynnau ymaith y deunydd risg penodedig. Mae paragraff 8 yn ymdrin ag anifeiliaid buchol mewn lladd-dy ac mae paragraff 9 yn ymdrin â ddefaid a geifr mewn lladd-dy.

Mae paragraff 10 yn ymwneud â stampiau ar wyn a geifr ifanc.

Mae paragraff 11 yn ymdrin â thynnau ymaith fadruddyn y cefn o ddefaid a geifr.

Mae paragraff 12 yn darparu ar gyfer awdurdodi safleoedd torri i dynnu ymaith rhai deunyddiau risg penodedig, ac mae paragraff 13 yn rheoli'r modd y tynnir deunydd risg penodedig mewn safle torri a awdurdodir o dan baragraff 12(1).

Mae paragraff 14 yn ymdrin â chig o Aelod-wladwriaethau eraill.

Mae paragraff 15 yn gwneud staenio a gwaredu deunydd risg penodedig yn ofynnol, mae paragraff 16 yn gwneud staenio gweddill carcas anifail cynllun yn ofynnol, ac mae paragraff 17 yn darparu ar gyfer diogelwch deunydd risg penodedig.

Mae paragraff 18 yn gwahardd cyflenwi deunydd risg penodedig i'w fwyta gan bobl.

Atodlen 8

Yn Atodlen 8 ymdrinnir ag allforio anifeiliaid buchol byw a'r cynhyrchion sy'n deillio ohonynt i Aelod-wladwriaethau eraill ac i drydydd gwledydd. Mae paragraff 1 yn gwahardd allforio anifeiliaid byw penodol i Aelod-wladwriaethau eraill ac i drydydd gwledydd, mae paragraff 2 yn cyfyngu ar anfon pennau a charcasau heb eu holli sy'n cynnwys deunydd risg

Paragraph 14 makes provision for changes in use of equipment. Paragraphs 15 and 16 control the manufacture, storage and transport of processed animal protein and products containing it. Paragraph 17 controls exports, and paragraph 18 regulates fertilisers derived from animal protein. Paragraph 19 deals with records, and paragraph 20 deals with cross-contamination.

Schedule 7

Schedule 7 deals with specified risk material, mechanically recovered meat and slaughtering techniques. Paragraph 1 appoints the Food Standards Agency as the competent authority for this Schedule. Paragraph 2 makes provision for training of staff in slaughterhouses and cutting plants where specified risk material is removed.

Paragraph 3 deals with mechanically separated meat, paragraph 4 with pithing, paragraph 5 with tongue harvesting and paragraph 6 with head meat harvesting.

Paragraph 7 controls the removal of specified risk material. Paragraph 8 deals with bovine animals in a slaughterhouse and paragraph 9 deals with sheep and goats at a slaughterhouse.

Paragraph 10 deals with young lamb and goat stamps.

Paragraph 11 deals with the removal of spinal cord from sheep and goats.

Paragraph 12 provides for the authorisation of cutting plants to remove certain specified risk material and paragraph 13 controls the removal of specified risk material at a cutting plant authorised under paragraph 12(1).

Paragraph 14 deals with meat from other member States.

Paragraph 15 requires the staining and disposal of specified risk material, paragraph 16 requires the staining of the remainder of a carcase of a scheme animal, and paragraph 17 provides for the security of specified risk material.

Paragraph 18 prohibits the supply of specified risk material for human consumption.

Schedule 8

Schedule 8 deals with the export of live bovine animals and products derived from them to other member States and to third countries. Paragraph 1 prohibits the dispatch of certain live animals to other member States and to third countries, paragraph 2 restricts the dispatch of heads and un-split carcases containing specified risk material to other member States, and paragraph 3 prohibits the dispatch of bovine

penodedig i Aelod-wladwriaethau eraill, ac mae paragraff 3 yn gwahardd anfon pennau buchol a chig sy'n cynnwys deunydd risg penodedig i drydydd gwledydd.

Mae asesiad effaith rheoleiddiol o ddylanwad yr offeryn hwn ar gostau busnes a'r sector gwirfoddol ar gael gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

heads and meat containing specified risk material to third countries.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

2008 Rhif 3154 (Cy.282)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

**Rheoliadau Enseffalopathiau
Sbyngffurf Trosglwyddadwy
(Cymru) 2008**

<i>Gwnaed</i>	<i>9 Rhagfyr 2008</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>10 Rhagfyr 2008</i>
<i>Yn dod i rym</i>	<i>31 Rhagfyr 2008</i>

CYNNWYS

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5. Yr Atodlenni

RHAN 3

Gweinyddu a gorfodi

6. Cymeradwyo, awdurdodi, trwyddedu a chofrestru
7. Dyletswydd meddiannydd
8. Atal a diwygio
9. Dirymu cymeradwyaeth, etc.
10. Apelau
11. Prisiadau

2008 No. 3154 (W.282)

ANIMALS, WALES

ANIMAL HEALTH

**The Transmissible Spongiform
Encephalopathies (Wales)
Regulations 2008**

<i>Made</i>	<i>9 December 2008</i>
<i>Laid before the National Assembly for Wales</i>	<i>10 December 2008</i>
<i>Coming into force</i>	<i>31 December 2008</i>

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SCHEDULE 7 — Specified risk material, mechanically separated meat and slaughtering techniques

ATODLEN 8 — Cyfyngiadau ar roi ar y farchnad ac allforio

SCHEDULE 8 — Restrictions on placing on the market and export

Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â mesurau ym meysydd milfeddygaeth ac iechyd planhigion ar gyfer diogelu iechyd y cyhoedd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol o dan y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1A o Atodlen 2 i'r Ddeddf honno, a chan adran 56(1) a (2) o Ddeddf Cyllid 1973(3).

Mae Gweinidogion Cymru wedi cynnal yr ymgynghori a fynnir gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau mewn perthynas â diogelwch bwyd (4).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwylir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac y mae'n ymddangos i Weinidogion Cymru yn hwylus dehongli cyfeiriadau at offerynnau Cymunedol penodol yn y Rheoliadau hyn fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i'w gilydd.

Yn unol ag adran 56(1) o Ddeddf Cyllid 1973(5), mae'r Trysorlys yn cydsynio i'r Rheoliadau hyn gael eu gwneud.

The Welsh Ministers have been designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to measures in the veterinary and phytosanitary fields for the protection of public health.

The Welsh Ministers make the following Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and by section 56(1) and (2) of the Finance Act 1973(3).

The Welsh Ministers have carried out the consultation 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(4).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for references to the Community instruments referred to in Schedule 1 to be construed as references to those instruments as amended from time to time.

In accordance with section 56(1) of the Finance Act 1973(5), the Treasury consent to the making of these Regulations.

RHAN 1

Darpariaethau cyffredinol

Enwi, cymhwys o a chychwyn

1. Mae'r Rheoliadau hyn—

- (a) yn dwyn yr enw Rheoliadau Enseffalopathiau Sbyngffurf Trosglwyddadwy (Cymru) 2008;
- (b) yn gymwys o ran Cymru; ac
- (c) yn dod i rym ar 31 Rhagfyr 2008..

PART 1

General provisions

Title, application and commencement

1. These Regulations—

- (a) are entitled the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008;
- (b) apply in relation to Wales; and
- (c) come into force on 31 December 2008

(1) O.S. 2008/1792.

(2) 1972 p.68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(3) 1973 p.51.

(4) OJ Rhif L 31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1642/2003 (OJ Rhif L 245, 29.9.2003, t. 4).

(5) 1973, p.51. Trosglwyddwyd swyddogaethau i Weinidogion Cymru gan adran 59(5) o Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) S.I. 2008/1792.

(2) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

(3) 1973 c.51.

(4) OJ No L 31, 1.2.2002, p.1, as last amended by Regulation (EC) No 1642/2003 (OJ No L 245, 29.9.2003, p. 4).

(5) 1973, c.51. Functions transferred to the Welsh Ministers by section 59(5) of the Government of Wales Act 2006 (c.32).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae'r ymadrodd "anifail buchol" ("bovine animal") yn cynnwys bualod a byfflos (gan gynnwys byfflos dŵr);

ystyr "arolygydd" ("inspector") yw arolygydd a benodwyd o dan reoliad 12, ac ystyr "arolygydd milfeddygol" ("veterinary inspector") yw milfeddyg a benodwyd gan Weinidogion Cymru yn arolygydd;

ystyr "awdurdod lleol" ("local authority") mewn perthynas ag ardal yw'r cyngor sir neu'r cyngor bwrdeistref sirol ar gyfer yr ardal honno;

ystyr "BSE" ("BSE") yw enseffalopathi sbyngffurf buchol;

mae i'r ymadrodd "labordy profi cymeradwy" ("approved testing laboratory") yr ystyr a roddir iddo ym mharagraff 4(3) of Atodlen 2;

mae i "lladd-dy" ("slaughterhouse") yr ystyr a roddir iddo ym mharagraff 1(16) o Atodiad I i Reoliad (EC) Rhif 853/2004, ac y mae'n sefydliad—

- (a) sydd wedi ei gymeradwyo neu ei gymeradwyo yn amodol gan yr Asiantaeth Safonau Bwyd o dan Erthygl 31(2) o Reoliad (EC) Rhif 882/2004; neu
- (b) sy'n gweithredu fel y cyfryw o dan Erthygl 4(5) o Reoliad (EC) Rhif 853/2004, tra'n aros am gymeradwyaeth o'r fath;

mae i "pasbort gwartheg" ("cattle passport") yr un ystyr ag sydd iddo yn Rheoliadau Adnabod Gwartheg (Cymru) 2007(1);

ystyr "Penderfyniad y Comisiwn 2007/411/EC" ("Commission Decision 2007/411/EC") yw Penderfyniad y Comisiwn 2007/411/EC sy'n gwahardd rhoi ar y farchnad unrhyw gynhyrchion sy'n deillio o anifeiliaid buchol a anwyd neu a fagwyd yn y Deyrnas Unedig cyn 1 Awst 1996, at unrhyw ddiben, ac yn esemptio anifeiliaid o'r fath rhag rhai mesurau rheoli a dileu a bennwyd yn Rheoliad (EC) Rhif 999/2001 ac yn diddymu Penderfyniad 2005/598(2);

ystyr "Rheoliad (EC) Rhif 1774/2002" ("Regulation (EC) No. 1774/2002") yw Rheoliad (EC) Rhif 1774/2002 Senedd Ewrop a'r Cyngor sy'n pennu rheolau iechyd mewn cysylltiad â sgil gynhyrchion anifeiliaid nad ydynt wedi eu bwriadu

Interpretation

2.—(1) In these Regulations—

"approved testing laboratory" ("*labordy profi cymeradwy*") has the meaning given to it in paragraph 4(3) of Schedule 2;

"bovine animal" ("*anifail buchol*") includes bison and buffalo (including water buffalo);

"BSE" ("*BSE*") means bovine spongiform encephalopathy;

"cattle passport" ("*pasbort gwartheg*") has the same meaning as in the Cattle Identification (Wales) Regulations 2007(1);

"Commission Decision 2007/411/EC" ("*Penderfyniad y Comisiwn*") means Commission Decision 2007/411/EC prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598(2);

"Community TSE Regulation" ("*Rheoliad TSE y Gymuned*") means Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(3), as read with—

- (a) Commission Decision 2007/411/EC; and
- (b) Commission Decision 2007/453/EC establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk(4);

"cutting plant" ("*safle torri*") (except in Schedule 7, paragraph 9(2)(b)(iii)) has the meaning given to it in paragraph 1(17) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004; or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval;

"inspector" ("*arolygydd*") means an inspector appointed under regulation 12, and "veterinary inspector" ("*arolygydd milfeddygol*") means a veterinary surgeon appointed by the Welsh Ministers as an inspector;

(1) O.S. 2007/842 (Cy.74).

(2) OJ Rhif L 155, 15.6.2007, t. 74.

(3) OJ Rhif L 273, 10.10.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 523/2008 (OJ Rhif L153, 12.6.2008, t. 23).

(1) S.I. 2007/842 (W.74).

(2) OJ No L 155, 15.6.2007, p.74.

(3) OJ No L 147, 31.5.2001, p.1, as last amended by Commission Regulation (EC) No 571/2008 (OJ No L 161, 20.6.2008, p.4).

(4) OJ No L 172, 30.6.2007, p.84.

- i'w bwyta gan bobl(3), fel y'i darllenir ar y cyd ag-
- (a) Rheoliad y Comisiwn (EC) Rhif 811/2003 sy'n gweithredu Rheoliad (EC) Rhif 1774/2002 Senedd Ewrop a'r Cyngor mewn perthynas â gwahardd ailgylchu mewnrhywogaethol ar gyfer pysgod, claddu a llosgi sgil-gynhyrchion anifeiliaid a rhai mesurau trosiannol(1);
 - (b) Rheoliad y Comisiwn (EC) Rhif 878/2004 sy'n pennu mesurau trosiannol yn unol â Rheoliad (EC) Rhif 1774/2002 ar gyfer rhai sgil-gynhyrchion anifeiliaid a ddosberthir yn ddeunyddiau Categori 1 a 2 ac a fwriedir ar gyfer dibenion technegol(2); ac
 - (c) Rheoliad y Comisiwn (EC) Rhif 92/2005 sy'n gweithredu Rheoliad (EC) Rhif 1774/2002 Senedd Ewrop a'r Cyngor mewn perthynas â dulliau o waredu neu o ddefnyddio sgil-gynhyrchion anifeiliaid, ac sy'n diwygio ei Atodiad VI mewn perthynas â thrawsnewid bionwy a phrosesu brasterau sydd wedi eu rendro (3);

ystyr "Rheoliad (EC) Rhif 853/2004" ("Regulation (EC) No. 853/2004") yw Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n pennu rheolau hylendid penodol ar gyfer bwyd sy'n tarddu o anifeiliaid(4), fel y'i darllenir ar y cyd ag—

- (a) Cyfarwyddeb 2004/41/EC Senedd Ewrop a'r Cyngor sy'n diddymu cyfarwyddebau penodol ynglŷn â hylendid bwyd ac amodau iechyd ar gyfer cynhyrchu a rhoi ar y farchnad rhai cynhyrchion sy'n tarddu o anifeiliaid ac a fwriedir ar gyfer eu bwyta gan bobl, ac yn diwygio Cyfarwyddebau y Cyngor 89/662/EEC a 92/118/EEC a Phenderfyniad y Cyngor 95/408/EC(5);
- (b) Rheoliad y Comisiwn (EC) Rhif 1688/2005 sy'n gweithredu Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor mewn perthynas â gwarantau arbennig ynglyn â salmonela ar gyfer llwythi a anfonir i'r Ffindir a Sweden, o fathau penodol o gig ac wyau (6);
- (c) Rheoliad y Comisiwn (EC) Rhif 2074/2005 sy'n pennu mesurau cyflawni ar gyfer rhai cynhyrchion o dan Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor ac ar gyfer

(1) OJ Rhif L 117, 13.5.2003, t. 14.

(2) OJ Rhif L 162, 30.4.2004, t. 62, fel y'i diwygiwyd gan Reoliad (EC) Rhif 1877/2006 (OJ Rhif L 360, 19.12.2006, t. 133).

(3) OJ Rhif L 19, 21.1.2005, t. 27, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 1576/2007 (OJ Rhif L 340, 22.12.07, t. 89).

(4) OJ Rhif L 139, 30.04.2004, t. 55. Nodir testun diwygiedig Rheoliad (EC) Rhif 853/2004 yn awr mewn Corrigendwm (OJ Rhif L 226, 25.6.2004, t. 22) y dylid ei ddarllen ar y cyd â Chorigendwm pellach (OJ Rhif L204, 4.8.2007, t. 26), fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1243/2007 (OJ Rhif L 281, 25.10.2007, t. 8).

(5) OJ Rhif L 157, 30.4.2004, t. 33. Nodir testun diwygiedig Cyfarwyddeb 2004/41/EC yn awr mewn Cywiriad (OJ Rhif L 195, 2.6.2004, t. 12).

(6) OJ Rhif L 271, 15.10.2005, t. 17.

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

"Regulation (EC) No. 1774/2002" ("Rheoliad (EC) Rhif. 1774/2002") means Regulation (EC) No. 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption(1), as read with—

- (a) Commission Regulation (EC) No. 811/2003 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures(2);
- (b) Commission Regulation (EC) No. 878/2004 laying down transitional measures in accordance with Regulation (EC) No. 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes(3); and
- (c) Commission Regulation (EC) No. 92/2005 implementing Regulation (EC) No. 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats(4);

"Regulation (EC) No. 853/2004" ("Rheoliad (EC) Rhif. 853/2004") means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(5), as read with—

- (a) Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(6);
- (b) Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004

(1) OJ No L 273, 10.10.2002, p.1, as last amended by Commission Regulation (EC) No 523/2008 (OJ No L 153, 12.6.2008, p 23).

(2) OJ No L 117, 13.5.2003, p.14.

(3) OJ No L 162, 30.4.2004, p.62, as amended by Regulation (EC) No 1877/2006 (OJ No L 360, 19.12.2006, p133).

(4) OJ No L 19, 21.1.2005, p.27, as last amended by Regulation (EC) No 1576/2007 (OJ No L 340, 22.12.07, p.89).

(5) OJ No L 139, 30.04.2004, p.55. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (OJ No L 226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No L204, 4.8.2007, p.26), as last amended by Commission Regulation (EC) No 1243/2007 (OJ No L 281, 25.10.2007, p.8).

(6) OJ No L 157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No L 195, 2.6.2004, p.12).

- trefnu rheolaethau swyddogol o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor sy'n rhanddirymu Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(1); ac
- (ch) Rheoliad y Comisiwn (EC) Rhif 2076/2005 sy'n pennu trefniadau trosiannol ar gyfer gweithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004 ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(2);

ystyr "Rheoliad (EC) Rhif 882/2004" ("Regulation (EC) No. 882/2004") yw Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a gyflawnir er mwyn gwirio cydymffurfiaeth â rheolau cyfraith bwydydd anifeiliaid a bwyd, iechyd anifeiliaid a lles anifeiliaid (3), fel y'i darllenir ar y cyd ag—

- (a) Rheoliad y Comisiwn (EC) Rhif 2074/2005; a
 (b) Rheoliad y Comisiwn (EC) Rhif 2076/2005;

ystyr "Rheoliad TSE y Gymuned" ("Community TSE Regulation") yw Rheoliad (EC) Rhif 999/2001 Senedd Ewrop a'r Cyngor sy'n gosod rheolau ar gyfer atal, rheoli a dileu rhai mathau o enseffalopathiau sbyngffurf trosglwyddadwy(4), fel y'i darllenir ar y cyd ag—

- (a) Penderfyniad y Comisiwn 2007/411/EC; a
 (b) Penderfyniad y Comisiwn 2007/453/EC sy'n sefydlu statws BSE Aelod-wladwriaethau neu drydydd gwledydd neu ranbarthau ohonynt yn unol â'u risg BSE(5);

mae i'r ymadrodd "saflen torri" ("cutting plant") (ac eithrio ym mharagraff 9(2)(b)(iii) o Atodlen 7) yr ystyr a roddir iddo ym mharagraff 1(17) o Atodiad I i Reoliad (EC) Rhif 853/2004, ac y mae'n sefydliad—

- (a) sydd wedi ei gymeradwyo neu ei gymeradwyo yn amodol gan yr Asiantaeth Safonau Bwyd o dan Erthygl 31(2) o Reoliad (EC) Rhif 882/2004; neu
 (b) sy'n gweithredu fel y cyfryw o dan Erthygl 4(5) o Reoliad (EC) Rhif 853/2004, tra'n aros

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- (1) OJ Rhif L 338, 22.12.2005, t. 27, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1244/2007 (OJ Rhif L 281, 25.10.2007, t. 12).
- (2) OJ Rhif L 338, 22.12.2005, t. 83, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1246.2007 (OJ Rhif L 281, 25.10.2007, t. 21).
- (3) OJ Rhif L 165 , 30.4.2004 , t. 1. Nodir testun diwygiedig Rheoliad (EC) Rhif 882/2004 yn awr mewn Corigendwm (OJ Rhif L 191, 28.5.2004, t. 1), fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006 (OJ Rhif L 363, 20.12.2006, t. 1).
- (4) OJ Rhif L 147, 31.5.2001, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 571/2008 (OJ Rhif L 161, 20.6.2008, t. 4).
- (5) OJ Rhif L 172, 30.6.2007, t. 84.

of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(1);

- (c) Commission Regulation (EC) No. 2074/2005 laying down implementation measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(2); and
- (d) Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(3);

"Regulation (EC) No. 882/2004" ("Rheoliad (EC) Rhif. 882/2004") means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(4), as read with—

- (a) Commission Regulation (EC) No. 2074/2005; and
 (b) Commission Regulation (EC) No. 2076/2005;

"slaughterhouse"("lladd-dy") has the meaning given to it in paragraph 1(16) of Annex I to Regulation (EC) No. 853/2004, and is an establishment which is—

- (a) approved or conditionally approved as such by the Food Standards Agency under Article 31(2) of Regulation (EC) No. 882/2004; or
 (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval; and

(1) OJ No L 271, 15.10.2005, p.17.

(2) OJ No L 338, 22.12.2005, p.27, as last amended by Commission Regulation (EC) No 1244/2007 (OJ No L 281, 25.10.2007, p.12).

(3) OJ No L 338, 22.12.2005, p.83, as last amended by Commission Regulation (EC) No 1246.2007 (OJ No L 281, 25.10.2007, p.21).

(4) OJ No L 165 , 30.4.2004 , p.1. The revised text of Regulation (EC) No 882/2004 is now set out in a Corrigendum (OJ No L 191, 28.5.2004, p.1), as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).

am gymeradwyaeth o'r fath; ac
ystyr "TSE" ("TSE") yw enseffalopathi sbyngffurf
trosglwyddadwy.

(2) Mae gan ymadroddion nad ydynt wedi eu diffinio yn y Rheoliadau hyn ac sy'n ymddangos yn Rheoliad TSE y Gymuned yr un ystyr yn y Rheoliadau hyn ag sydd ganddynt at ddibenion Rheoliad TSE y Gymuned.

(3) Mae'r cyfeiriadau yn y Rheoliadau hyn at offerynnau y Gymuned a nodir yn Atodlen 1 yn gyfeiriadau at yr offerynnau hynny fel y'u diwygiwyd o bryd i'w gilydd.

Penodi awdurdod cymwys

3. Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion Rheoliad TSE y Gymuned ac eithrio pan nodir yn wahanol yn y Rheoliadau hyn.

Eithrio ar gyfer ymchwil

4.—(1) Nid yw'r darpariaethau yn Atodlenni 2 i 8 yn gymwys o ran anifeiliaid a gedwir at ddibenion ymchwil mewn safleoedd sydd wedi'u cymeradwyo at y dibenion hynny o dan y rheoliad hwn gan Weinidogion Cymru.

(2) Os bydd farw neu os lleddir anifail buchol, dafad neu afr neu eu hepil a gedwir mewn mangre ymchwil cymeradwy, rhaid i'r meddiannydd waredu'r anifail fel sgil-gynnrych anifail Categori 1 yn unol â Rheoliad (EC) Rhif 1774/2002, ac y mae peidio â gwneud hynny yn dramgydd.

"TSE" ("TSE") means transmissible spongiform encephalopathy.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

(3) References in these Regulations to the Community instruments identified in Schedule 1 are references to those instruments as amended from time to time.

Appointment of competent authority

3. The Welsh Ministers are the competent authority for the purposes of the Community TSE Regulation except as otherwise specified in these Regulations.

Exception for research

4.—(1) The provisions of Schedules 2 to 8 do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under this regulation by the Welsh Ministers.

(2) If a bovine animal, sheep or goat kept in approved research premises or its progeny dies or is killed, the occupier must dispose of it as a Category 1 animal by-product in accordance with Regulation (EC) No. 1774/2002, and failure to do so is an offence.

RHAN 2

Cyflwyno Atodlenni

Yr Atodlenni

5. Mae'r Atodlenni canlynol yn effeithiol—
- (a) Atodlen 2 (monitro TSE);
 - (b) Atodlen 3 (rheoli a dileu TSE mewn anifeiliaid buchol);
 - (c) Atodlen 4 (rheoli a dileu TSE mewn defaid a geifr);
 - (ch) Atodlen 5 (rheoli a dileu TSE mewn anifeiliaid nad ydynt o deulu'r fuwch, y ddafad na'r afr);
 - (d) Atodlen 6 (bwyd yd anifeiliaid);
 - (dd) Atodlen 7 (deunydd risg penodedig, cig a wahanir yn fecanyddol a thechnegau cifydd); ac
 - (e) Atodlen 8 (cyfyngiadau ar allforio).

PART 2

Introduction of Schedules

The Schedules

5. The following Schedules have effect—
- (a) Schedule 2 (TSE monitoring);
 - (b) Schedule 3 (control and eradication of TSE in bovine animals);
 - (c) Schedule 4 (control and eradication of TSE in sheep and goats);
 - (d) Schedule 5 (control and eradication of TSE in animals that are not bovine, ovine or caprine);
 - (e) Schedule 6 (feedingstuffs);
 - (f) Schedule 7 (specified risk material, mechanically separated meat and slaughtering techniques); and
 - (g) Schedule 8 (restrictions on export).

RHAN 3

Gweinyddu a gorfodi

Cymeradwyo, awdurdodi, trwyddedu a chofrestru

6.—(1) Rhaid i Weinidogion Cymru roi cymeradwyaeth, awdurdodiad, trwydded neu gofrestriad o dan y Rheoliadau hyn os bodlonir Gweinidogion Cymru y cydymffurfir â darpariaethau Rheoliad TSE y Gymuned a'r Rheoliadau hyn.

(2) Rhaid i hyn fod mewn ysgrifen a rhaid iddo nodi—

- (a) cyfeiriad y fangre;
- (b) enw'r meddiannydd; ac
- (c) y diben y rhoddir ef ar ei gyfer.

(3) Caniateir ei wneud yn ddarostyngedig i ba bynnag amodau sy'n angenrheidiol er mwyn—

- (a) sicrhau y cydymffurfir â darpariaethau Rheoliad TSE y Gymuned a'r Rheoliadau hyn; neu
- (b) amddiffyn iechyd y cyhoedd neu iechyd anifeiliad.

(4) Os gwrthodant roi cymeradwyaeth, awdurdodiad, trwydded neu gofrestriad, neu os rhoddant un yn ddarostyngedig i amodau, rhaid i Weinidogion Cymru—

- (a) roi rhesymau mewn ysgrifen; a
- (b) esbonio bod hawl gan yr ymgeisydd i gyflwyno sylwadau ysgrifenedig i berson a benodir gan Weinidogion Cymru.

(5) Yna bydd y weithdrefn apelio yn rheoliad 10 yn gymwys.

Dyletswydd y meddiannydd

7. Bydd meddiannydd unrhyw fangre a gymeradwyir, a awdurdodir, a drwyddedir neu a gofrestrir o dan y Rheoliadau hyn yn cyflawni tramgydd oni fydd yn sicrhau bod—

- (a) y fangre yn cael ei chynnal a'i gweithredu yn unol ag—
 - (i) unrhyw amod o'r gymeradwyaeth, awdurdodiad, trwydded neu gofrestriad; a
 - (ii) gofynion Rheoliad TSE y Gymuned a'r Rheoliadau hyn; a
- (b) bod unrhyw berson a gyflogir ganddo, ac unrhyw berson a awdurdodir i fynd mewn i'r safle, yn cydymffurfio â'r amodau a'r gofynion hynny.

Atal a diwygio

8.—(1) Caiff Gweinidogion Cymru atal neu ddiwygio cymeradwyaeth, awdurdodiad, trwydded neu

PART 3

Administration and enforcement

Approvals, authorisations, licences and registrations

6.—(1) The Welsh Ministers must grant an approval, authorisation, licence or registration under these Regulations if the Welsh Ministers are satisfied that the provisions of the Community TSE Regulation and these Regulations will be complied with.

(2) It must be in writing, and must specify—

- (a) the address of the premises;
- (b) the name of the occupier; and
- (c) the purpose for which it is granted.

(3) It may be made subject to such conditions as are necessary to—

- (a) ensure that the provisions of the Community TSE Regulation and these Regulations will be complied with; or
- (b) protect public or animal health.

(4) Where refusing to grant an approval, authorisation, licence or registration, or granting one subject to conditions, the Welsh Ministers must—

- (a) give reasons in writing; and
- (b) explain that the applicant has the right to make written representations to a person appointed by the Welsh Ministers.

(5) The appeals procedure in regulation 10 then applies.

Occupier's duty

7. The occupier of any premises approved, authorised, licensed or registered under these Regulations commits an offence if they do not ensure that—

- (a) the premises are maintained and operated in accordance with—
 - (i) any condition of the approval, authorisation, licence or registration; and
 - (ii) the requirements of the Community TSE Regulation and these Regulations; and
- (b) any person employed by them, and any person permitted to enter the premises, complies with those conditions and requirements.

Suspension and amendment

8.—(1) The Welsh Ministers may suspend or amend an approval, authorisation, licence or registration

gofrestriad a roddwyd o dan y Rheoliadau hyn—

- (a) os na chyflawnwyd unrhyw un o'r amodau y'i rhoddwyd odanynt ; neu
- (b) os bodlonir Gweinidogion Cymru na chydymffurfir â darpariaethau Rheoliad TSE y Gymuned neu ddarpariaethau'r Rheoliadau hyn.

(2) Caiff Gweinidogion Cymru ddiwygio cymeradwyaeth, awdurdodiad, trwydded neu gofrestriad a roddwyd o dan y Rheoliadau hyn os yw Gweinidogion Cymru o'r farn bod hynny yn angenrheidiol yng ngoleuni datblygiadau technegol neu wyddonol.

(3) Caiff ataliad neu ddiwygiad—

- (a) fod yn effeithiol ar unwaith os yw Gweinidogion Cymru o'r farn bod hynny yn angenrheidiol er mwyn amddiffyn iechyd y cyhoedd neu iechyd anifeiliaid; a
- (b) fel arall, caiff fod yn effeithiol ar ôl cyfnod o 21 diwrnod, o leiaf.

(4) Rhaid i'r hysbysiad o'r ataliad neu ddiwygiad—

- (a) fod mewn ysgrifen;
- (b) nodi pa bryd y bydd yr ataliad neu'r diwygiad yn effeithiol;
- (c) nodi'r rhesymau; ac
- (ch) esbonio bod hawl gan y person a hysbysir i gyflwyno sylwadau ysgrifenedig i berson a benodir gan Weinidogion Cymru.

(5) Yna bydd y weithdrefn apelio yn rheoliad 10 yn gymwys.

(6) Os nad yw'r ataliad neu'r diwygiad yn cael effaith ar unwaith a bod sylwadau'n cael eu cyflwyno o dan reoliad 10, ni chaiff fod yn effeithiol cyn penderfynu'r apêl yn derfynol gan Weinidogion Cymru, onid yw Gweinidogion Cymru o'r farn ei bod yn angenrheidiol i'r ataliad neu'r diwygiad gael effaith cyn hynny er mwyn amddiffyn iechyd y cyhoedd neu iechyd anifeiliaid.

Dirymu cymeradwyaeth, etc.

9.—(1) Caiff Gweinidogion Cymru ddirymu cymeradwyaeth, awdurdodiad, trwydded neu gofrestriad a roddwyd o dan y Rheoliadau hyn os bodlonir Gweinidogion Cymru na fydd y fangre yn cael ei rhedeg yn unol â Rheoliad TSE y Gymuned neu'r Rheoliadau hyn ac—

- (a) os yw wedi'i atal ar y pryd a'r cyfnod ar gyfer apelio o dan reoliad 10 wedi dod i ben neu'r ataliad wedi ei gadarnhau yn dilyn apêl o'r fath;
- (b) os oedd wedi ei atal yn flaenorol ac y bu anghyddffurfio pellach â Rheoliad TSE y Gymuned neu'r Rheoliadau hyn; neu

granted under these Regulations if—

- (a) any of the conditions under which it was granted is not fulfilled; or
- (b) the Welsh Ministers are satisfied that the provisions of the Community TSE Regulation or of these Regulations are not being complied with.

(2) The Welsh Ministers may amend an approval, authorisation, licence or registration granted under these Regulations if the Welsh Ministers consider it necessary in the light of technical or scientific developments.

(3) A suspension or amendment—

- (a) may have immediate effect if the Welsh Ministers consider it necessary for the protection of public or animal health; and
- (b) otherwise, may have effect after the expiration of at least 21 days.

(4) Notification of the suspension or amendment must—

- (a) be in writing;
- (b) state when the suspension or amendment comes into effect;
- (c) give the reasons; and
- (d) explain that the person who has been notified has the right to make written representations to a person appointed by the Welsh Ministers.

(5) The appeals procedure in regulation 10 then applies.

(6) If the suspension or amendment does not have immediate effect and representations are made under regulation 10, it must not have effect until the final determination of the appeal by the Welsh Ministers unless the Welsh Ministers consider that it is necessary for the protection of public or animal health for the amendment or suspension to have effect before then.

Revocations of approvals, etc.

9.—(1) The Welsh Ministers may revoke an approval, authorisation, licence or registration granted under these Regulations if the Welsh Ministers are satisfied that the premises will not be operated in accordance with the Community TSE Regulation or these Regulations and if—

- (a) it is currently suspended and the period for appeal under regulation 10 has expired or the suspension has been upheld following such appeal;
- (b) it has been previously suspended and there is further non-compliance with the Community TSE Regulation or these Regulations; or

(c) os bodlonir Gweinidogion Cymru nad yw'r meddiannydd bellach yn defnyddio'r fangre at y diben y rhoddwyd caniatâd ar ei gyfer.

(2) Os yw Gweinidogion Cymru yn dirymu o dan baragraff (1)(b) neu (1)(c) bydd y weithdrefn apelio yn rheoliad 10 yn gymwys ond bydd y dirymiad yn parhau mewn gym yn ystod y weithdrefn apelio.

Apelau

10.—(1) Lle bo'r rheoliad hwn yn gymwys, caiff person gyflwyno sylwadau ysgrifenedig i berson a benodir at y diben hwnnw gan Weinidogion Cymru ynghylch unrhyw benderfyniad gan Weinidogion Cymru, o fewn 21 diwrnod ar ôl hysbysu'r person cyntaf o'r penderfyniad.

(2) Caiff Gweinidogion Cymru hefyd gyflwyno sylwadau ysgrifenedig i'r person a benodir ynglyn â'r penderfyniad.

(3) Rhaid i'r person a benodir wedyn gyflwyno adroddiad ysgrifenedig i Weinidogion Cymru.

(4) Rhaid i Weinidogion Cymru hysbysu'r apelydd o'u penderfyniad terfynol a'r rhesymau amdano, mewn ysgrifen.

Prisiadau

11.—(1) Mae'r rheoliad hwn yn gymwys pan fo prisiad yn angenheidiol o dan y Rheoliadau hyn.

(2) Caiff y perchennog a Gweinidogion Cymru gytuno ar y prisiad.

(3) Os na all y perchennog a Gweinidogion Cymru gytuno ar brisiad, cânt benodi prisiwr ar y cyd.

(4) Os na all y perchennog a Gweinidogion Cymru gytuno ar bwy ddylai'r prisiwr fod, caiff Llywydd Sefydliad Brenhinol y Syrfewyr Siartredig enwebu'r prisiwr, a rhaid i'r perchennog a Gweinidogion Cymru dderbyn yr enwebiad hwnnw.

(5) Rhaid i'r prisiwr gyflawni'r prisiad a'i gyflwyno ynghyd ag unrhyw wybodaeth a dogfennau perthnasol eraill i Weinidogion Cymru, a darparu copi i'r perchennog.

(6) Mae hawl gan y perchennog a chynrychiolydd Gweinidogion Cymru i fod yn bresennol yn ystod prisiad.

(7) Bydd y prisiad yn rhwymo'r perchennog a Gweinidogion Cymru.

Penodi arolygwyr

12. Caiff Gweinidogion Cymru a'r awdurdod lleol benodi arolygwyr at y diben o orfodi'r Rheoliadau hyn ac eithrio fel a bennir yn Atodlen 7.

(c) the Welsh Ministers are satisfied that the occupier no longer uses the premises for the purpose for which it was granted.

(2) If the Welsh Ministers revoke under paragraph (1)(b) or (1)(c) the appeals procedure in regulation 10 applies but the revocation remains in force during that appeals procedure.

Appeals

10.—(1) Where this regulation applies, a person may make written representations to a person appointed for the purpose by the Welsh Ministers concerning any decision of the Welsh Ministers within 21 days of notification of the decision to that person.

(2) The Welsh Ministers may also make written submissions to the appointed person concerning the decision.

(3) The appointed person must then report in writing to the Welsh Ministers.

(4) The Welsh Ministers must give to the appellant written notification of the final determination and the reasons for it.

Valuations

11.—(1) This regulation applies when a valuation is necessary under these Regulations.

(2) The owner and the Welsh Ministers may agree on a valuation.

(3) If the owner and the Welsh Ministers cannot agree on a valuation, they may jointly appoint a valuer.

(4) If the owner and the Welsh Ministers cannot agree on who the valuer should be, the President of the Royal Institution of Chartered Surveyors may nominate the valuer, and both the owner and the Welsh Ministers must accept the nomination.

(5) The valuer must carry out the valuation and submit it and any other relevant information and documentation to the Welsh Ministers, and provide a copy to the owner.

(6) Both the owner and a representative of the Welsh Ministers have the right to be present at a valuation.

(7) The valuation is binding on both the owner and the Welsh Ministers.

Appointment of inspectors

12. The Welsh Ministers and the local authority may appoint inspectors for the purposes of the enforcement of these Regulations except as specified in Schedule 7.

Pwerau mynediad

(1) Mae hawl mynediad gan arolygwyr i unrhyw fangre at y diben o sicrhau y cydymffurfir â Rheoliad TSE y Gymuned neu'r Rheoliadau hyn.

(2) Rhaid iddynt, os gofynnir iddynt, ddangos rhyw ddogfen sydd wedi ei dilysu yn briodol ac yn dangos eu hawdurdod cyn arfer eu hawl o dan baragraff (1).

(3) Cânt arfer eu hawl o dan baragraff (1) ar bob adeg rhesymol o'r dydd.

(4) Cânt fynd gyda hwy—

- (a) pa bynnag bersonau eraill y tybiant sy'n angenrheidiol; a
- (b) unrhyw gynrychiolydd y Comisiwn Ewropeaidd sy'n gweithredu at y diben o orfodi ymrwymiad Cymunedol.

(5) Os yw arolygwyr yn mynd i mewn i fangre na feddiennir gan neb ar y pryd, rhaid iddynt adael y fangre honno (mor bell ag y bo'n ymarfer yn rhesymol) wedi ei diogelu mor effeithiol rhag mynediad anawdurdodedig ag ydoedd cyn dyfodiad yr arolygwyr.

(6) Os yw ynad heddwch, ar sail tystiolaeth ysgrifenedig a roddwyd o dan lw, wedi ei fodloni bod sail resymol dros fynd i mewn i unrhyw fangre at y diben o orfodi'r Rheoliadau hyn, a naill ai—

- (a) gwrthodwyd mynediad, neu disgwylir y bydd mynediad yn cael ei wrthod, ac (yn y naill achos neu'r llall) rhoddwyd hysbysiad i'r meddiannydd y gwneir cais am warant;
- (b) byddai gofyn am gael mynediad, neu roi hysbysiad o'r fath, yn difetha pwrrpas mynd i mewn; neu
- (c) bod yr achos yn achos brys; neu
- (ch) bod y fangre heb ei meddiannu neu fod y meddiannydd yn absennol dros dro,

caiff yr ynad, drwy warant lofnodedig, awdurdodi arolygwyr i fynd i mewn i'r fangre, gan ddefnyddio grym rhesymol pe bai angen.

(7) Mae gwarant o dan yr adran hon yn ddilys am un mis.

(8) Yn y rheoliad hwn mae "mangre" ("premises") yn cynnwys—

- (a) mangre ddomestig os defnyddir hi at unrhyw ddiben mewn cysylltiad â Rheoliad TSE y Gymuned neu'r Rheoliadau hyn; a
- (b) unrhyw gerbyd, cynhwysydd neu adeiledd (symudol neu fel arall).

Powers of entry

(1) Inspectors have a right to enter any premises for the purpose of ensuring that the Community TSE Regulation or these Regulations are being complied with.

(2) They must, if so required, produce some duly authenticated document showing their authority before exercising their right under paragraph (1).

(3) They may exercise the right under paragraph (1) at all reasonable hours.

(4) They may take with them—

- (a) such other persons as they consider necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

(5) If inspectors enter any unoccupied premises they must leave those premises (so far as reasonably practicable) as effectively secured against unauthorised entry as the inspectors found them.

(6) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of the enforcement of these Regulations, and either—

- (a) admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier;
 - (b) asking for admission, or the giving of such a notice, would defeat the object of the entry;
 - (c) the case is one of urgency; or
 - (d) the premises are unoccupied or the occupier is temporarily absent,
- the justice may by a signed warrant authorise inspectors to enter the premises, if need be by reasonable force.

(7) A warrant under this section is valid for one month.

(8) In this regulation "premises" ("mangre") includes—

- (a) domestic premises if they are being used for any purpose in connection with the Community TSE Regulation or these Regulations; and
- (b) any vehicle, container or structure (moveable or otherwise).

Pwerau arolygwyr

14.—(1) Caiff arolygwyr—

- (a) ymafael yn unrhyw—
 - (i) anifail;
 - (ii) corff anifail, ac unrhyw rannau o'r corff (gan gynnwys y gwaed a'r croen) ac unrhyw semen, embryo neu ofwm; neu
 - (iii) protein anifeiliaid neu fwydydd anifeiliaid a all gynnwys protein anifeiliaid,
- a'u gwaredu fel y bo angen;
- (b) cynnal unrhyw ymholiadau, ymchwiliadau, archwiliadau a phrofion;
- (c) casglu, corlannu ac archwilio unrhyw anifail ac at y pwrrpas hwn caint fynnu bod ceidwad unrhyw anifail o'r fath yn trefnu i gasglu a chorlannu'r anifail;
- (ch) archwilio unrhyw gorff anifail ac unrhyw rannau o'r corff (gan gynnwys y gwaed a'r croen) ac unrhyw semen, embryo neu ofwm;
- (d) archwilio unrhyw ran o'r fangre, unrhyw gyfarpar, cyfleuster, gwaith neu weithdrefn;
- (dd)cymryd unrhyw samplau;
- (e) hawl mynediad i unrhyw gofnodion, a'u harchwilio a'u copio (ym mha bynnag ffurf y'u delir) er mwyn penderfynu a gydymffurfir â'r Rheoliadau hyn, gan gynnwys cofnodion a gedwir o dan Reoliad TSE y Gymuned a'r Rheoliadau hyn, neu symud y cyfryw gofnodion er mwyn eu copio;
- (f) hawl mynediad i unrhyw gyfrifiadur a'i archwilio a gwirio ei weithrediad, ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad ag unrhyw gofnod; ac at y diben hwn, caint fynnu bod unrhyw berson sy'n gyfrifol am, neu'n gysylltiedig fel arall â gweithredu'r gyfrifiadur, cyfarpar neu ddeunydd, yn roi iddynt ba bynnag gymorth a fynnant yn rhesymol (gan gynnwys darparu unrhyw gyfrineiriau angenrheidiol) ac os cedwir cofnod ar gyfrifiadur, caint fynnu bod cofnodion yn cael eu cynhyrchu mewn ffurf sy'n caniatáu eu cludo ymaith;
- (ff) marcio unrhyw beth (gan gynnwys anifail) yn electronig neu fel arall, at y diben o'i adnabod; ac
- (g) cloi neu selio unrhyw gynhwysydd neu storfa.

(2) Bydd unrhyw berson sy'n difwyno, dileu neu'n tynnu ymaith unrhyw farc neu sêl, neu'n tynnu ymaith unrhyw glo a osodwyd o dan baragraff (1) yn euog o dramgydd.

(3) Ni yw arolygwyr yn atebol yn bersonol am unrhyw beth a wnânt—

- (a) wrth weithredu'r Rheoliadau hyn neu i'r perwyl

Powers of inspectors

14.—(1) Inspectors may—

- (a) seize any—
 - (i) animal;
 - (ii) body of an animal, and any parts of the body (including the blood and the hide) and any semen, embryo or ovum; or
 - (iii) animal protein or feedingstuffs that may contain animal protein,
- and dispose of them as necessary;
- (b) carry out any inquiries, investigations, examinations and tests;
- (c) collect, pen and inspect any animal and for this purpose may require the keeper of any such animal to arrange for the collection and penning of the animal;
- (d) inspect any body of an animal and any parts of the body (including the blood and the hide) and any semen, embryo or ovum;
- (e) inspect any part of the premises, any equipment, facility, operation or procedure;
- (f) take any samples;
- (g) have access to, and inspect and copy any records (in whatever form they are held) in order to determine if these Regulations are being complied with, including records kept under the Community TSE Regulation and these Regulations, or remove such records to enable them to be copied;
- (h) have access to, inspect and check the operation of, any computer and any associated apparatus or material that is or has been in use in connection with any record; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford them such assistance as the inspector may reasonably require (including providing them with any necessary passwords) and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
- (i) mark anything (including an animal) whether electronically or otherwise, for identification purposes; and
- (j) lock or seal any container or store.

(2) Any person who defaces, obliterates, or removes any mark or seal, or removes any lock, applied under paragraph (1) is guilty of an offence.

(3) Inspectors are not personally liable for anything they do—

- (a) in the execution or purported execution of

o'u gweithredu; a

- (b) sydd o fewn cwmpas eu cyflogaeth,

os oeddent yn gweithredu gan gredu yn onest bod eu dyletswydd o dan y Rheoliadau hyn yn mynnu eu bod yn ei wneud, neu'n rhoi'r hawl iddynt i'w wneud; ond nid yw hyn yn effeithio ar unrhyw atebolwydd ar ran eu cyflogwr.

Hysbysiadau

15.—(1) Os yw'n angenrheidiol, am unrhyw reswm sy'n gysylltiedig â gorfodi Reoliad TSE y Gymuned neu'r Rheoliadau hyn, caiff arolygwyr gyflwyno hysbysiad—

- (a) i berchennog neu geidwad unrhyw anifail;
- (b) i'r person sydd â chorff neu unrhyw ran o gorff anifail (gan gynnwys y gwaed a'r croen) neu unrhyw semen, embryo neu ofwm yn ei feddiant; neu
- (c) i'r person sydd ag unrhyw brotein anifeiliaid neu fwydydd anifeiliaid a all gynnwys protein anifeiliaid yn ei feddiant.

(2) Rhaid i'r hysbysiad fod mewn ysgrifen a rhaid iddo nodi'r rhesymau dros ei gyflwyno.

(3) Caiff yr hysbysiad—

- (a) wahardd neu fynnu bod unrhyw anifail yn cael ei symud i mewn neu allan o'r fangre a bennir yn yr hysbysiad;
- (b) pennu pa rannau o'r fangre y ceir neu na cheir caniatâu i anifail gael mynediad iddynt;
- (c) mynnu bod unrhyw anifail yn cael ei ladd neu ei gigydda;
- (ch) gwahardd neu fynnu symud corff unrhyw anifail neu unrhyw ran o gorff (gan gynnwys gwaed a chroen) unrhyw anifail, unrhyw brotein anifeiliaid neu fwydydd anifeiliaid a all gynnwys protein anifeiliaid, ac unrhyw semen, embryo neu ofwm anifeiliaid i mewn neu allan o'r fangre a nodir yn yr hysbysiad;
- (d) mynnu bod corff neu unrhyw ran o gorff (gan gynnwys gwaed a chroen) unrhyw anifail (pa un a oedd yn anifail y mynnwyd ei ddal dan gadw ai peidio) ac unrhyw semen, embryo neu ofwm fel a nodir yn yr hysbysiad yn cael eu gwaredu;
- (dd) mynnu bod unrhyw brotein anifeiliaid neu fwydydd anifeiliaid a all gynnwys protein anifeiliaid yn cael eu gwaredu neu bennu sut y maent i'w defnyddio; neu
- (e) mynnu bod unrhyw brotein anifeiliaid neu fwydydd anifeiliaid a all gynnwys protein anifeiliaid yn cael ei adalw.

(4) Os yw arolygwyr yn amau bod unrhyw fangre, cerbyd neu gynhwysydd y mae Rheoliad TSE y Gymuned neu'r Rheoliadau hyn yn gymwys iddi neu

these Regulations; and

- (b) within the scope of their employment,

if they acted in the honest belief that their duty under these Regulations required or entitled them to do it; but this does not affect any liability of their employer.

Notices

15.—(1) If it is necessary for any reason connected with the enforcement of the Community TSE Regulation or these Regulations inspectors may serve a notice on—

- (a) the owner or keeper of any animal;
- (b) the person in possession of the body or any part of the body of an animal (including the blood and the hide) or any semen, embryo or ovum; or
- (c) the person in possession, or supplier, of any animal protein or feedingstuffs that may contain animal protein.

(2) The notice must be in writing, and must give the reasons for it being served.

(3) The notice may—

- (a) prohibit or require the movement of any animal onto or from the premises specified in the notice;
- (b) specify those parts of premises to which an animal may or may not be allowed access;
- (c) require the killing or slaughter of any animal;
- (d) prohibit or require the movement onto or from premises specified in the notice of the body or any part of the body (including the blood and the hide) of any animal, any animal protein or feedingstuffs that may contain animal protein, and any animal semen, embryo or ovum;
- (e) require the disposal of the body or any part of the body (including the blood and the hide) of any animal (whether or not it is one that was required to be detained), and any semen, embryo or ovum as may be specified in the notice;
- (f) require the disposal of any animal protein or feedingstuffs that may contain animal protein or specify how they are to be used; or
- (g) require the recall of any animal protein or feedingstuffs that may contain animal protein.

(4) If inspectors suspect that any premises, vehicle or container to which the Community TSE Regulation or these Regulations apply constitutes a risk to animal or

iddo yn peri risg i iechyd anifeiliaid neu iechyd y cyhoedd, cânt gyflwyno hysbysiad i'r meddiannydd neu'r person sy'n gyfrifol am y fangre, y cerbyd neu'r cynhwysydd i fynnu bod y person hwnnw yn glanhau a diheintio'r cyfan neu unrhyw ran o'r fangre, cerbyd neu gynhwysydd yngyd ag unrhyw gyfarpar sy'n gysylltiedig.

(5) Caiff hysbysiad bennu'r modd y bydd yn rhaid cydymffurfio â'r hysbysiad, a phennu terfynau amser.

(6) Rhaid cydymffurfio â hysbysiad ar draul y person y cyflwynir yr hysbysiad iddo, ac os na chydymffurfir â'r hysbysiad caiff arolygwyr drefnu ar gyfer cydymffurfio â'r hysbysiad ar draul y person hwnnw.

(7) Mae peidio â chydymffurfio â hysbysiad yn dramgydd.

Hysbysiadau sy'n cyfyngu ar symud

16.—(1) Os cyflwynir hysbysiad sy'n cyfyngu ar symudiadau, caiff arolygwyr yn ddiweddarach ganiatáu symud o dan awdurdod trwydded.

(2) Rhaid i berson sy'n cludo o dan awdurdod trwydded fynd â'r drwydded gydag ef yn ystod unrhyw symudiad, a'i dangos i unrhyw arolygydd sy'n gofyn am ei gweld, ac y mae peidio â gwneud hynny yn dramgydd.

Rhwystro

17. Mae person yn euog o dramgydd os yw—

- (a) yn fwriadol yn rhwystro arolygydd sy'n gweithredu o dan y Rheoliadau hyn;
- (b) heb achos rhesymol, yn peidio â rhoi unrhyw gymorth neu wybodaeth i arolygydd sy'n gweithredu o dan y Rheoliadau hyn neu'n peidio â darparu unrhyw gyfleusterau y mae'r arolygydd yn rhesymol yn mynnu bod y person hwnnw yn eu rhoi neu'n eu darparu er mwyn i'r arolygydd gyflawni ei swyddogaethau o dan y Rheoliadau hyn;
- (c) yn rhoi gwybodaeth ffug neu gamarweiniol i arolygydd sy'n gweithredu o dan y Rheoliadau hyn; neu
- (ch) yn peidio â dangos cofnod pan fynnir ei fod yn gwneud hynny gan arolygydd sy'n gweithredu o dan y Rheoliadau hyn.

Cosbau

18. Mae person a geir yn euog o dramgydd o dan y Rheoliadau hyn—

- (a) o'i gollfarnu'n ddiannod, yn agored i ddirwy o ddim mwy na'r mwyafswm statudol neu garchar am dymor o dri mis neu'r ddaug; neu
- (b) o'i gollfarnu ar ddiadiad, i ddirwy neu garchar

public health, they may serve a notice on the occupier or person in charge of the premises, vehicle or container requiring that person to cleanse and disinfect all or any part of the premises, vehicle or container and any associated equipment.

(5) A notice may specify how it must be complied with, and specify time limits.

(6) A notice must be complied with at the expense of the person on whom it is served, and if it is not complied with inspectors may arrange to have it complied with at that person's expense.

(7) Failure to comply with a notice is an offence.

Notices restricting movement

16.—(1) If a notice is served restricting movements, inspectors may subsequently permit movement under the authority of a licence.

(2) The person transporting under the authority of a licence must carry the licence with him or her during any movement, and produce it on demand to an inspector, and failure to do so is an offence.

Obstruction

17. A person is guilty of an offence if that person—

- (a) intentionally obstructs an inspector acting under these Regulations;
- (b) without reasonable cause, fails to give to an inspector acting under these Regulations any assistance or information or to provide any facilities that the inspector may reasonably require that person to give or provide for the performance of the inspector's functions under these Regulations;
- (c) gives false or misleading information to an inspector acting under these Regulations; or
- (d) fails to produce a record when required to do so by an inspector acting under these Regulations.

Penalties

18. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term of three months or both; or
- (b) on conviction on indictment, to a fine or to

am dymor o ddim mwy na dwy flynedd, neu'r ddau.

Tramgwyddau gan gyrrff corfforaethol

19.—(1) Os cyflawnir tramgwydd o dan y Rheoliadau hyn gan gorff corfforaethol ac os dangosir—

- (a) ei bod wedi ei chyflawni gyda chydyniad neu ymoddefiad swyddog; neu
- (b) y gellir ei phriodoli i unrhyw esgeulustod ar ran swyddog,

yna mae'r swyddog yn ogystal â'r corff corfforaethol yn euog o dramgwydd ac yn agored i'w herlyn a'u cosbi yn unol â hynny.

(2) Os rheolir gweithrediadau corff corfforaethol gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd yr aelodau mewn cysylltiad â'u swyddogaethau rheoli, fel pe baent yn gyfarwyddwr y corff.

(3) Os cyflawnir tramgwydd o dan y Rheoliadau hyn gan bartneriaeth ac os dangosir—

- (a) ei bod wedi ei chyflawni gyda chydyniad neu ymoddefiad partner; neu
- (b) y gellir ei phriodoli i unrhyw esgeulustod ar ran partner,

yna mae'r partner yn ogystal â'r bartneriaeth yn euog o dramgwydd ac y maent yn agored i'w herlyn a'u cosbi yn unol â hynny.

(4) Os cyflawnir tramgwydd o dan y Rheoliadau hyn gan gymdeithas anghorfforedig ac eithrio partneriaeth ac os dangosir—

- (a) ei bod wedi ei chyflawni gyda chydyniad neu ymoddefiad swyddog y gymdeithas neu aelod o'i chorff llywodraethu; neu
- (b) y gellir ei phriodoli i unrhyw esgeulustod ar ran swyddog neu aelod o'r fath,

yna mae'r aelod neu swyddog hwnnw yn ogystal â'r gymdeithas yn euog o dramgwydd ac y maent yn agored i'w herlyn a'u cosbi yn unol â hynny.

(5) Yn y rheoliad hwn—

- (a) ystyr "swyddog" ("officer") mewn perthynas â chorff corfforaethol yw cyfarwyddwr, aelod o'r pwylgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff, neu berson sy'n honni gweithredu mewn unrhyw swydd o'r fath; a
- (b) mae "partner" ("partner") yn cynnwys person sy'n honni gweithredu fel partner.

Gorfodi

20.—(1) Gorfodir Atodlen 2 mewn lladd—dai a safleoedd torri gan Weinidogion Cymru.

imprisonment for a term not exceeding two years or both.

Corporate offences

19.—(1) If an offence under these Regulations 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 members in connection with their functions of management as if they were a director of the body.

(3) If an offence under these Regulations committed by a partnership is shown—

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

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) If any offence under these Regulations committed by an unincorporated association, other than a partnership, is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

that officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this regulation—

- (a) "officer" ("swyddog"), 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; and
- (b) "partner" ("partner") includes a person purporting to act as a partner.

Enforcement

20.—(1) The Welsh Ministers enforce Schedule 2 in slaughterhouses and cutting plants.

(2) Gorfodir Atodlen 7 a pharagraff 2 o Atodlen 8 mewn lladd—dai a safleoedd torri gan yr Asiantaeth Safonau Bwyd.

(3) Fel arall, gorfodir y Rheoliadau hyn gan yr awdurdod lleol.

(4) Mewn perthynas ag achosion o ddisgrifiad penodol neu mewn unrhyw achos penodol, caiff Gweinidogion Cymru gyfarwyddo bod rhaid i ddyletswydd gorfodi a osodir ar awdurdod lleol o dan y rheoliad hwn gael ei chyflawni gan Weinidogion Cymru, ac nid gan yr awdurdod lleol.

Dirymu

21. Dirymir y Rheoliadau canlynol—

- (a) Rheoliadau Enseffalopathiau Sbyngffurf Trosglwyddadwy (Cymru) 2006(1); a
- (b) Rheoliadau Cynhyrchion Buchol (Cyfyngu ar eu Rhoi ar y Farchnad) (Cymru) (Rhif 2) 2005(2).
- (c) Rheoliadau Iawndal Enseffalopathi Sbyngffurf Buchol (BSE) (Cymru) 2006(3); a
- (ch) Rheoliadau Iawndal Enseffalopathi Sbyngffurf Trosglwyddadwy (TSE) Defaid a Geifr (Cymru) 2006(4)

(2) The Food Standards Agency enforces Schedule 7 and paragraph 2 of Schedule 8 in slaughterhouses and cutting plants.

(3) Otherwise these Regulations are enforced by the local authority.

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

Revocations

21. The following Regulations are revoked—

- (a) the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006(1); and
- (b) the Bovine Products (Restriction on Placing on the Market) (Wales) (No.2) Regulations 2005(2).
- (c) the Bovine Spongiform Encephalopathy (BSE) Compensation (Wales) Regulations 2006(3)
- (d) the Sheep and Goats Transmissible Spongiform Encephalopathy (TSE) Compensation (Wales) Regulations 2006(4).

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

9 Rhagfyr 2008

Minister for Rural Affairs, one of the Welsh Ministers

9 December 2008

(1) O.S. 2006/1226 (Cy.117).

(2) O.S. 2005/3296 (Cy.254).

(3) O.S. 2006/1512 (Cy.148).

(4) O.S. 2006/1513 (Cy.149).

(1) S.I. 2006/1226 (W.117).

(2) S.I. 2005/3296 (W.254).

(3) S.I. 2006/1512 (W.148).

(4) S.I. 2006/1513 (W.149).

ATODLEN 1

Rheoliad 2(3)

Cyfeiriadau newidiadwy

Yr offerynnau EC y mae'n rhaid eu dehongli fel y'u diwygir o bryd i'w gilydd yw—

- (a) Rheoliad TSE y Gymuned;
- (b) Rheoliad (EC) Rhif 1774/2002;
- (c) Rheoliad (EC) Rhif 853/2004; ac
- (ch) Rheoliad (EC) Rhif 882/2004.

ATODLEN 2

Rheoliad 5

Monitro TSE

CYNNWYS

RHAN 1

Monitro ar gyfer TSE

1. Hysbysiadau at ddibenion monitro o dan Erthygl 6 o Reoliad TSE y Gymuned
2. Traddodi a chigydda anifeiliaid buchol sydd dros yr oed
3. Samplu coesyn yr ymennydd mewn anifeiliaid buchol
4. Cymeradwyo labordai
5. Cigydda anifeiliaid buchol dros 30 mis oed
6. Cadw cynhyrchion a'u gwaredu
7. Iawndal

RHAN 2

Cynnwys Dull Gofynnol o Weithredu (DGW)

8. Adnabod a gwahanu anifeiliaid
9. Samplu coesyn yr ymennydd
10. Y cydberthyniad rhwng sampl a charcas a rhannau eraill o'r corff
11. Cadw carcasau
12. Cadw rhannau o'r corff
13. Gwaredu cyn derbyn y canlyniad
14. Mesurau eraill sy'n dilyn samplu
15. Tynnu asgwrn y cefn

SCHEDULE 1

Regulation 2(3)

Ambulatory references

The EC instruments which must be construed as amended from time to time are—

- (a) The Community TSE Regulation;
- (b) Regulation (EC) No. 1774/2002;
- (c) Regulation (EC) No. 853/2004; and
- (d) Regulation (EC) No. 882/2004.

SCHEDULE 2

Regulation 5

TSE monitoring

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2. Consignment and slaughter of an over-age bovine animal
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RHAN 1

Monitro ar gyfer TSE

Hysbysiadau at ddibenion monitro o dan Erthygl 6 o Reoliad TSE y Gymuned

1.—(1) At ddibenion monitro o dan Erthygl 6 o Reoliad TSE y Gymuned, rhaid i berson sydd â chorff anifail buchol yn ei feddiant neu o dan ei ofal y mae'n rhaid ei brofi yn unol â phwynt 3(1) o Ran I o Bennod A o Atodiad III i'r Rheoliad hwnnw, neu gorff unrhyw afor a oedd yn 18 mis oed neu'n hyn pan fu farw—

- (a) hysbysu Gweinidogion Cymru o fewn 24 awr ar ôl adeg marwolaeth neu adeg lladd yr anifail, neu'r adeg y daw'r corff i'w feddiant neu o dan ei ofal; a
- (b) ei gadw hyd nes cesglir ef gan neu ar ran Gweinidogion Cymru,

ac y mae peidio â gwneud hynny yn dramgydd.

(2) Nid yw'r paragraff hwn yn gymwys mewn perthynas â geifr a gigyddir i'w bwyta gan bobl neu a leddir yn unol ag Atodlen 4.

Traddodi a chigydda anifeiliaid buchol sydd dros yr oed

2. Os ganwyd neu os magwyd anifail buchol yn y Deyrnas Unedig cyn 1 Awst 1996, mae'n dramgydd—

- (a) ei draddodi i ladd-dy ar gyfer ei fwyta gan bobl (pa un a yw'r anifail yn fyw neu'n farw); neu
- (b) ei gigydd a mewn lladd-dy ar gyfer ei fwyta gan bobl.

Samplu coesyn yr ymennydd mewn anifeiliaid buchol

3.—(1) Rhaid i feddiannydd lladd-dy lle mae anifeiliaid buchol fel a nodir ym mhwynt 2(1) neu 2(2) o Ran I o Bennod A o Atodiad III i Reoliad TSE y Gymuned yn cael eu cifydda —

- (a) gymryd sampl o goesyn yr ymennydd yn unol â phwynt 1 o Bennod C o Atodiad X i Reoliad TSE y Gymuned;
- (b) sicrhau y gellir adnabod yr anifail y cymerwyd y sampl ohono; ac
- (c) trefnu i'r sampl gael ei danfon i labordy profi sydd wedi ei gymeradwyo,

ac y mae peidio â gwneud hynny yn dramgydd.

(2) Rhaid i Weinidogion Cymru, drwy hysbysiad, hysbysu meddiannydd lladd-dy os yw anifail yn dod o fewn y categoriâu a nodir ym mhwynt 2(1) o Ran I o

PART 1

Monitoring for TSE

Notifications for the purposes of monitoring under Article 6 of the Community TSE Regulation

1.—(1) For the purposes of monitoring under Article 6 of the Community TSE Regulation, a person who has in their possession or under their control the body of a bovine animal that must be tested in accordance with point 3(1) of Part I of Chapter A of Annex III to that Regulation, or the body of any goat aged 18 months or over at death, must—

- (a) within 24 hours from the time when the animal dies or was killed or the body comes into their possession or charge notify the Welsh Ministers; and
- (b) detain it until it has been collected by or on behalf of the Welsh Ministers,

and failure to do so is an offence.

(2) This paragraph does not apply in relation to goats slaughtered for human consumption or killed in accordance with Schedule 4.

Consignment and slaughter of an over-age bovine animal

2. If a bovine animal was born or reared in the United Kingdom before 1 August 1996, it is an offence—

- (a) to consign it to a slaughterhouse for human consumption (whether the animal is alive or dead); or
- (b) to slaughter it for human consumption in a slaughterhouse.

Brain stem sampling of bovine animals

3.—(1) The occupier of a slaughterhouse in which a bovine animal specified in point 2(1) or 2(2) of Part I of Chapter A of Annex III to the Community TSE Regulation is slaughtered must—

- (a) take a sample comprising the brain stem for testing in accordance with point 1 of Chapter C of Annex X to the Community TSE Regulation;
- (b) ensure that the animal from which the sample has been taken can be identified; and
- (c) arrange for the sample to be delivered to an approved testing laboratory,

and failure to do so is an offence.

(2) The Welsh Ministers must, by means of a notice, notify the occupier of a slaughterhouse if an animal comes into any of the categories specified in point 2(1)

Bennod A i Atodiad III i Reoliad TSE y Gymuned (ac eithrio yn achos anifail marw a draddodir i ladd-dy ynghyd â datganiad ysgrifenedig gan filfeddyg sy'n datgan bod yr anifail o fewn un o'r categoriâu hynny).

(3) Yn unol â phwynt 5 o Ran 1 o Bennod A o Atodiad III i Reoliad TSE y Gymuned, caiff Gweinidogion Cymru gyflwyno hysbysiad i feddianydd lladd-dy i fynnu ei fod yn cymryd sampl o unrhyw anifail buchol a gigyddir yn y lladd-dy, ac anfon y sampl i'w brofi yn unol ag is-baragraff (1).

Cymeradwyo labordai

4.—(1) Rhaid i Weinidogion Cymru gymeradwyo labordy i brofi samplau a gymerir o dan baragraff 3 os bodlonir Gweinidogion Cymru—

- (a) y bydd y labordy yn cynnal y profion yn unol â Phennod C o Atodiad X i Reoliad TSE y Gymuned;
- (b) bod gan y labordy weithdrefnau digonol ar gyfer rheoli ansawdd; ac
- (c) bod gan y labordy weithdrefnau digonol i sicrhau adnabyddiaeth gywir o'r samplau ac i hysbysu'r lladd-dy sy'n eu traddodi a Gweinidogion Cymru ynghylch canlyniad y prawf.

(2) Caiff Gweinidogion Cymru godi'r ffioedd a nodir yn y tabl canlynol am gymeradwyaeth ddechreuel ac asesiad ansawdd parhaus ar gyfer labordy—

Ffioedd ar gyfer cymeradwyo ac asesu ansawdd labordai

	Ffi(£)
Cymeradwyaeth ddechreuel	29,770
Prawf hyfedredd blynnyddol ac arolygu dilynol am y flwyddyn gyntaf ar ôl cymeradwyo.	8,834
Profion hyfedredd blynnyddol o'r ail flwyddyn ymlaen	4,135
Prawf hyfedredd sengl (yn dilyn methiant yn y profion hyfedredd blynnyddol)	1,385
Cyfradd yr awr am arolygydd (ar gyfer unrhyw arolygiadau ychwanegol sydd eu hangen i wirio cydymffurfiaeth â'r materion a nodir yn is-baragraffau (1)(a) i (c))	87.24

of Part I of Chapter A to Annex III to the Community TSE Regulation (except in the case of a dead animal consigned to a slaughterhouse with a written declaration from a veterinary surgeon that it falls into one of those categories).

(3) In accordance with point 5 of Part I of Chapter A of Annex III to the Community TSE Regulation, the Welsh Ministers may serve a notice on the occupier of a slaughterhouse requiring them to take a sample from any bovine animal slaughtered there and send it for testing in accordance with sub-paragraph (1).

Approval of laboratories

4.—(1) The Welsh Ministers must approve laboratories to test samples taken under paragraph 3 if the Welsh Ministers are satisfied that the laboratory—

- (a) will carry out the testing in accordance with Chapter C of Annex X to the Community TSE Regulation;
- (b) has adequate quality control procedures; and
- (c) has adequate procedures to ensure the correct identification of the samples and notification of the test results to the consigning slaughterhouse and to the Welsh Ministers.

(2) The Welsh Ministers may charge the fees set out in the following table for the initial approval and ongoing quality assessment of a laboratory—

Fees for laboratory approvals and quality assessment

	Fee(£)
Initial approval	29,770
Annual proficiency testing and follow-up inspection for the first year after approval	8,834
Annual proficiency testing from the second year after approval	4,135
Single proficiency test (in the event of a failure in the annual proficiency testing)	1,385
Hourly rate of an inspector (for any additional inspections that are necessary to check for compliance with the matters set out at sub-paragraphs (1)(a) to (c))	87.24

(3) Ystyr "labordy profi cymeradwy" ("*approved testing laboratory*") yw labordy a gymeradwyir o dan y paragraff hwn neu labordy mewn rhan arall o'r Deyrnas Unedig a gymeradwyir gan yr awdurdod cymwys i gynnal y prawf.

Cigyddia anifeiliaid buchol dros 30 mis oed

5.—(1) Cyflawnir tramgwydd gan feddiannydd sy'n defnyddio lladd-dy i gigyddia anifeiliaid buchol dros 30 mis oed i'w bwyta gan bobl, oni fydd Gweinidogion Cymru wedi cymeradwyo'r Dull Gofynnol o Weithredu ("DGW") ar gyfer y lladd-dy hwnnw a'r meddiannydd hwnnw.

(2) Rhaid i'r DGW, o leiaf—

- (a) ddisgrifio'r gweithdrefnau a fydd yn cael eu dilyn i gydymffurfio â Rhan 1 o'r Atodlen hon; a
- (b) disgrifio'r holl systemau a gweithdrefnau a nodir yn Rhan 2 o'r Atodlen hon.

(3) Rhaid i Weinidogion Cymru gymeradwyo'r DGW os bodlonir hwy y cydymffurfir â holl ofynion Rheoliad TSE y Gymuned a'r Rheoliadau hyn, a rhaid i'r meddiannydd ddangos hynny yn ystod asesiad a fydd yn parhau am ddau ddiwrnod lle bydd anifeiliaid yn cael eu cigyddia (gan ddefnyddio anifeiliaid buchol o dan 30 mis oed oni fydd y lladd-dy yn gweithredu at ddibenion Rheoliad y Comisiwn (EC) Rhif 716/96 sy'n mabwysiadu mesurau cymorth eithriadol ar gyfer y farchnad cig eidion yn y Deyrnas Unedig (1)).

(4) Os cigyddir anifeiliaid buchol sydd dros 30 mis oed ar gyfer eu bwyta gan bobl mewn unrhyw fodd ac eithrio yn unol â'r DGW, mae meddiannydd y lladd-dy yn euog o dramgwydd.

Cadw cynhyrchion a'u gwaredu

6.—(1) Mewn perthynas ag unrhyw anifail buchol y cymerir sampl ohono, rhaid i feddiannydd y lladd-dy, marchnad ledr neu danerdy, at ddibenion pwynt 6(3) o Ran I o Bennod A o Atodiad III i Reoliad TSE y Gymuned a hyd nes ceir canlyniad y prawf, naill ai—

- (a) gadw yn ei feddiant yr holl garcasau a phob rhan o'r corff (gan gynnwys y gwaed a'r croen) y bydd rhaid eu gwaredu os bydd y canlyniad yn positif; neu
- (b) eu gwaredu yn unol ag is-baragraff (2).

(2) At ddibenion pwyntiau 6(4) a 6(5) o'r Rhan honno, os ceir canlyniad positif ar gyfer anifail y cymerwyd sampl ohono, rhaid i'r meddiannydd waredu ar unwaith—

(3) An "approved testing laboratory" ("*labordy profi cymeradwy*") means a laboratory approved under this paragraph or a laboratory in another part of the United Kingdom approved by the competent authority to carry out the test.

Slaughter of bovine animals over 30 months of age

5.—(1) It is an offence for the occupier to use a slaughterhouse to slaughter for human consumption a bovine animal aged over 30 months unless the Welsh Ministers have approved the Required Method of Operation ("RMOP") for that slaughterhouse and that occupier.

(2) The RMOP must, as a minimum—

- (a) describe the procedures that will be followed to comply with Part 1 of this Schedule; and
- (b) describe all the systems and procedures specified in Part 2 of this Schedule.

(3) The Welsh Ministers must approve the RMOP if the Welsh Ministers are satisfied that all the requirements of the Community TSE Regulation and these Regulations will be complied with, and the occupier must demonstrate this by means of an assessment of two days' duration in which animals are slaughtered (using bovine animals under 30 months old unless the slaughterhouse is operating for the purposes of Commission Regulation (EC) No 716/96 adopting exceptional support measures for the beef market in the United Kingdom(1)).

(4) If a bovine animal aged over 30 months is slaughtered for human consumption other than in accordance with the RMOP, the occupier of the slaughterhouse is guilty of an offence.

Retention of products and disposal

6.—(1) In relation to any sampled bovine animal, the occupier of a slaughterhouse, hide market or tannery must, for the purposes of point 6(3) of Part I of Chapter A of Annex III to the Community TSE Regulation and pending receipt of the test result, either—

- (a) retain all carcases and all parts of the body (including the blood and the hide) that will have to be disposed of in the event of a positive result; or
- (b) dispose of them in accordance with subparagraph (2).

(2) For the purposes of points 6(4) and 6(5) of that Part, if a positive result is received for a sampled animal, the occupier must immediately dispose of—

(1) OJ Rhif L 99, 20.4.96, t. 14, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 2109/2005 (OJ Rhif L 337, 22.12.2005, t. 25).

(1) OJ No L 99, 20.4.96, p.14, as last amended by Commission Regulation (EC) No. 2109/2005 (OJ No L 337, 22.12.2005, p.25).

- (a) carcas a phob rhan o gorff yr anifail hwnnw (gan gynnwys y gwaed a'r croen); a
- (b) oni fydd rhanddirymiad wedi ei ganiatáu o dan is-baragraff (5), carcas a phob rhan o gorff (gan gynnwys y gwaed a'r croen) yr anifail a oedd yn union ragflaenu'r anifail hwnnw ar y llinell gigydda a'r ddaau anifail a ddaeth yn union ar ei ôl,

yn unol â phwynt 6(4) o'r Rhan honno.

(3) Os nad anfonwyd sampl at labordy profi cymeradwy i gael ei brofi yn unol â pharagraff 3 o'r Atodlen hon, neu os ceir canlyniad prawf annigonol, mewn perthynas ag anifail y mae'n ofynnol ei brofi o dan yr Atodlen hon, rhaid i'r meddiannydd ar waredu unwaith —

- (a) carcas a phob rhan o gorff yr anifail hwnnw (gan gynnwys y gwaed a'r croen); a
- (b) oni fydd rhanddirymiad wedi ei ganiatáu o dan is-baragraff (5), carcas a phob rhan o gorff (gan gynnwys y gwaed ond nid y croen) yr anifail a oedd yn union ragflaenu'r anifail hwnnw ar y llinell gigydda a'r ddaau anifail a ddaeth yn union ar ei ôl,

yn unol â phwynt 6(4) o'r Rhan honno; ac at ddibenion yr is-baragraff hwn, ystyr "canlyniad prawf annigonol" ("insufficient test result") yw ardystiad gan labordy profi cymeradwy nad oedd y sampl a anfonwyd i'r labordy o ansawdd digonol neu nad oedd o faint digonol i gael canlyniad prawf.

(4) Os ceir canlyniad dim prawf mewn perthynas ag anifail y mae'n ofynnol ei brofi o dan yr Atodlen hon, rhaid i'r meddiannydd ar unwaith waredu carcas a phob rhan o gorff yr anifail hwnnw (gan gynnwys y gwaed a'r croen) yn unol â phwynt 6(4) o'r Rhan honno; ac at ddibenion yr is-baragraff hwn ystyr "canlyniad dim prawf" ("no-test result") yw canlyniad negyddol o sampl, yn dilyn profion lluosog a chyflym wedi i labordy profi cymeradwy ardystio bod profion o'r fath yn angenrheidiol.

(5) Caiff Gweinidogion Cymru, mewn ysgrifen, ganiatáu rhanddirymiad o dan bwynt 6(6) o Ran I o Bennod A o Atodiad III i Reoliad TSE y Gymuned os bodlonir hwy bod system wedi ei sefydlu sy'n atal halogi rhwng carcasau.

(6) Mewn perthynas ag unrhyw ddefaid neu eifr a ddewisir ar gyfer samplu, rhaid i feddiannydd lladd-dy, marchnad ledr neu danerdy —

- (a) at ddibenion pwynt 7(3) o Ran II o Bennod A o Atodiad III i Reoliad TSE y Gymuned, gadw yn ei feddiant y carcas a phob rhan o'r corff (gan gynnwys y gwaed a'r croen) hyd nes ceir canlyniad y prawf; a
- (b) os bydd y canlyniad yn bositif, gwaredu'r carcas a phob rhan o'r corff ar unwaith (gan gynnwys y gwaed a'r croen) yn unol â phwynt

- (a) the carcase and all parts of the body of that animal (including the blood and the hide); and
- (b) unless a derogation has been granted under sub-paragraph (5), the carcase and all parts of the body (including the blood and the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part.

(3) If no sample has been sent to an approved testing laboratory for testing in accordance with paragraph 3 of this Schedule, or if an insufficient test result is received, in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of—

- (a) the carcase and all parts of the body (including the blood and the hide) of that animal; and
- (b) unless a derogation has been granted under sub-paragraph (5), the carcase and all parts of the body (including the blood but not the hide) of the animal immediately preceding that animal on the slaughter line and the two animals immediately following it,

in accordance with point 6(4) of that Part; and for the purposes of this sub-paragraph an "insufficient test result" means a certification by an approved testing laboratory that the sample sent to the laboratory was not of an adequate quality or was not of a sufficient quantity to obtain a test result.

(4) If a no-test result is received, in respect of an animal required to be tested under this Schedule, the occupier must immediately dispose of the carcase and all parts of the body (including the blood and the hide) of that animal in accordance with point 6(4) of that Part; and for the purposes of this sub-paragraph a "no-test result" ("canlyniad dim prawf") means a negative result from a sample following multiple rapid testing where such testing was certified as necessary by an approved testing laboratory.

(5) The Welsh Ministers may grant in writing a derogation under point 6(6) of Part I of Chapter A of Annex III to the Community TSE Regulation if the Welsh Ministers are satisfied that the slaughterhouse operates a system that prevents contamination between carcases.

(6) In relation to any sheep or goat selected for sampling, the occupier of a slaughterhouse, hide market or tannery must—

- (a) for the purposes of point 7(3) of Part II of Chapter A of Annex III to the Community TSE Regulation, retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and
- (b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in

7(4) o'r Rhan honno.

(7) Yn y paragraff hwn, caniateir i bwerau arolygydd gael eu harfer hefyd gan berson a benodir fel y cyfryw mewn perthynas â marchnad ledr neu danerdy gan y Bwrdd Datblygu Amaethyddiaeth a Garddwriaeth.

(8) Mae unrhyw berson sy'n peidio â chydymffurfio ag is-baragraffau (1) i (4) neu (6) yn euog o dramgwydd.

Iawndal

7.—(1) Os yw canlyniad prawf yn positif ar anifail a gigyddwyd i'w fwyta gan bobl, rhaid i Weinidogion Cymru dalu iawndal am y carcas a phob rhan o gorff (gan gynnwys gwaed a chroen)—

- (a) yr anifail hwnnw; a,
- (b) os dinistrir hwy oherwydd y canlyniad positif hwnnw, yr anifail a oedd yn union ragflaenu'r anifail hwnnw ar y llinell gigydda a'r ddaeth anifail a ddaeth yn union ar ei ôl.

(2) Yr iawndal fydd y gwerth ar y farchnad, a sefydlir o dan y weithdrefn yn rheoliad 11, gyda'r meddiannydd yn talu unrhyw ffi am enwebu a chyflogi prisiwr.

(3) Ni fydd iawndal yn daladwy mewn unrhyw achos arall.

accordance with point 7(4) of that Part.

(7) In this paragraph the powers of an inspector may also be exercised by a person appointed as such in relation to a hide market or tannery by the Agriculture and Horticulture Development Board.

(8) Any person who fails to comply with sub-paragraphs (1) to (4) or (6) is guilty of an offence.

Compensation

7.—(1) If an animal slaughtered for human consumption tests positive, the Welsh Ministers must pay compensation for the carcase and all parts of the body (including the blood and the hide) of—

- (a) that animal; and,
- (b) if they are destroyed because of that positive result, the animal immediately preceding it on the slaughter line and the two animals immediately following it.

(2) The compensation is the market value, established under the procedure in regulation 11, with the occupier paying any fee arising for nominating and employing a valuer.

(3) Compensation is not payable in any other case.

RHAN 2

Cynnwys Dull Gofynnol o Weithredu (DGW)

Adnabod a gwahanu anifeiliaid

8.—(1) Rhaid i'r DGW (fel y'i diffinnir ym mharagraff 5(1)) ddisgrifio'r system sy'n—

- (a) galluogi adnabod anifeiliaid buchol a anwyd neu a fagwyd yn y Deyrnas Unedig cyn 1 Awst 1996 a sicrhau na chânt eu cigydda i'w fwyta gan bobl;
- (b) galluogi adnabod anifeiliaid buchol sydd dros 30 mis oed ond a anwyd ar 1 Awst 1996 neu ar ôl hynny a sicrhau eu bod yn cael eu samplu yn unol â'r Atodlen hon; ac
- (c) galluogi adnabod anifeiliaid buchol a nodwyd ym mhwynt 2(1) o Ran I o Bennod A o Atodiad III i Reoliad TSE y Gymuned a sicrhau eu bod yn cael eu samplu yn unol â'r Atodlen hon.

(2) Rhaid iddo hefyd ddisgrifio'r system sy'n sicrhau bod anifeiliaid dros 30 mis oed—

- (a) yn cael eu gosod mewn grwpiau gyda'i gilydd cyn eu cigydda, ar wahân i anifeiliaid sy'n 30 mis oed neu'n iau; a

PART 2

Contents of an RMOP

Animal identification and separation

8.—(1) The RMOP (as defined in paragraph 5(1)) must describe the system that—

- (a) enables bovine animals born or reared in the United Kingdom before 1 August 1996 to be identified and ensures that they are not slaughtered for human consumption;
- (b) enables bovine animals over 30 months of age but born on or after 1 August 1996 to be identified and ensures that they are sampled in accordance with this Schedule; and
- (c) enables bovine animals specified in point 2(1) of Part I of Chapter A of Annex III to the Community TSE Regulation to be identified and ensures that they are sampled in accordance with this Schedule.

(2) It must also describe the system that ensures that animals over 30 months of age are—

- (a) batched together before slaughter separately from those aged 30 months or under; and

- (b) yn cael eu cifydda mewn grwpiau ar wahâr i' anifeiliaid sy'n 30 mis oed neu'n iau.

Samplu coesyn yr ymennydd

9.—(1) Rhaid i'r DGW ddangos bod—

- (a) digon o staff wedi'u hyfforddi ac yn gymwys i gymryd, labelu, pecynnac anfon allan samplau o goesyn yr ymennydd;
- (b) cyfleusterau hylan ar gyfer samplu; ac
- (c) gweithdrefnau ar gyfer samplu nad ydynt yn peryglu trefn hylan o gynhyrchu cig a fwriedir i'w fwyta gan bobl.

(2) Rhaid iddo ddisgrifio'r modd y cydymffurfir â chanllawiau iechyd a diogelwch a gynlluniwyd ar gyfer lleihau'r risg o ddod a'r staff i gyffyrddiad â TSE wrth samplu a phecynnau coesyn yr ymennydd.

Y cydberthyniad rhwng sampl a charcas a rhannau eraill o'r corff

10. Rhaid i'r DGW ddisgrifio'r system sy'n cysylltu sampl o goesyn ymennydd pob anifail buchol dros 30 mis oed â charcas yr anifail hwnnw a phob rhan o gorff yr anifail hwnnw (gan gynnwys y gwaed a'r croen).

Cadw carcasau

11. Rhaid i'r DGW ddisgrifio—

- (a) y system sy'n sicrhau y cedwir yr holl garcasau a gedwir yn unol â pharagraff 6(1) o'r Atodlen hon naill ai mewn uned oeri sydd wedi ei selio neu ei chloï, neu ar reilen wedi ei selio neu ei chloï oddi mewn i uned oeri nad yw wedi ei selio, hyd nes ceir canlyniad y prawf;
- (b) y system sy'n sicrhau y gellir canfod y drefn gronolegol y cifyddwyd yr anifeiliaid ynddi; ac
- (c) sut y bydd y meddiannydd yn sicrhau bod digon o le addas yn yr uned oeri ar gyfer cadw carcasau at bwrrpas yr Atodlen hon.

Cadw rhannau o'r corff

12. Rhaid i'r DGW ddisgrifio'r system sy'n sicrhau y cedwir pob rhan o'r corff (gan gynnwys y gwaed a'r croen) yn unol â pharagraff 6(1) o'r Atodlen hon.

Gwaredu cyn derbyn y canlyniad

13. Rhaid i'r DGW ddisgrifio'r llwybr gwaredu ar gyfer pob carcas a phob rhan o gorff (gan gynnwys y gwaed a'r croen) a gedwir tra'n disgwyl canlyniad prawf ond a waredir cyn derbyn canlyniad y prawf.

- (b) slaughtered in batches separately from those aged 30 months or under.

Brain stem sampling

9.—(1) The RMOP must show that there are—

- (a) sufficient staff trained and competent in the taking, labelling, packaging and dispatch of brain stem samples;
- (b) hygienic facilities for sampling; and
- (c) sampling procedures that do not jeopardise the hygienic production of meat intended for human consumption.

(2) It must describe how health and safety guidelines designed to minimise the risk of exposure of staff to TSE during brain stem sampling and packaging will be complied with.

Correlation of sample to carcase and all other parts of the body

10. The RMOP must describe the system linking the brain stem sample of each bovine animal over 30 months of age to the carcase of that animal and all parts of the body of that animal (including the blood and the hide).

Retention of carcases

11. The RMOP must describe—

- (a) the system that ensures that all carcases retained in accordance with paragraph 6(1) of this Schedule are retained either in a sealed or locked chiller or on a sealed or locked rail in an unsealed chiller pending the receipt of the test result;
- (b) the system that ensures that the chronological order in which the animals were slaughtered can be determined; and
- (c) how the occupier will ensure that there is suitable and sufficient chiller space for retaining carcases for the purposes of this Schedule.

Retention of parts of the body

12. The RMOP must describe the system that ensures that all parts of the body (including the blood and the hide) are retained in accordance with paragraph 6(1) of this Schedule.

Disposal before receipt of the result

13. The RMOP must describe the disposal route for all carcases and all parts of the body (including the blood and the hide) retained pending receipt of a test result but disposed of before the test result is received.

Mesurau eraill yn dilyn samplu

14. Rhaid i'r DGW ddisgrifio'r systemau sydd wedi eu sefydlu i sicrhau—

- (a) y pecynnir samplau o goesyn yr ymennydd yn unol â chyfarwyddiadau pecynnu P650 o Gytundeb Ewrop ynglŷn â Chludiant Rhyngwladol Nwyddau Peryglus ar y Ffyrdd (y fersiwn sy'n gymwys o 1 Ionawr 2005)(1);
- (b) y derbynir canlyniadau'r profion naill ai drwy ffacs neu drwy ddulliau electronig eraill; ac
- (c) bod popeth y mae'n ofynnol ei waredu yn unol â phwynt 6(4) neu 6(5) o Ran I o Bennod A o Atodiad III i Reoliad TSE y Gymuned neu o dan baragraff 6(2), 6(3) neu 6(4) o'r Atodlen hon yn cael ei adnabod a'i waredu yn unol â hynny.

Tynnu asgwrn y cefn

15. Rhaid i'r DGW ddisgrifio'r system sy'n sicrhau, mewn achos pan geir canlyniad prawf negyddol ar gyfer anifail buchol—

- (a) nad yw'r rhannau hynny o asgwrn y cefn sy'n ddeunydd risg penodedig yn cael eu tynnu ymaith yn y lladd-dy; a
- (b) bod y cig sy'n cynnwys y deunydd risg penodedig hwnnw yn cael ei draddodi i safle torri a awdurdodwyd o dan baragraff 12(1)(a) o Atodlen 7 i'w dynnu ymaith.

ATODLEN 3

Rheoliad 5

Rheoli a dileu TSE mewn anifeiliaid buchol

CYNNWYS

1. Rheoli a dileu TSE - hysbysu
2. Cyfyngu ar anifail sy'n destun hysbysiad
3. Cifydda anifail sydd dan amheuaeth
4. Adnabod a chyfyngu ar epil a chohortau
5. Gweithredu yn dilyn cadarnhad
6. Marwolaeth tra o dan gyfyngiadau
7. Rhoi epil buchol ar y farchnad
8. Pa bryd y mae iawndal yn daladwy
9. Swm yr iawndal sy'n daladwy
10. Eithriadau

Rheoli a dileu TSE - hysbysu

1.—(1) At ddibenion Erthygl 11 o Reoliad TSE y Gymuned, rhaid i unrhyw berson sydd ag unrhyw

Other measures following sampling

14. The RMOP must describe the systems in place that ensure that—

- (a) brain stem samples are packaged in accordance with packaging instructions P650 of the European Agreement Concerning the International Carriage of Dangerous Goods by Road (version applicable as from 1st January 2005)(1);
- (b) test results are received, either by fax or by other electronic means; and
- (c) everything required to be disposed of in accordance with point 6(4) or 6(5) of Part I of Chapter A of Annex III to the Community TSE Regulation or under paragraph 6(2), 6(3) or 6(4) of this Schedule is identified and disposed of accordingly.

Removal of vertebral column

15. The RMOP must describe the system that ensures that, in the case of a bovine animal for which a negative test result has been received—

- (a) those parts of the vertebral column that are specified risk material are not removed in the slaughterhouse; and
- (b) the meat containing that specified risk material is consigned to a cutting plant authorised under paragraph 12(1)(a) of Schedule 7 to remove it.

SCHEDULE 3

Regulation 5

Control and eradication of TSE in bovine animals

CONTENTS

1. Control and eradication of TSE - notification
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Identification and restriction of offspring and cohorts
5. Action following confirmation
6. Death while under restriction
7. Placing on the market of bovine progeny
8. When compensation is payable
9. Amount of compensation payable
10. Exceptions

Control and eradication of TSE - notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in

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anifail buchol yn ei feddiant neu o dan ei reolaeth, sydd dan amheuaeth o fod wedi ei effeithio gan TSE hysbysu Gweinidogion Cymru ar unwaith a chadw'r anifail yn yr un fangre hyd nes archwilar yr anifail gan arolygydd milfeddygol.

(2) Rhaid i unrhyw filfeddyg sy'n archwilio unrhyw anifail o'r fath, hysbysu Gweinidogion Cymru cyn gynted ag y bo'n ymarferol bosibl.

(3) Rhaid i unrhyw berson (ac eithrio Gweinidogion Cymru) sy'n archwilio corff unrhyw anifail buchol neu unrhyw ran ohono, mewn labordy ac yn amau'n rhesymol bod TSE yn bresennol hysbysu Gweinidogion Cymru ar unwaith, a chadw'r corff ac unrhyw rannau ohono yn ei feddiant hyd nes awdurdodir eu gwaredu gan arolygydd milfeddygol.

(4) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgydd.

Cyfngu ar anifail sy'n destun hysbysiad

2. Os yw anifail yn destun hysbysiad o dan baragraff 1, caiff arolygydd gyflwyno hysbysiad yn gwahardd ei symud o'r fangre hyd nes penderfynir a oes amheuaeth ei fod wedi ei effeithio gan TSE ai peidio.

Cigydda anifail sydd dan amheuaeth

3.—(1) At ddibenion paragraffau (1) a (2) o Erthygl 12 o Reoliad TSE y Gymuned, os yw arolygydd milfeddygol yn amau bod anifail buchol wedi ei effeithio gan BSE, rhaid iddo naill ai—

- (a) ei ladd ar y daliad ar unwaith;
- (b) tynnu pasbort gwartheg yr anifail yn ôl a chyflwyno hysbysiad yn gwahardd symud yr anifail o'r daliad hyd nes bo wedi ei ladd; neu
- (c) sicrhau bod pasbort gwartheg yr anifail wedi ei stampio â'r geiriau "Not for human consumption" a chyflwyno hysbysiad sy'n cyfarwyddo'r perchenog i draddodi yr anifail i fangre arall i'w ladd, ac yn gwahardd symud yr anifail ac eithrio yn unol â'r cyfarwyddyd hwnnw.

(2) Rhaid iddo gyfyngu ar symud anifeiliaid buchol eraill o'r daliad yn unol â'r ail, y trydydd a'r pumed paragraff o Erthygl 12(1) o Reoliad TSE y Gymuned fel y'i darllenir ynghyd ag Erthygl 2(1)(a) o Benderfyniad y Comisiwn 2007/411/EC.

(3) Caiff gyfyngu ar symud anifeiliaid buchol ar ddaliadau eraill yn unol â'r pedwerydd paragraff o Erthygl 12(1) o Reoliad TSE y Gymuned.

(4) Os lleddir yr anifail ar y daliad, mae symud yr anifail oddi ar y daliad hwnnw yn dramgydd, ac eithrio yn unol â chyfarwyddyd ysgrifenedig gan arolygydd.

their possession or under their control any bovine animal suspected of being affected by a TSE must immediately notify the Welsh Ministers and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Welsh Ministers.

(3) Any person (other than the Welsh Ministers) who examines the body of any bovine animal, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Welsh Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

Restriction of a notified animal

2. If an animal is the subject of a notification under paragraph 1, an inspector may serve a notice prohibiting its movement from the premises pending determination of whether or not it is suspected of being affected with TSE.

Slaughter of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a bovine animal is affected with TSE, they must either—

- (a) kill it on the holding immediately;
- (b) remove its cattle passport and serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) ensure that its cattle passport is stamped "Not for human consumption" and serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) They must restrict the movement of other bovine animals on the holding in accordance with the second, third and fifth paragraphs of Article 12(1) of the Community TSE Regulation as read with Article 2(1)(a) of Commission Decision 2007/411/EC.

(3) They may restrict the movement of bovine animals on other holdings in accordance with the fourth paragraph of Article 12(1) of the Community TSE Regulation.

(4) If the animal is killed on the holding, it is an offence to remove the body from that holding except in accordance with a written direction from an inspector.

(5) Os na leddir yr anifail ar unwaith, rhaid i geidwad yr anifail gael gwared â'i laeth mewn ffordd sy'n sicrhau na chaiff ei yfed na'i fwyta gan bobl na chan anifeiliaid ar wahân i lo yr anifail ei hunan neu anifeiliaid a gedwir at ddibenion ymchwil, ac y mae peidio â chydymffurfio â'r is-baragraff hwn yn dramgywydd.

Adnabod a chyfyngu ar epil a chohortau

4.—(1) Yn unol ag Erthygl 13(2) o Reoliad TSE y Gymuned fel y'i darllenir ynghyd ag Erthygl 2(1)(b) a (2) o Benderfyniad y Comisiwn 2007/411/EC, os yw—

- (a) arolygydd milfeddygol yn amau bod anifail buchol wedi ei effeithio gan TSE;
- (b) monitro carcasau o dan Atodlen 2 neu o dan Atodiad III i Reoliad TSE y Gymuned yn cadarnhau bod anifail dan amheuaeth o fod wedi'i effeithio gan TSE; neu
- (c) yr awdurdod cymwys mewn rhan arall o'r Deyrnas Unedig neu Aelod-wladwriaeth arall yn hysbysu Gweinidogion Cymru bod anifail buchol dan amheuaeth o fod wedi ei effeithio gan TSE,

rhaid i arolygydd adnabod—

- (a) (os yw'r anifail a amheuir yn fenyw) holl epil yr anifail a anwyd o fewn y ddwy flynedd cyn cychwyniad clinigol y clefyd neu ar ôl hynny; a
- (b) pob un o'i gohortau buchol a anwyd ar neu ar ôl 1 Awst 1996,

ac at y dibenion hyn dyddiad geni anifail yw'r un a ddangosir ar ei basbort gwartheg.

(2) Rhaid i arolygydd gyflwyno hysbysiadau yn gwahardd symud yr anifeiliaid hynny o'r daliad lle y'u cedwir neu lle y mae'r arolygydd yn amau y'u cedwir (pa un ai'r un daliad yw hwnnw a'r daliad lle cedwir yr anifail sydd dan amheuaeth ai peidio) a thynnau yn ôl eu pasbortau gwartheg.

(3) Os na ellir adnabod yr anifeiliaid yn is-baragraff (1) ar unwaith, rhaid i arolygydd wahardd symud pob anifail buchol o'r daliad hyd nes gellir eu hadnabod.

(4) Ni chaniateir symud anifeiliaid sydd dan gyfyngiadau ac eithrio yn unol â rheoliad 16.

Gweithredu yn dilyn cadarnhad

5.—(1) Yn unol ag Erthygl 13(1)(c) o Reoliad TSE y Gymuned a phwynt 2 o Atodiad VII i'r Rheoliad hwnnw, fel y'i darllenir ynghyd ag Erthyglau 2(1)(b) a 2(2) o Benderfyniad y Comisiwn 2007/411/EC, os ceir cadarnhad bod yr anifail a amheuir wedi ei effeithio gan TSE, rhaid i arolygydd—

(5) If the animal is not killed immediately, its keeper must dispose of its milk in such a way that it cannot be consumed by humans or animals except its own calf or animals kept for research purposes, and failure to comply with this sub-paragraph is an offence.

Identification and restriction of offspring and cohorts

4.—(1) In accordance with Article 13(2) of the Community TSE Regulation, as read with Article 2(1)(b) and (2) of Commission Decision 2007/411/EC, if—

- (a) a veterinary inspector suspects that a bovine animal is affected with TSE;
- (b) the monitoring of carcases under Schedule 2 Part 1 or under Annex III to the Community TSE Regulation confirms that an animal is suspected of being affected with TSE; or
- (c) the competent authority of another part of the United Kingdom or another member State notifies the Welsh Ministers that a bovine animal is suspected of being affected with TSE,

an inspector must identify—

- (a) (if the suspect animal is female) all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) all its bovine cohorts born on or after 1 August 1996,

and for these purposes the animal's date of birth is the one shown on its cattle passport.

(2) An inspector must serve notices prohibiting movement of those animals from the holding on which they are kept or where that inspector suspects they may be kept (whether or not this is the same holding as that of the suspect animal) and remove their cattle passports.

(3) If the animals in sub-paragraph (1) cannot be immediately identified an inspector may prohibit the movement of any bovine animal from the holding pending identification.

(4) Movements of restricted animals are only permitted in accordance with regulation 16.

Action following confirmation

5.—(1) In accordance with Article 13(1)(c) of, and point 2 of Annex VII to, the Community TSE Regulation, as read with Articles 2(1)(b) and 2(2) of Commission Decision 2007/411/EC, if it is confirmed that the suspect animal was affected with TSE an inspector must—

- (a) os yw'r anifail yn fenyw, lladd pob un o'i hephil a anwyd o fewn dwy flynedd cyn cychwyniad clinigol y clefyd, neu a anwyd ar ôl hynny; a
- (b) lladd pob un o'r anifeiliaid buchol yng nghohort yr anifail, a anwyd ar neu ar ôl 1 Awst 1996 ac eithrio—
- (i) pan fodlonir yr arolygydd nad oedd gan yr anifail fynediad at yr un bwyd â'r anifail yr effeithiwyd arno; neu
 - (ii) pan fo'r anifail yn darw a gedwir mewn canolfan casglu semen, ac na fydd yn cael ei symud oddi yno.
- (2) Mae'r weithdrefn apelio yn rheoliad 10 yn gymwys i benderfyniad i ladd o dan is-baragraff (1)(b).
- (3) Pan fo penderfyniad i beidio â lladd wedi ei wneud o dan is-baragraff 2(b)(ii)—
- (a) mae'n dramgydd symud yr anifail o'r ganolfan casglu semen ac eithrio ar gyfer ei ladd; a
 - (b) mae perchenog yr anifail yn euog o dramgydd os nad yw'n sicrhau y dinistrir carcas yr anifail yn llwyr.
- (4) Os nad yw anifail a leddir o dan y paragraff hwn yn cael ei ladd ar y daliad, rhaid i arolygydd sicrhau bod pasbort gwartheg yr anifail wedi ei stampio â'r geiriau "Not for human consumption" a chyflwyno cyfarwyddyd ysgrifenedig i'r perchenog i draddodi yr anifail i fangre arall i'w ladd fel a bennir yn y cyfarwyddyd.
- (5) Os yw canlyniad y prawf yn negyddol rhaid i'r arolygydd ddiddymu'r holl gyfyngiadau a osodwyd oherwydd yr anifail a oedd dan amheuaeth a dychwelyd y pasbortau gwartheg.
- (6) Pan leddir anifail o dan y rheoliad hwn, mae'n dramgydd symud y carcas o'r fangre lle y'i lladdwyd ac eithrio yn unol â chyfarwyddyd ysgrifenedig oddi wrth arolygydd.
- ### **Marwolaeth tra o dan gyfyngiad**
- 6.** Os bydd anifail farw, neu os lleddir ef, tra bo dan gyfyngiad am unrhyw reswm o dan yr Atodlen hon, rhaid i'w berchenog hysbysu Gweinidogion Cymru ar unwaith a chadw'r corff yn yr un fangre hyd nes caiff gyfarwyddyd ysgrifenedig gan arolygydd i'w symud neu ei waredu, ac y mae'n dramgydd peidio â chydymffurfio â'r paragraff hwn neu beidio â chydymffurfio â chyfarwyddyd o dan y paragraff hwn.
- ### **Rhoi epil buchol ar y farchnad**
- 7.** Mae unrhyw berson sy'n rhoi unrhyw anifail buchol ar y farchnad yn groes i Erthygl 15(2) o Reoliad TSE y Gymuned a Phennod B o Atodiad VIII i'r Rheoliad hwnnw yn euog o dramgydd.
- (a) if the animal is female, kill all its offspring born within two years prior to, or after, clinical onset of the disease; and
- (b) kill all the bovine animals in its cohort born on or after 1 August 1996 except where—
- (i) the inspector is satisfied that the animal did not have access to the same feed as the affected animal; or
 - (ii) the animal is a bull that is kept at, and will not be removed from, a semen collection centre.
- (2) The appeals procedure in regulation 10 applies to a decision to kill under subparagraph (1)(b).
- (3) Where a decision not to kill has been made under sub-paragraph 2(b)(ii)—
- (a) it is an offence to remove the animal from the semen collection centre, except to kill it; and
 - (b) the owner of the animal commits an offence if they do not ensure that its carcase is completely destroyed.
- (4) If an animal killed under this paragraph is not killed on the holding, an inspector must ensure that its passport is stamped "Not for human consumption" and must direct the owner in writing to consign it to other premises for killing as specified in the direction.
- (5) If the test is negative the inspector must remove all restrictions imposed because of the suspect animal and return the cattle passports.
- (6) When an animal is killed under this paragraph, it is an offence to remove the carcase from the premises on which it was killed except in accordance with a written direction from an inspector.
- ### **Death while under restriction**
- 6.** If any animal dies or is killed while it is under restriction for any reason under this Schedule, the owner must immediately notify the Welsh Ministers, and retain the body on the premises until they are directed in writing to move or dispose of it by an inspector, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.
- ### **Placing on the market of bovine progeny**
- 7.** Any person who places on the market any bovine animal in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

Pa bryd y mae iawndal yn daladwy

- 8.** Rhaid i Weinidogion Cymru dalu iawndal—
- (a) pan leddir anifail o dan yr Atodlen hon;
 - (b) pan fo anifail i'w ladd o dan yr Atodlen hon ac wedi ei brisio at ddibenion iawndal, ond bu farw (neu lladdwyd am resymau eraill) ar ôl ei brisio; neu
 - (c) pan fo anifail yn ddarostyngedig i gyfyngiad ar symud o dan yr Atodlen hon, ac y bu'n rhaid ei ladd fel mesur argyfwng, a milfeddyg wedi datgan mewn ysgrifen y byddai'r anifail, fel arall, wedi bod yn addas i'w fwyta gan bobl yn unol â Phennod VI of Adran I o Atodiad III i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n pennu rheolau hylendid penodol ar gyfer bwyd sy'n tarddu o anifeiliaid⁽¹⁾, ac mewn achos o'r fath yr iawndal fydd gwerth y corff (gan gynnwys y gwaed a'r croen).

Swm y iawndal sy'n daladwy

9.—(1) Yr iawndal yw'r pris cyfartalog a delir ym Mhrydain Fawr am anifail o'r oedran a'r categori dan sylw—

- (a) yn achos anifail pedigree, yn ystod y chwe mis cyn y dyddiad y'i prisiwyd; a
- (b) yn achos unrhyw anifail buchol arall, yn ystod y mis cyn y dyddiad y'i prisiwyd.

(2) Anifail pedigree yw anifail y dyroddwyd tystysgrif pedigree iddo gan sefydliad bridwyr neu gymdeithas sy'n bodloni amodau Penderfyniad y Comisiwn 84/247/EEC sy'n pennu'r criteria ar gyfer cydnabod sefydliadau bridwyr a chymdeithasau sy'n cynnal neu'n sefydlu llyfrau buches ar gyfer anifeiliaid bridio o frid pur o'r rhywogaethau buchol⁽²⁾.

(3) Rhaid i Weinidogion Cymru gategoreiddio anifeiliaid fel a ganlyn, ac at y diben o benderfynu pa gategori y mae anifail yn perthyn iddo, oedran yr anifail yw'r oedran a ddangosir ar ei basbort gwartheg ar y dyddiad y cyflwynir yr hysbysiad o'r bwriad i'w ladd—

When compensation is payable

- 8.** The Welsh Ministers must pay compensation—
- (a) when an animal is killed under this Schedule;
 - (b) where an animal is to be killed under this Schedule, and has been valued for the purposes of compensation, but dies (or is killed for other reasons) after valuation; or
 - (c) where an animal is subject to a movement restriction under this Schedule and has to be killed as an emergency and a veterinary surgeon has declared in writing that the animal would otherwise have been fit for human consumption in accordance with Chapter VI of Section I of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽¹⁾ in which case compensation is the value of the body (including the blood and the hide).

Amount of compensation payable

9.—(1) The compensation is the average price paid in Great Britain for that age and category of animal—

- (a) for a pedigree animal, in the six months before the date of its valuation; and
- (b) for any other bovine animal, in the month before the date of its valuation.

(2) A pedigree animal is one for which a pedigree certificate has been issued by a breeders' organisation or association that fulfils the conditions of Commission Decision 84/247/EEC laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species⁽²⁾.

(3) The Welsh Ministers must categorise animals as follows, and for the purposes of determining which category the animal falls into, the age of the animal is the age, as shown by its cattle passport, at the date on which the notice of intention to kill was served—

⁽¹⁾ OJ Rhif L 139, 30.04.2004, t.55. Nodir testun diwygiedig Rheoliad (EC) Rhif 853/2004 yn awr mewn Corigendwm (OJ Rhif L 226, 25.6.2004, t.22).

⁽²⁾ OJ Rhif L 125, 12.05.1984, t.58.

⁽¹⁾ OJ No L 139, 30.04.2004, p.55. The revised text of Regulation (EC) No 853/2004 is now set out in a Corrigendum (OJ No L 226, 25.6.2004, p.22).

⁽²⁾ OJ No L 125, 12.05.1984, p.58.

Categorïau

Gwryw	Benyw
Sector cig eidion — anifail di-bedigri	
Hyd at a chan gynnwys 3 mis	Hyd at a chan gynnwys 3 mis
Dros 3 mis hyd at a chan gynnwys 6 mis	Dros 3 mis hyd at a chan gynnwys 6 mis
Dros 6 mis hyd at a chan gynnwys 9 mis	Dros 6 mis hyd at a chan gynnwys 9 mis
Dros 9 mis hyd at a chan gynnwys 12 mis	Dros 9 mis hyd at a chan gynnwys 12 mis
Dros 12 mis hyd at a chan gynnwys 16 mis	Dros 12 mis hyd at a chan gynnwys 16 mis
Dros 16 mis hyd at a chan gynnwys 20 mis	Dros 16 mis hyd at a chan gynnwys 20 mis
Dros 20 mis	Dros 20 mis
	Teirw bridio Eraill
Sector llaeth — anifail di-bedigri	
Hyd at a chan gynnwys 3 mis	Hyd at a chan gynnwys 3 mis
Dros 3 mis hyd at a chan gynnwys 6 mis	Dros 3 mis hyd at a chan gynnwys 6 mis
Dros 6 mis hyd at a chan gynnwys 12 mis	Dros 6 mis hyd at a chan gynnwys 12 mis
Dros 12 mis hyd at a chan gynnwys 16 mis	Dros 12 mis hyd at a chan gynnwys 16 mis
Dros 16 mis hyd at a chan gynnwys 20 mis	Dros 16 mis hyd at a chan gynnwys 20 mis
Dros 20 mis	Dros 20 mis
	Wedi bwrw llo Heb fwrw llo
Sector cig eidion — anifail pedigree	
Dros 6 mis hyd at a chan gynnwys 12 mis	Dros 6 mis hyd at a chan gynnwys 12 mis
Dros 12 mis hyd at a chan gynnwys 24 mis	Dros 12 mis hyd at a chan gynnwys 24 mis
Dros 24 mis	Dros 24 mis (heb fwrw llo)
	Wedi bwrw llo, o dan 36 mis
	Wedi bwrw llo, 36 mis a throsodd

Categories

Male	Female
Beef Sector — non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 9 months	Over 6 months up to and including 9 months
Over 9 months up to and including 12 months	Over 9 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
	Breeding bulls Other
	Calved Not calved
Dairy Sector — non-pedigree animal	
Up to and including 3 months	Up to and including 3 months
Over 3 months up to and including 6 months	Over 3 months up to and including 6 months
Over 6 months up to and including 12 months	Over 6 months up to and including 12 months
Over 12 months up to and including 16 months	Over 12 months up to and including 16 months
Over 16 months up to and including 20 months	Over 16 months up to and including 20 months
Over 20 months	Over 20 months
	Calved Not calved
Beef Sector — pedigree animal	
6 months up to and including 12 months	6 months up to and including 12 months
Over 12 months up to and including 24 months	Over 12 months up to and including 24 months
Over 24 months	Over 24 months (not calved)
	Calved under 36 months
	Calved 36 months and over

Sector llaeth - anifail pedigree		Dairy Sector - pedigree animal	
Hyd at a chan gynnwys 2 fis	Hyd at a chan gynnwys 2 fis	Up to and including 2 months	Up to and including 2 months
Dros 2 fis hyd at a chan gynnwys 12 mis	Dros 2 fis hyd at a chan gynnwys 10 mis	Over 2 months up to and including 12 months	Over 2 months up to and including 10 months
Dros 12 mis hyd at a chan gynnwys 24 mis	Dros 10 mis hyd at a chan gynnwys 18 mis	Over 12 months up to and including 24 months	Over 10 months up to and including 18 months
Dros 24 mis	Dros 18 mis (heb fwrw llo)	Over 24 months	Over 18 months (not calved)
	Wedi bwrw llo, o dan 36 mis		Calved under 36 months
	Wedi bwrw llo, 36 mis a throsodd		Calved 36 months and over

Eithriadau

10.—(1) Os yw Gweinidogion Cymru o'r farn bod y data ar gyfer cyfrifo'r pris cyfartalog yn annigonol, cânt dalu iawndal fel a ganlyn—

- (a) ar gyfer anifeiliaid o'r un categori, y pris cyfartalog a gyfrifwyd ddiwethaf pan oedd data digonol ar gael i gyfrifo'r pris cyfartalog; neu
- (b) yn achos anifail unigol, pris y farchnad.

(2) Ar gyfer byfflos neu fualod, yr iawndal yw pris y farchnad.

(3) Pris y farchnad yw'r pris y gellid yn rhesymol fod wedi ei gael am yr anifail unigol gan brynwyr yn y farchnad agored ar yr adeg y'i prisir pe na bai'n ofynnol lladd yr anifail o dan yr Atodlen hon, wedi ei gyfrifo yn unol â rheoliad 11, gyda phercheneg yr anifail yn talu unrhyw ffi sy'n codi o ganlyniad i enwebu a chyflogi prisiwr.

ATODLEN 4

Rheoliad 5

Rheoli a dileu TSE mewn defaid a geifr

CYNNWYS

1. Hysbysu yngylch TSE
2. Cyfyngu ar anifail sy'n destun hysbysiad
3. Cigydd ariannu sydd dan amheuaeth
4. Cyfyngiadau ar symud
5. Gweithredu pan nad yw TSE wedi ei gadarnhau
6. Cadarnhad o TSE mewn defaid
7. Cadarnhad o TSE mewn geifr
8. Cadarnhad o BSE mewn defaid neu eiffr
9. Cadarnhad o glefyd y crafu annodwediadol mewn defaid neu eiffr

Exceptions

10.—(1) Where the Welsh Ministers consider that the data to calculate the average price are inadequate, the Welsh Ministers may pay compensation at—

- (a) for animals in that category, the most recent previously calculated average price for which there was sufficient data to calculate the average price; or
- (b) for the individual animal, the market price.

(2) For buffalo or bison, compensation is the market price.

(3) The market price is the price that might reasonably have been obtained for the individual animal from a purchaser in the open market at the time of valuation if the animal was not required to be killed under this Schedule, calculated under regulation 11, with the owner paying any fee arising for nominating and employing a valuer.

SCHEDULE 4

Regulation 5

Control and eradication of TSE in sheep and goats

CONTENTS

1. Notification of TSE
2. Restriction of a notified animal
3. Slaughter of a suspect animal
4. Movement restrictions
5. Action where TSE is not confirmed
6. Confirmation of TSE in sheep
7. Confirmation of TSE in goats
8. Confirmation of BSE in sheep or goats
9. Confirmation of atypical scrapie in sheep or goats

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| 10. Amser i apelio | 10. Time for appeals |
| 11. Lladd a dinistrio yn dilyn cadarnhad | 11. Killing and destruction following confirmation |
| 12. Anifeiliaid heintiedig o ddaliad arall | 12. Infected animals from another holding |
| 13. Pori ar dir comin | 13. Common grazing |
| 14. Nifer o ddiadelloedd ar un daliad | 14. Multiple flocks on a holding |
| 15. Meddianwyr dilynol | 15. Subsequent occupiers |
| 16. Dod ag anifeiliaid i ddaliad | 16. Introduction of animals onto a holding |
| 17. Defnyddio cynhyrchion cenhedol defaid | 17. Use of ovine germinal products |
| 18. Symud anifeiliaid oddi ar ddaliad | 18. Movement of animals from a holding |
| 19. Amseroedd cyfyngiadau symud | 19. Time of movement restrictions |
| 20. Marwolaeth anifail tra o dan gyfyngiad | 20. Death while under restriction |
| 21. Rhoi ar y farchnad epil defaid a geifr yr effeithiwyd arnynt gan BSE | 21. Placing on the market of progeny of BSE affected sheep and goats |
| 22. Iawndal am ddafad neu afr a gigyddir fel anifail dan amheuaeth | 22. Compensation for a sheep or goat slaughtered as a suspect animal |
| 23. Iawndal am anifeiliaid a leddir neu gynhyrchion a ddinistrir yn dilyn cadarnhad o TSE | 23. Compensation for animals killed or products destroyed following confirmation of TSE |
| 24. Prisiadau | 24. Valuations |

Hysbysu yngylch TSE

1.—(1) At ddibenion Erthygl 11 o Reoliad TSE y Gymuned, rhaid i unrhyw berson sydd ag unrhyw ddafad neu afr yn ei feddiant neu o dan ei reolaeth, sydd dan amheuaeth o fod wedi ei heffeithio gan TSE hysbysu Gweinidogion Cymru ar unwaith a chadw'r anifail yn yr un fangre hyd nes archwili'r yr anifail gan arolygydd milfeddygol.

(2) Rhaid i unrhyw filfeddyg sy'n archwilio unrhyw anifail o'r fath, hysbysu Gweinidogion Cymru cyn gynted ag y bo'n ymarferol bosibl.

(3) Rhaid i unrhyw berson (ac eithrio Gweinidogion Cymru) sy'n archwilio corff unrhyw ddafad neu afr neu unrhyw ran ohono, mewn labordy ac yn amau'n rhesymol bod TSE yn bresennol hysbysu Gweinidogion Cymru ar unwaith, a chadw'r corff ac unrhyw rannau ohono yn ei feddiant hyd nes awdurdodir eu gwaredu gan arolygydd milfeddygol.

(4) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgydd.

Cyfyngu ar anifail sy'n destun hysbysiad

2.—(1) Os yw anifail yn destun hysbysiad o dan baragraff 1, yna, tra'n aros am benderfyniad a yw dan amheuaeth o'i effeithio gan TSE ai peidio, caiff arolygydd milfeddygol gyflwyno hysbysiad yn gwahardd symud yr anifail hwnnw o'r daliad, ac yn gwahardd symud unrhyw ddafad neu afr arall i'r daliad hwnnw neu oddi arno.

(2) Ni chaniateir symud anifeiliaid sydd dan gyfyngiad ac eithrio yn unol â rheoliad 16.

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|---|---|
| 10. Time for appeals | 10. Time for appeals |
| 11. Killing and destruction following confirmation | 11. Killing and destruction following confirmation |
| 12. Infected animals from another holding | 12. Infected animals from another holding |
| 13. Common grazing | 13. Common grazing |
| 14. Multiple flocks on a holding | 14. Multiple flocks on a holding |
| 15. Subsequent occupiers | 15. Subsequent occupiers |
| 16. Introduction of animals onto a holding | 16. Introduction of animals onto a holding |
| 17. Use of ovine germinal products | 17. Use of ovine germinal products |
| 18. Movement of animals from a holding | 18. Movement of animals from a holding |
| 19. Time of movement restrictions | 19. Time of movement restrictions |
| 20. Death while under restriction | 20. Death while under restriction |
| 21. Placing on the market of progeny of BSE affected sheep and goats | 21. Placing on the market of progeny of BSE affected sheep and goats |
| 22. Compensation for a sheep or goat slaughtered as a suspect animal | 22. Compensation for a sheep or goat slaughtered as a suspect animal |
| 23. Compensation for animals killed or products destroyed following confirmation of TSE | 23. Compensation for animals killed or products destroyed following confirmation of TSE |
| 24. Valuations | |

Notification of TSE

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their control any sheep or goat suspected of being affected with a TSE must immediately notify the Welsh Ministers and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary surgeon who examines or inspects any such animal must, with all practical speed, notify the Welsh Ministers.

(3) Any person (other than the Welsh Ministers) who examines the body of any sheep or goat, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must immediately notify the Welsh Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

Restriction of a notified animal

2.—(1) If an animal is the subject of notification under paragraph 1, pending determination of whether or not it is suspected of being affected with a TSE, a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, and the movement of any other sheep or goat onto or from that holding.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

Cigydd a anifail sydd dan amheuaeth

3.—(1) At ddibenion paragraffau (1) a (2) o Erthygl 12 o Reoliad TSE y Gymuned, os yw arolygydd milfeddygol yn amau bod dafad neu afr wedi ei heffeithio gan BSE, rhaid iddo naill ai —

- (a) ei lladd ar y daliad ar unwaith;
- (b) cyflwyno hysbysiad yn gwahardd symud yr anifail o'r daliad hyd nes bo wedi ei ladd; neu
- (c) cyflwyno hysbysiad yn cyfarwyddo'r perchenog i draddodi yr anifail i fangre arall i'w ladd, ac yn gwahardd symud ac eithrio yn unol â'r cyfarwyddyd hwnnw.

(2) Os lleddir yr anifail ar y daliad, mae symud yr anifail oddi ar y daliad hwnnw yn dramgydd, ac eithrio yn unol â chyfarwyddyd ysgrifenedig gan arolygydd.

Cyfyngiadau ar symud

4.—(1) At ddibenion pwynt 2(2) o Atodiad VII i Reoliad TSE y Gymuned, ac Erthygl 12(1) o'r rheoliad hwnnw, yn dilyn amheuaeth o TSE (pa un ai mewn anifail byw neu drwy fonitro o dan Atodiad III o Reoliad TSE y Gymuned)—

- (a) rhaid i arolygydd gyflwyno hysbysiad yn gwahardd symud i'w daliad neu oddi ar ei daliad unrhyw ddafad neu afr ar yr un daliad â'r ddafad neu afr a amheur os yw'r arolygydd o'r farn y bu'r ddafad neu afr yn agored i TSE ar y daliad hwnnw;
- (b) caiff arolygydd gyflwyno hysbysiad yn gwahardd symud unrhyw ddafad neu afr i, neu oddi ar, unrhyw ddaliad os oes dystiolaeth y bu'r anifail a amheur yn agored i TSE ar y daliad hwnnw; ac
- (c) rhaid i arolygydd gyflwyno hysbysiad yn gwahardd symud i, neu oddi ar, ddaliad lle y cedwir anifail fel a bennir ym mhwynt 1(b) o Atodiad VII i Reoliad TSE y Gymuned, neu lle mae'r arolygydd yn amau y cedwir anifail o'r fath.

(2) Ni chaniateir symud anifeiliaid sydd dan gyfyngiad ac eithrio yn unol â rheoliad 16.

Gweithredu pan nad yw TSE wedi ei gadarnhau

5. Os ceir cadarnhad nad oedd yr anifail wedi ei heffeithio gan TSE, rhaid i'r arolygydd, cyn gynted ag y bo'n ymarferol yn rhesymol, dynnu'n ôl yr holl gyfyngiadau a osodwyd oherwydd yr anifail a oedd dan amheuaeth o'i heintio â TSE.

Cadarnhad o TSE mewn defaid

6.—(1) Mae'r paragraff hwn yn gymwys pan geir cadarnhad bod dafad, neu gorff dafad a fu'n destun

Slaughter of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that a sheep or goat is affected with a TSE, they must either—

- (a) kill it on the holding immediately;
- (b) serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) If the animal is killed on the holding, it is an offence to remove the body from the holding except in accordance with a written direction from an inspector.

Movement restrictions

4.—(1) For the purposes of point 2(2) of Annex VII to the Community TSE Regulation, and Article 12(1) of that Regulation, following suspicion of a TSE (whether in a live animal or through the monitoring under Annex III to the Community TSE Regulation), an inspector—

- (a) must serve a notice prohibiting the movement onto or from its holding of any sheep or goat on the same holding as the suspect sheep or goat if the inspector considers that the sheep or goat was exposed to a TSE on that holding;
- (b) may serve a notice prohibiting the movement onto or from any holding of any sheep or goat if there is evidence that the suspect animal was exposed to a TSE on that holding; and
- (c) must serve a notice prohibiting movement onto or from a holding where an animal specified in point 1(b) of Annex VII to the Community TSE Regulation is kept or where the inspector suspects such an animal is kept.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

Action where TSE is not confirmed

5. If it is confirmed that the sheep or goat was not affected with a TSE, the inspector must, as soon as reasonably possible, remove all restrictions imposed because the sheep or goat was suspected of being infected with a TSE.

Confirmation of TSE in sheep

6.—(1) This paragraph applies if it is confirmed that a suspect sheep, or a body of a sheep monitored under

monitro o dan Atodiad III i Reoliad TSE y Gymuned wedi ei effeithio gan TSE, a bod BSE wedi ei nacáu yn unol â'r weithdrefn a nodir ym Mhennod C, pwynt 3(2)(c) o Atodiad X i'r Rheoliad hwnnw, ac eithrio pan fo Gweinidogion Cymru yn penderfynu arfer y pwer ym mharagraff 9(2).

(2) Rhaid i Weinidogion Cymru, ar ôl—

- (a) cynnal yr ymchwiliad a bennir yn Erthygl 13(1)(b) o Reoliad TSE y Gymuned ac ym mhwynt 1(b) o Atodiad VII i'r Rheoliad hwnnw; a
- (b) samplu'r anifeiliaid i ganfod eu genoteip (os oes angen),

benderfynu pa un o'r opsiynau a nodir ym mhwyntiau 2(3)(b)(i) a 2(3)(b)(ii) o Atodiad VII i Reoliad TSE y Gymuned y maent yn bwriadu ei arfer.

(3) Rhaid i Weinidogion Cymru wedyn gyflwyno hysbysiad i feddiannydd y daliad, sy'n rhoi gwybod iddo pa un o'r opsiynau y mae Gweinidogion Cymru yn bwriadu ei arfer.

(4) Rhaid i'r hysbysiad nodi—

- (a) manylion adnabod yr anifeiliaid sydd i'w lladd a'u dinistrio;
- (b) manylion adnabod yr anifeiliaid (os oes rhai) sydd i'w cigydda ar gyfer eu bwyta gan bobl;
- (c) manylion adnabod yr anifeiliaid (os oes rhai) y caniateir eu cadw;
- (ch) manylion adnabod unrhyw ofwm neu embryo sydd i'w ddinistrio; a
- (d) y terfyn amser ar gyfer cydymffurfio â'r hysbysiad.

(5) Mae'r drefn apelio yn rheoliad 10 yn gymwys.

Cadarnhad o TSE mewn geifr

7.—(1) Mae'r paragraff hwn yn gymwys os ceir cadarnhad bod gafr sydd dan amheuaeth, neu gorff gafr a fu'n destun monitro o dan Atodiad III i Reoliad TSE y Gymuned wedi cael eu heffeithio gan TSE, a bod BSE wedi ei nacáu yn unol â'r weithdrefn a nodir ym Mhennod C, pwynt 3(2)(c) o Atodiad X i'r Rheoliad hwnnw, ac eithrio pan fo Gweinidogion Cymru yn penderfynu arfer y pwer ym mharagraff 9(2).

(2) Rhaid i Weinidogion Cymru, ar ôl cynnal yr ymchwiliad a bennir yn Erthygl 13(1)(b) o Reoliad TSE y Gymuned ac ym mhwynt 1(b) o Atodiad VII i'r Rheoliad hwnnw, gyflwyno hysbysiad i feddiannydd y daliad yn rhoi gwybod iddo bod Gweinidogion Cymru yn bwriadu lladd neu ddinistrio'r holl eifr ar y daliad a'r holl embryonau ac ofa o'r anifeiliaid hynny yn unol ag Erthygl 13(1)(c), a phwynt 2.3(b)(i) o Atodiad VII i'r Rheoliad hwnnw.

(3) Mae'r drefn apelio yn rheoliad 10 yn gymwys.

Annex III to the Community TSE Regulation, is affected with a TSE, and BSE is excluded in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X, to that Regulation except where the Welsh Ministers decide to exercise the power in paragraph 9(2).

(2) The Welsh Ministers, after—

- (a) carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and
- (b) sampling the animals to establish their genotype (if this is necessary),

must decide which of the options set out in points 2(3)(b)(i) and 2(3)(b)(ii) of Annex VII to the Community TSE Regulation they intend to exercise.

(3) The Welsh Ministers must then serve a notice on the occupier of the holding informing the occupier of which of those options the Welsh Ministers intend to exercise.

(4) The notice must specify—

- (a) the identity of the animals to be killed and destroyed;
- (b) the identity of the animals (if any) to be slaughtered for human consumption;
- (c) the identity of the animals (if any) that may be retained;
- (d) the identity of any ovum or embryo to be destroyed; and
- (e) the time limit for complying with the notice.

(5) The appeals procedure in regulation 10 applies.

Confirmation of TSE in goats

7.—(1) This paragraph applies if it is confirmed that a suspect goat, or a body of a goat monitored under Annex III to the Community TSE Regulation, is affected with a TSE, and BSE is excluded in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X to that Regulation except where the Welsh Ministers decide to exercise the power in paragraph 9(2).

(2) The Welsh Ministers, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation, must serve a notice on the occupier of the holding informing them that the Welsh Ministers intend to kill and destroy all the goats on the holding and all embryos and ova from those animals in accordance with Article 13(1)(c) of, and point 2.3(b)(i) of Annex VII, to that Regulation.

(3) The appeals procedure in regulation 10 applies.

Cadarnhad o BSE mewn defaid neu eifr

8.—(1) Mae'r paragraff hwn yn gymwys pan gadarnheir TSE mewn dafad neu afr a amheuwyd, neu gorff dafad neu afr a fu'n destun monitro o dan Atodiad III i Reoliad TSE y Gymuned, ac nad oes modd nacáu BSE ar sail canlyniadau treial cylch a gynhalwyd yn unol â'r weithdrefn a bennir ym Mhennod C, pwynt 3(2)(c) o Atodiad X i'r Rheoliad hwnnw.

(2) Rhaid i Weinidogion Cymru, ar ôl cynnal yr ymchwiliad a bennir yn Erthygl 13(1)(b) o Reoliad TSE y Gymuned ac ym mhwynt 1(b) o Atodiad VII i'r Rheoliad hwnnw, gyflwyno hysbysiad i feddiannydd y daliad yn rhoi gwybod iddo bod Gweinidogion Cymru yn bwriadu lladd a dinistrio'r anifeiliaid a dinistrio'r embryonau a'r ofa yn unol ag Erthygl 13(1)(c), a phwynt 2(3)(a) o Atodiad VII i'r Rheoliad hwnnw.

(3) Mae'r drefn apelio yn rheoliad 10 yn gymwys.

Cadarnhad o glefyd y crafu annodweddadol mewn defaid neu eifr

9.—(1) Mae'r paragraff hwn yn gymwys os y TSE a gadarnheir mewn dafad neu afr a amheuwyd, neu gorff dafad neu afr a fu'n destun monitro o dan Atodiad III i Reoliad TSE y Gymuned, yw clefyd y crafu annodweddadol, ac os yw BSE wedi ei nacáu yn unol â'r weithdrefn a nodir ym Mhennod C, pwynt 3(2)(c) o Atodiad X i'r Rheoliad hwnnw.

(2) Caiff Gweinidogion Cymru benderfynu peidio â chymhwysos paragraff 6 mewn perthynas â defaid, neu baragraff 7 mewn perthynas â geifr.

(3) Os yw Gweinidogion Cymru yn penderfynu peidio â chymhwysos naill ai paragraff 6 neu 7, rhaid i Weinidogion Cymru, yn lle cydymffurfio â gofynion y paragraff hwnnw,—

- (a) cynnal yr ymchwiliad a bennir yn Erthygl 13(1)(b) o Reoliad TSE y Gymuned ac ym mhwynt 1(b) o Atodiad VII i'r Rheoliad hwnnw; a
- (b) penderfynu pa un o'r opsiynau a nodir ym mhwyntiau 5(a) a 5(b) o Atodiad VII i'r Rheoliad hwnnw y mae Gweinidogion Cymru yn bwriadu ei arfer.

(4) Rhaid i Weinidogion Cymru wedyn gyflwyno hysbysiad i feddiannydd y daliad, sy'n rhoi gwybod iddo pa opsiwn y mae Gweinidogion Cymru yn bwriadu ei arfer.

(5) Os yw Gweinidogion Cymru yn dewis yr opsiwn a nodir ym mhwynt 5(a) o Atodiad VII i Reoliad TSE y Gymuned, rhaid i'r hysbysiad nodi—

- (a) manylion adnabod yr anifeiliaid (os oes rhai sydd i'w lladd neu eu dinistrio;
- (b) manylion adnabod unrhyw ofa neu embryonau (os oes rhai) sydd i'w dinistrio; ac

Confirmation of BSE in sheep or goats

8.—(1) This paragraph applies if TSE is confirmed in a suspect sheep or goat, or a body of a sheep or goat monitored under Annex III to the Community TSE Regulation, and BSE cannot be excluded by the results of a ring trial carried out in accordance with the procedure set out in Chapter C, point 3(2)(c) of Annex X to that Regulation.

(2) The Welsh Ministers, after carrying out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and point 1(b) of Annex VII to that Regulation, must serve a notice on the occupier of the holding informing them of the Welsh Ministers' intention to have the animals killed and destroyed, and the embryos and ova destroyed, in accordance with Article 13(1)(c), and point 2(3)(a) of Annex VII to that Regulation.

(3) The appeals procedure in regulation 10 applies.

Confirmation of atypical scrapie in sheep or goats

9.—(1) This paragraph applies if the TSE confirmed in a suspect sheep or goat, or a body of a sheep or goat, monitored under Annex III to the Community TSE Regulation is atypical scrapie, and BSE is excluded in accordance with the procedure set out in Chapter C, Point 3(2)(c) of Annex X to that Regulation.

(2) The Welsh Ministers may decide not to apply paragraph 6 in respect of sheep, or paragraph 7 in respect of goats.

(3) If the Welsh Ministers decide not to apply either paragraph 6 or 7, the Welsh Ministers must, instead of complying with the requirements in that paragraph,—

- (a) carry out the inquiry specified in Article 13(1)(b) of the Community TSE Regulation and in point 1(b) of Annex VII to that Regulation; and
- (b) decide which of the options set out in points 5(a) and 5(b) of Annex VII to that Regulation the Welsh Ministers intend to exercise.

(4) The Welsh Ministers must then serve a notice on the occupier of the holding informing them of which option the Welsh Ministers intend to exercise.

(5) If the Welsh Ministers choose the option set out in point 5(a) of Annex VII to the Community TSE Regulation, the notice must specify—

- (a) the identity of the animals (if any) to be killed and destroyed;
- (b) the identity of any ovum or embryo (if any) to be destroyed; and

(c) y terfyn amser ar gyfer cydymffurfio â'r hysbysiad.

(6) Os yw Gweinidogion Cymru yn dewis yr opsiwn a nodir ym mhwynt 5(b) o'r Atodiad VII i Reoliad TSE y Gymuned, yna, am y ddwy flynedd fridio ar ôl canfod yr achos olaf o TSE, rhaid i'r meddiannydd—

(a) nodi pob dafad a gafr sydd ar y daliad; a

(b) peri i'r daliad fod destun y monitro dwysach ar gyfer TSE a nodir ym mhwynt 5(b)(ii) o'r Atodiad hwnnw,

ac y mae peidio â chydymffurfio â'r is-baragraff hwn yn dramgydd.

(7) Ni chaiff neb anfon unrhyw anifeiliaid byw o deulu'r ddafad neu'r afr a nodwyd o dan is-baragraff (6)(a), nac embryonau neu ofa o anifeiliaid o'r fath, i Aelod-wladwriaeth arall nac i drydedd gwlad ac y mae peidio â chydymffurfio â'r is-baragraff hwn yn dramgydd.

(8) Mae'r drefn apelio yn rheoliad 10 yn gymwys.

Amser i apelio

10. Rhaid i Weinidogion Cymru beidio â bod wedi lladd unrhyw dafad neu afr nac wedi dinistrio unrhyw embryo neu ofwm o dan yr Atodlen hon—

- (a) cyn cael eu hysbysu mewn ysgrifen gan y person y cyflwynwyd hysbysiad iddo nad oes bwriad gan y person hwnnw i fynd ymlaen i apelio;
- (b) cyn diwedd y cyfnod o 21 diwrnod a ganiateir ar gyfer apêl o dan reoliad 10; neu
- (c) os gwneir apêl, cyn i'r apêl gael ei phenderfynu neu ei thynnud yn ôl

Lladd a dinistrio yn dilyn cadarnhad

11.—(1) Rhaid i arolygydd sierhau bod yr holl anifeiliaid a nodir i'w lladd yn yr hysbysiad ym mharagraffau 6(3), 7(2), 8(2) neu 9(4) yn cael eu lladd a bod yr holl ofa ac embryonau a nodwyd i'w dinistrio yn yr hysbysiad yn cael eu dinistrio.

(2) Os na leddir anifail yn y daliad, rhaid i arolygydd roi cyfarwyddyd ysgrifenedig i'r perchen nog i'w draddodi i fangre arall i'w ladd fel y nodir yn y cyfarwyddyd.

(3) Pan leddir anifail o dan y paragraff hwn, mae'n dramgydd symud y corff o'r fangre lle'i lladdwyd ac eithrio yn unol â chyfarwyddyd ysgrifenedig gan arolygydd.

Anifeiliaid heintiedig o ddaliad arall

12. At ddibenion pwynt 2(4) o'r Atodiad VII i Reoliad TSE y Gymuned, os daethpwyd â'r anifail heintiedig o

(c) the time limit for complying with the notice.

(6) If the Welsh Ministers choose the option set out in point 5(b) of Annex VII to the Community TSE Regulation, for two breeding years following the detection of the last TSE case, the occupier—

- (a) must identify all sheep and goats on the holding; and
- (b) must subject the holding to the intensified TSE monitoring set out in point 5(b)(ii) of that Annex,

and failure to comply with this sub-paragraph is an offence.

(7) No person may dispatch any live ovine or caprine animals identified under sub-paragraph (6)(a) or embryos or ova from such animals to another member State or third country, and failure to comply with this sub-paragraph is an offence.

(8) The appeals procedure in regulation 10 applies.

Time for appeals

10. The Welsh Ministers must not have killed any sheep or goat, or have destroyed any ovum or embryo, under this Schedule until—

- (a) receipt of written notification from the person on whom the notice is served that that person has no intention to proceed with an appeal;
- (b) after the 21 day period for appeal under regulation 10 is completed; or
- (c) if there is an appeal, the appeal is determined or withdrawn.

Killing and destruction following confirmation

11.—(1) An inspector must ensure that all the animals specified for killing in the notice in paragraph 6(3), 7(2), 8(2), or 9(4) are killed and that all the ova and embryos specified for destruction in the notice are destroyed.

(2) If an animal is not killed on the holding, an inspector must direct the owner in writing to consign it to other premises for killing as specified in the direction.

(3) When an animal has been killed under this paragraph, it is an offence to remove the body from the premises on which it was killed except in accordance with a written direction from an inspector.

Infected animals from another holding

12. For the purposes of point 2(4) of Annex VII to the Community TSE Regulation, if the infected animal

ddaliad arall, caiff Gweinidogion Cymru weithredu yn unol â'r Atodlen hon mewn perthynas â'r daliad y tarddodd yr anifail ohono yn ogystal â'r daliad lle cadarnhawyd yr haint, neu yn lle'r daliad hwnnw.

Pori ar dir comin

13. Yn achos anifeiliaid heintiedig ar dir pori comin, caiff Gweinidogion Cymru gyfyngu hysbysiad o dan baragraffau 6(3), 7(2), 8(2) neu 9(4) i ddiadell unigol yn unol â phwynt 2(4) o Atodiad VII i Reoliad TSE y Gymuned.

Nifer o ddiadelloedd ar un daliad

14. Os cedwir mwy nag un ddiadell ar un daliad, caiff Gweinidogion Cymru gyfyngu hysbysiad o dan baragraffau 6(3), 7(2), 8(2) neu 9(4) i ddiadell unigol yn unol â phwynt 2(4) o Atodiad VII i Reoliad TSE y Gymuned.

Meddianwyr dilynol

15. Os newidir meddiannaeth y daliad, rhaid i'r meddiannydd blaenorol sicrhau bod y meddiannydd dilynol yn gwybod am fodolaeth a chynnwys unrhyw hysbysiad a roddwyd o dan yr Atodlen hon, ac mae peidio â gwneud hynny yn dramgydd.

Dod ag anifeiliaid i ddaliad

16. Mae unrhyw berson sy'n rhoi anifail ar ddaliad yn groes i bwynt 3(1) o Atodiad VII i Reoliad TSE y Gymuned yn euog o dramgydd.

Defnyddio cynhyrchion cenhedol defaid

17. Mae unrhyw berson sy'n defnyddio cynhyrchion cenhedol defaid yn groes i bwynt 3(2) o Atodiad VII i Reoliad TSE y Gymuned yn euog o dramgydd.

Symud anifeiliaid oddi ar ddaliad

18. Mae unrhyw berson sy'n symud anifail oddi ar ddaliad yn groes i bwynt 3(3) o Atodiad VII i Reoliad TSE y Gymuned yn euog o dramgydd.

Amseroedd cyfyngiadau symud

19. At ddibenion pwynt 3(4) of Atodiad VII i Reoliad TSE y Gymuned, rhaid i Weinidogion Cymru benderfynu'r dyddiadau perthnasol, a hysbysu meddiannydd y daliad o'r dyddiadau hynny mewn ysgrifen.

Marwolaeth anifail tra o dan gyfyngiad

20. Os bydd farw neu os lleddir unrhyw anifail sy'n 18 mis oed neu'n hŷn, tra bo dan gyfyngiad am unrhyw reswm o dan yr Atodlen hon neu Atodiad VII i Reoliad

was introduced from another holding, the Welsh Ministers may act in accordance with this Schedule in relation to the holding of origin in addition to, or instead of, the holding on which infection was confirmed.

Common grazing

13. In the case of infected animals on common grazing, the Welsh Ministers may limit a notice under paragraph 6(3), 7(2), 8(2) or 9(4) to an individual flock in accordance with point 2(4) of Annex VII to the Community TSE Regulation.

Multiple flocks on a holding

14. Where more than one flock is kept on a single holding, the Welsh Ministers may limit a notice under paragraph 6(3), 7(2), 8(2) or 9(4) to an individual flock in accordance with point 2(4) of Annex VII to the Community TSE Regulation.

Subsequent occupiers

15. If there is a change in occupation of the holding, the previous occupier must ensure that the subsequent occupier is made aware of the existence and contents of any notice served under this Schedule, and failure to do so is an offence.

Introduction of animals onto a holding

16. Any person who introduces an animal onto a holding in contravention of point 3(1) of Annex VII to the Community TSE Regulation is guilty of an offence.

Use of ovine germinal products

17. Any person who uses ovine germinal products in contravention of point 3(2) of Annex VII to the Community TSE Regulation is guilty of an offence.

Movement of animals from a holding

18. Any person who moves an animal from a holding in contravention of point 3(3) of Annex VII to the Community TSE Regulation is guilty of an offence.

Time of movement restrictions

19. For the purposes of point 3(4) of Annex VII to the Community TSE Regulation the relevant dates must be established by the Welsh Ministers giving written notification of those dates to the occupier of the holding.

Death while under restriction

20. If any animal aged 18 months or over dies or is killed while it is under restriction for any reason under this Schedule or Annex VII to the Community TSE

TSE y Gymuned, rhaid i'r perchennog hysbysu Gweinidogion Cymru ar unwaith, a chadw'r corff yn yr un fangre hyd nes caiff gyfarwyddiadau ysgrifenedig gan Weinidogion Cymru i'w symud neu i'w waredu, ac y mae peidio â chydymffurfio â'r paragraff hwn neu beidio â chydymffurfio â chyfarwyddyd o dan y paragraff hwn yn dramgydd.

Rhoi ar y farchnad epil defaid a geifr yr effeithiwyd arnynt gan BSE

21. Mae unrhyw berson sy'n rhoi unrhyw ddefaid neu eiffr yr effeithiwyd arnynt gan BSE ar y farchnad yn groes i Erthygl 15(2) o Reoliad TSE y Gymuned a Phennod B o Atodiad VIII i'r Rheoliad hwnnw yn euog o drosedd.

Iawndal am ddafad neu afr a gigyddir fel anifail dan amheuaeth

22.—(1) Rhaid i Weinidogion Cymru dalu iawndal yn unol â'r paragraff hwn am ddafad neu afr a leddir fel anifail dan amheuaeth.

(2) Os ceir cadarnhad bod yr anifail wedi ei effeithio gan TSE, yr iawndal yw—

- (a) £30 yn achos anifail ar ddiwedd ei oes gynhyrchiol; a
- (b) £90 mewn unrhyw achos arall.

(3) Pan na cheir cadarnhad bod yr anifail wedi ei effeithio gan TSE, yr iawndal yw'r uchaf o'r canlynol—

- (a) y swm a fyddai wedi bod yn daladwy o dan y paragraff hwn pe byddid wedi cael cadarnhad bod yr anifail wedi ei effeithio gan TSE; a
- (b) y swm sy'n ymddangos i Weinidogion Cymru ar ôl ystyried yr wybodaeth a ddarparwyd gan berchennog yr anifail, ac unrhyw wybodaeth arall sy'n berthnasol, ei fod yn adlewyrchu gwerth yr anifail ar y farchnad, yn ddarostyngedig i uchafswm o £400 am bob anifail.

Iawndal am anifeiliaid a leddir neu gynhyrchion a ddimistrir yn dilyn cadarnhad o TSE

23. Rhaid i Weinidogion Cymru dalu iawndal i berchennog anifeiliaid a leddir a chynhyrchion a ddimistrir o dan yr Atodlen hon yn dilyn cadarnhau TSE, yn unol â'r darpariaethau sy'n dilyn yn y paragraff hwn—

Regulation, the owner must immediately notify the Welsh Ministers, and retain the body on the premises until they are directed in writing to move or dispose of it by the Welsh Ministers, and it is an offence not to comply with this paragraph or to fail to comply with a direction under it.

Placing on the market of progeny of BSE affected sheep and goats

21. Any person who places on the market any BSE affected sheep or goat in contravention of Article 15(2) of the Community TSE Regulation and Chapter B of Annex VIII to that Regulation is guilty of an offence.

Compensation for a sheep or goat slaughtered as a suspect animal

22.—(1) The Welsh Ministers must pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

(2) Where it is confirmed that it was affected with a TSE, the compensation is—

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that it was affected with a TSE, the compensation is the higher of—

- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal was affected with a TSE; and
- (b) such sum as appears to the Welsh Ministers, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for animals killed or products destroyed following confirmation of TSE

23. The Welsh Ministers must pay compensation to the owner of animals killed and products destroyed under this Schedule following confirmation of a TSE in accordance with the following provisions of this paragraph—

Iawndal

Anifail neu gynnrych	Iawndal (£)
Dafad neu afr (gwryw)	90
Dafad neu afr (benyw)	65
Oen (o dan 12 mis oed) neu fyn (o dan 12 mis oed)	40
Embryo	150
Ofwm	5

Prisiadau

24.—(1) Os yw perchenennog anifail o'r farn bod yr iawndal yn y paragraff blaenorol yn afresymol, caiff hysbysu Gweinidogion Cymru o hynny, ac yna bydd y weithdrefn yn rheoliad 11 yn gymwys, gyda'r perchenennog yn talu unrhyw ffi sy'n codi o enwebu a chyflogi prisiwr.

(2) Os yw Gweinidogion Cymru o'r farn bod yr iawndal yn y paragraff blaenorol yn ormodol, caiff Gweinidogion Cymru fynnu prisio'r anifail yn unol â'r weithdrefn yn rheoliad 11, ond rhaid iddynt hefyd dalu unrhyw ffi sy'n codi o enwebu a chyflogi prisiwr.

(3) Rhaid i'r prisiwr brisio'r anifail yn unol â'r pris y gellid yn rhesymol fod wedi ei gael am yr anifail gan brynnwr yn y farchnad agored pe na bai anifail yn tarddu o ddiadell yr effeithiwyd arno gan TSE.

ATODLEN 5

Rheoliad 5

Rheoli a dileu TSE mewn anifeiliaid nad ydynt o deulu'r fuwch, y ddafad na'r afr

Hysbysu

1.—(1) At ddibenion Erthygl 11 o Reoliad TSE y Gymuned, rhaid i unrhyw berson sydd ag unrhyw anifail yn ei feddiant neu o dan ei reolaeth nad yw o deulu'r fuwch y ddafad na'r afr ac sydd dan amheuaeth o fod wedi ei effeithio gan TSE hysbysu Gweinidogion Cymru ar unwaith a chadw'r anifail yn yr un fangre hyd nes archwili'r yr anifail gan arolygydd milfeddygol.

(2) Rhaid i unrhyw arolygydd milfeddygol sy'n archwilio neu arolygu unrhyw anifail o'r fath, hysbysu Gweinidogion Cymru ar yr archwiliad neu'r arolygiad hwnnw, cyn gynted ag y bo'n ymarferol bosibl.

(3) Rhaid i unrhyw berson (ac eithrio Gweinidogion Cymru) sy'n archwilio corff unrhyw anifail nad yw o deulu'r fuwch y ddafad na'r afr, neu unrhyw ran o'r corff, mewn labordy ac yn amau'n rhesymol bod TSE

Compensation

Animal or product	Compensation (£)
Male sheep or goat	90
Female sheep or goat	65
Lamb (under 12 months old) or kid (under 12 months old)	40
Embryo	150
Ovum	5

Valuations

24.—(1) If the owner of an animal considers the compensation in the preceding paragraph to be unreasonable the owner may notify the Welsh Ministers, and the procedure in regulation 11 applies, with the owner paying any fee arising for nominating and employing a valuer.

(2) If the Welsh Ministers consider the compensation in the preceding paragraph to be excessive the Welsh Ministers may obtain a valuation of the animal in accordance with the procedure in regulation 11, but must also pay any fee arising for nominating and employing a valuer.

(3) The valuer must value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was not from a flock affected by TSE.

SCHEDULE 5

Regulation 5

Control and eradication of TSE in animals that are not bovine, ovine or caprine

Notification

1.—(1) For the purposes of Article 11 of the Community TSE Regulation, any person who has in their possession or under their control any animal that is not bovine, ovine or caprine that is suspected of being affected by a TSE must immediately notify the Welsh Ministers and detain it on the premises until it has been examined by a veterinary inspector.

(2) Any veterinary inspector who examines or inspects any such animal must, with all practical speed, notify the Welsh Ministers of that examination or inspection.

(3) Any person (other than the Welsh Minister) who examines the body of an animal that is not bovine, ovine or caprine, or any part of it, in a laboratory and who reasonably suspects the presence of a TSE must

yn bresennol hysbysu Gweinidogion Cymru ar unwaith, a chadw'r corff ac unrhyw rannau ohono yn ei feddiant hyd nes awdurdodir ei waredu gan arolygydd milfeddygol.

(4) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgywydd.

Cyfngu ar anifail sy'n destun hysbysiad

2.—(1) Os yw anifail yn destun hysbysiad o dan baragraff 1, caiff arolygydd milfeddygol gyflwyno hysbysiad yn gwahardd ei symud o'i ddaliad hyd nes ceir penderfyniad a yw dan amheuaeth o'i effeithio gan TSE ai peidio.

(2) Ni chaniateir symud anifeiliaid dan gyfyngiadau ac eithrio yn unol â rheoliad 16.

Cigydda anifail sydd dan amheuaeth

3.—(1) At ddibenion paragraffau (1) a (2) o Erthygl 12 o Reoliad TSE y Gymuned, os yw arolygydd milfeddygol yn amau bod anifail nad yw o deulu'r ddfaf, y fuwch na'r afr wedi ei effeithio gan TSE, rhaid iddo naill ai—

- (a) ei ladd ar y daliad ar unwaith;
- (b) cyflwyno hysbysiad yn gwahardd symud yr anifail o'r daliad hyd nes bo wedi ei ladd; neu
- (c) cyflwyno hysbysiad yn cyfarwyddo'r perchenog i draddodi yr anifail i fangre arall i'w ladd, ac yn gwahardd symud yr anifail ac eithrio yn unol â'r cyfarwyddyd hwnnw.

(2) Os lleddir yr anifail ar y daliad, mae symud y corff oddi ar y daliad hwnnw neu ei waredu yn dramgywydd, ac eithrio yn unol â chyfarwyddyd ysgrifenedig gan arolygydd.

Iawndal

4.—(1) Pan leddir anifail o dan baragraff 3, caiff Gweinidogion Cymru dalu iawndal.

(2) Yr iawndal yw gwerth yr anifail ar y farchnad ar yr adeg y lleddir yr anifail, a benderfynir yn unol â'r weithdrefn yn rheoliad 11, gyda'r perchenog yn talu unrhyw ffi sy'n codi o enwebu a chyflogi prisiwr.

Cadw cynhyrchion a gwaredu

5.—(1) Mewn perthynas ag unrhyw garw a ddewisir ar gyfer samplu yn rhan o'r arolwg sy'n ofynnol o dan Erthygl 3(1) o Benderfyniad y Comisiwn 2007/182/EC ynglyn ag arolwg ar gyfer clefyd nychu cronic mewn anifeiliaid o deulu'r carw⁽¹⁾, rhaid i feddiannydd lladd-dy, marchnad ledr neu danerdy—

immediately notify the Welsh Ministers, and retain the body and any parts of it until a veterinary inspector has authorised disposal.

(4) Failure to comply with this paragraph is an offence.

Restriction of a notified animal

2.—(1) If an animal is the subject of notification under paragraph 1, a veterinary inspector may serve a notice prohibiting the movement of that animal from its holding, pending determination of whether or not it is suspected of being affected with a TSE.

(2) Movements of restricted animals are only permitted in accordance with regulation 16.

Slaughter of a suspect animal

3.—(1) For the purposes of paragraphs (1) and (2) of Article 12 of the Community TSE Regulation, if a veterinary inspector suspects that an animal that is not bovine, ovine or caprine is affected with a TSE, they may either—

- (a) kill it on the holding immediately;
- (b) serve a notice prohibiting the animal from being moved from the holding until it has been killed; or
- (c) serve a notice directing the owner to consign it to other premises for killing and prohibiting movement other than in accordance with that direction.

(2) If the animal is killed on the holding, it is an offence to remove the body from the holding or dispose of it except in accordance with a written direction from an inspector.

Compensation

4.—(1) Where an animal is killed under paragraph 3, the Welsh Ministers may pay compensation.

(2) The compensation is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee arising for nominating and employing a valuer.

Retention of products and disposal

5.—(1) In relation to any deer selected for sampling as part of the survey required by Article 3(1) of Commission Decision 2007/182/EC on a survey for chronic wasting disease in cervids⁽¹⁾, the occupier of a slaughterhouse, hide market or tannery must—

(1) OJ Rhif. L 84, 24.3.2007, t.37.

(1) OJ No. L 84, 24.3.2007, p.37.

- (a) at ddibenion pwynt 1 o Atodiad III i Benderfyniad y Comisiwn 2007/182/EC, gadw yn ei feddiant y carcas a phob rhan o'r corff (gan gynnwys y gwaed a'r croen) hyd nes ceir canlyniad y prawf; a
- (b) os ceir canlyniad positif, gwaredu'r carcas a phob rhan o'r corff (gan gynnwys y gwaed a'r croen) ar unwaith yn unol â phwynt 4 o'r Atodiad hwnnw.

(2) Mewn perthynas â'r paragraff hwn, caniateir i bwerau arolygydd gael eu harfer hefyd gan berson a benodir fel y cyfryw mewn perthynas â marchnad ledr neu danerdy gan y Bwrdd Datblygu Amaethyddiaeth a Garddwriaeth.

(3) Mae unrhyw berson sy'n peidio â chydymffurfio â pharagraff (1) yn euog o dramgwydd.

ATODLEN 6

Rheoliad 5

Bwydydd anifeiliaid

CYNNWYS

RHAN 1

- Cyfngiadau ar fwydo proteinau i anifeiliaid
- 1. Gwahardd bwydo protein anifeiliaid i anifeiliaid cnoi cil
- 2. Gwahardd bwydo protein anifeiliaid i anifeiliaid nad ydynt yn cnoi cil
- 3. Eithriadau
- 4. Gwahardd a chyfngu ar symud anifeiliaid
- 5. Cigydda anifeiliaid
- 6. Iawndal
- 7. Cigydda neu werthu i'w fwyta gan bobl

RHAN 2

Cynhyrchu protein a bwydydd anifeiliaid

- 8. Blawd pysgod ar gyfer bwydo anifeiliaid a ffermir ac nad ydynt yn cnoi cil
- 9. Tramgwyddau sy'n ymwneud â blawd pysgod a bwydydd anifeiliaid sy'n cynnwys blawd pysgod
- 10. Bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm neu ffosffad tricalsiwm i'w bwydo i anifeiliaid nad ydynt yn cnoi cil
- 11. Tramgwyddau sy'n ymwneud â bwydydd

(a) for the purposes of point 1 of Annex III to Commission Decision 2007/182/EC, retain the carcase and all parts of the body (including the blood and the hide) pending receipt of the test result; and

(b) in the event of a positive result, immediately dispose of the carcase and all parts of the body (including the blood and the hide) in accordance with point 4 of that Annex.

(2) In relation to this paragraph the powers of an inspector under these Regulations may also be exercised by a person appointed as such in relation to a hide market or tannery by the Agriculture and Horticulture Development Board.

(3) Any person who fails to comply with subparagraph (1) is guilty of an offence.

SCHEDULE 6

Regulation 5

Feedingstuffs

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RHAN 1

Cyfngiadau ar fwydo proteinau i anifeiliaid

Gwahardd bwydo protein anifeiliaid i anifeiliaid cnoi cil

1.—(1) At ddibenion Erthygl 7(1) a phwynt (b) o Ran I o Atodiad IV i Reoliad TSE y Gymuned mae'n dramgydd—

- (a) bwydo i unrhyw anifail cnoi cil;
- (b) cyflenwi i'w fwydo i unrhyw anifail cnoi cil; neu
- (c) ganiatáu i unrhyw anifail cnoi cil gael mynediad at,

unrhyw brotein anifeiliaid (neu unrhyw beth sy'n cynnwys protein anifeiliaid) ar wahân i'r proteinau a nodir ym mhwynt A(a) o Ran II o Atodiad IV i'r Rheoliad hwnnw.

(2) Mae'n dramgydd dod ag unrhyw beth a waherdir gan is-baragraff (1), ac eithrio bwyd a fwriedir i'w fwyta gan bobl, i mewn i unrhyw fangre lle cedwir anifeiliaid cnoi cil, neu fod â meddiant o'r cyfryw beth mewn mangre o'r fath, ac eithrio—

- (a) yn unol â pharagraff 3; neu
- (b) pan awdurdodwyd hynny gan arolygydd a phan fo mesurau addas wedi eu sefydlu i sicrhau na chaiff anifeiliaid cnoi cil fynediad at y protein anifeiliaid a nodir yn yr awdurdod.

PART 1

Restrictions on feeding proteins to animals

Prohibition on feeding animal protein to ruminants

1.—(1) For the purposes of Article 7(1) and point (b) of Part I of Annex IV to the Community TSE Regulation it is an offence to—

- (a) feed to any ruminant animal;
- (b) supply for feeding to any ruminant animal; or
- (c) permit any ruminant animal to have access to,

any animal protein (or anything containing animal protein) other than the proteins specified in point A(a) of Part II of Annex IV to that Regulation.

(2) It is an offence to bring onto any premises where ruminant animals are kept, or to possess on such premises, anything, other than food intended for human consumption, prohibited by sub-paragraph (1) except—

- (a) in accordance with paragraph 3; or
- (b) where authorised by an inspector and suitable measures are in place to ensure that ruminant animals do not have access to the animal protein specified in the authorisation.

(3) Nid yw is-baragraff (2) yn gymwys pan fo'r fangre wedi ei chofrestru ar gyfer defnyddio a storio'r protein anifeiliaid perthnasol o dan baragraff 8(6), 10(5) neu 12(9).

Gwahardd bwydo protein anifeiliaid i anifeiliaid nad ydynt yn cnoi cil

2.—(1) At ddibenion Erthygl 7(2) o, a phwynt (a) o Ran I o Atodiad IV i Reoliad TSE y Gymuned mae'n dramgywydd—

- (a) bwydo i unrhyw fochyn, dofednod, ceffyl neu unrhyw anifail a ffermir ac nad yw'n cnoi cil;
- (b) cyflenwi i'w fwydo i unrhyw anifail o'r fath; neu
- (c) ganiatáu i unrhyw anifail o'r fath gael mynediad at,

unrhyw beth y mae'r paragraff hwn yn gymwys mewn perthynas ag ef.

(2) Yn ddarostyngedig i is-baragraff (3), mae'r gwaharddiad yn is-baragraff (1) yn gymwys mewn perthynas â—

- (a) protein anifeiliaid wedi'i brosesu;
- (b) gelatin sy'n tarddu o anifail cnoi cil;
- (c) cynhyrchion gwaed;
- (ch) protein hydrolysed;
- (d) ffosffad deucalsiwm a ffosffad tricalsiwm sy'n tarddu o anifeiliaid;
- (dd) bwydydd anifeiliaid anwes sy'n cynnwys protein anifeiliaid; ac
- (e) bwydydd amrwd ar gyfer anifeiliaid anwes, a gyfansoddir o brotein anifeiliaid.

(3) Nid yw'r gwaharddiad yn is-baragraff (1) yn gymwys mewn perthynas ag—

- (a) y protein a nodir ym mhwynt A(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned;
- (b) blawd pysgod (a bwydydd anifeiliaid sy'n ei gynnwys) sydd wedi eu cynhyrchu, eu labelu, eu cludo a'u storio yn unol â phwynt B o'r Rhan honno;
- (c) ffosffad deucalsiwm a ffosffad tricalsiwm (a bwydydd anifeiliaid sy'n eu cynnwys) sydd wedi eu cynhyrchu, eu labelu, eu cludo a'u storio yn unol â phwynt C o'r Rhan honno;
- (ch) cynhyrchion gwaed sy'n deillio o anifeiliaid nad ydynt yn cnoi cil (a bwydydd anifeiliaid sy'n cynnwys cynhyrchion o'r fath) ac wedi eu cynhyrchu, eu labelu, eu cludo a'u storio yn unol â phwynt D o'r Rhan honno;
- (d) yn achos bwydo i bysgod, blawd gwaed sy'n deillio o anifeiliaid nad ydynt yn cnoi cil (a bwydydd anifeiliaid sy'n cynnwys blawd o'r fath) ac wedi eu cynhyrchu, eu labelu, eu cludo a'u storio yn unol â phwynt D o'r Rhan honno; a

(3) Sub-paragraph (2) does not apply where the premises are registered to use and store the relevant animal protein under paragraph 8(6), 10(5) or 12(9).

Prohibition on feeding animal protein to non-ruminants

2.—(1) For the purposes of Article 7(2) of, and point (a) of Part I of Annex IV to, the Community TSE Regulation it is an offence to—

- (a) feed to any pig, poultry, horse or any farmed non-ruminant animal;
- (b) supply for feeding to any such animal; or
- (c) allow any such animal to have access to,

anything in relation to which this paragraph applies.

(2) Subject to sub-paragraph (3), the prohibition in sub-paragraph (1) applies in relation to—

- (a) processed animal protein;
- (b) gelatine of ruminant origin;
- (c) blood products;
- (d) hydrolysed protein;
- (e) dicalcium phosphate and tricalcium phosphate of animal origin;
- (f) petfood containing animal protein; and
- (g) raw petfood consisting of animal protein.

(3) The prohibition in sub-paragraph (1) does not apply in relation to—

- (a) the protein specified in point A(a) of Part II of Annex IV to the Community TSE Regulation;
- (b) fishmeal (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point B of that Part;
- (c) dicalcium phosphate and tricalcium phosphate (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point C of that Part;
- (d) blood products derived from non-ruminants (and feedingstuffs containing them) that have been produced, labelled, transported and stored in accordance with point D of that Part;
- (e) in the case of feeding to fish, blood meal derived from non-ruminants (and feedingstuffs containing it) that has been produced, labelled, transported and stored in accordance with point D of that Part; and

(dd) cnydau gwraidd a chloron (a bwydydd anifeiliaid sy'n cynnwys cynhyrchion o'r fath) y canfuwyd sbigylau esgryn ynddynt, os awdurdodir hwy gan Weinidogion Cymru yn dilyn asesiad risg yn unol â phwynt A(d) o'r Rhan honno.

(4) Yn y paragraff hwn mae "protein" ("protein") yn cynnwys unrhyw fwydydd anifeiliaid sy'n cynnwys protein anifeiliaid.

(5) Mae'n dramgwydd dod ag unrhyw beth a waherdir gan y paragraff hwn, ac eithrio bwyd a fwriedir i'w fwyta gan bobl, i unrhyw fangre lle cedwir anifeiliaid fel a nodir yn is-baragraff 1(a), neu fod â meddiant o'r cyfryw beth mewn mangre o'r fath, ac eithrio—

- (a) yn unol â pharagraff 3; neu
- (b) pan awdurdodwyd hynny gan arolygydd a phan fo mesurau addas wedi eu sefydlu i sicrhau na chaiff anifeiliaid fel a nodir yn is-baragraff 1(a) fynediad ato.

Eithriadau

3.—(1) Nid yw paragraffau 1(2) a 2(5) yn gymwys mewn perthynas ag —

- (a) bwyd amrwd ar gyfer anifeiliaid anwes, a gyfansoddir o brotein anifeiliaid neu unrhyw beth a ymgorfforwyd mewn bwyd ar gyfer ei fwydo i anifeiliaid anwes (gan gynnwys cwn sy'n gweithio) yn y fangre honno; neu
- (b) unrhyw beth a ymgorfforwyd mewn gwrtraith organig neu ddeunydd gwella pridd a gynhyrchwyd ac a ddefnyddir yn unol â Rheoliad (EC) Rhif 1774/2002 Rheoliadau Sgil-gynhyrchion Anifeiliaid (Cymru) 2006(1) a pharagraff 18,

ar yr amod y bodlonir yr amodau yn is-baragraff (2).

(2) Yr amodau hynny yw—

- (a) na fwydir ef i unrhyw anifeiliaid a ffermir;
- (b) nad yw'n cael ei storio, ei drin na'i fwydo i anifeiliaid anwes (gan gynnwys cŵn sy'n gweithio) mewn rhannau o'r fangre—
 - (i) lle mae gan anifeiliaid a ffermir fynediad atynt; neu
 - (ii) lle mae bwydydd anifeiliaid ar gyfer anifeiliaid a ffermir yn cael eu storio neu eu trin;
- (c) nad yw'n dod i gyffyrddiad ag—
 - (i) bwydydd anifeiliaid y caniateir eu bwydo i anifeiliaid a ffermir; neu
 - (ii) cyfarpar trin a ddefnyddir mewn cysylltiad ag unrhyw fwydydd anifeiliaid o'r fath; a

(f) tuber and root crops (and feedingstuffs containing such products) in which bone spicules have been detected if authorised by the Welsh Ministers following a risk assessment in accordance with point A(d) of that Part.

(4) In this paragraph "protein" ("protein") includes any feedingstuffs containing animal protein.

(5) It is an offence to bring onto any premises where any animals specified in sub-paragraph (1)(a) are kept anything, other than food intended for human consumption, prohibited by this paragraph, or to possess it on such premises, except—

- (a) in accordance with paragraph 3; or
- (b) where authorised by an inspector and suitable measures are in place to ensure that animals specified in sub-paragraph (1)(a) do not have access to it.

Exceptions

3.—(1) Paragraphs 1(2) and 2(5) do not apply in relation to—

- (a) raw petfood consisting of animal protein or anything incorporated into petfood for feeding to pets (including working dogs) on those premises; or
- (b) anything incorporated into organic fertiliser or soil improver produced and used in accordance with Regulation (EC) No. 1774/2002 and the Animal By-Products (Wales) Regulations 2006(1) and paragraph 18,

provided that the conditions in sub-paragraph (2) are met.

(2) Those conditions are that—

- (a) it is not fed to any farmed animals;
- (b) it is not stored, handled, or fed to pets (including working dogs), in parts of the premises to which—
 - (i) farmed animals have access; or
 - (ii) feedingstuffs for farmed animals are stored or handled;
- (c) it does not come into contact with—
 - (i) feedingstuffs permitted to be fed to farmed animals; or
 - (ii) handling equipment used in connection with any such feedingstuffs; and

(1) O.S. 2006/1293 (Cy.127).

(1) S.I. 2006/1293 (W.127).

- (d) nad yw anifeiliaid a ffermir byth yn cael mynediad at fwydydd anifeiliaid anwes, nac at wrtaith organig neu ddeunydd gwella pridd hyd nes ei ddefnyddio ar y tir yn unol â Rheoliadau Sgil-gynhyrchion Anifeiliaid (Cymru) 2006.

Gwahardd a chyfyngu ar symud anifeiliaid

4.—(1) Pan fo gan arolygydd sail resymol i gredu bod anifail sy'n agored i'w heintio gan TSE wedi cael ei fwydo gyda, neu wedi cael mynediad at—

- (a) ddeunydd risg penodedig;
- (b) unrhyw ddeunydd y mae gan yr arolygydd sail resymol i gredu sydd â risg o heintusrwydd TSE yn gysylltiedig ag ef; neu
- (c) protein anifeiliaid na all yr arolygydd ganfod ei darddiad na'r risg o heintusrwydd TSE , caiff weithredu fel y nodir yn is-baragraff (2).

(2) Caiff yr arolygydd—

- (a) gyflwyno hysbysiad i'r perchenog neu'r person sy'n gyfrifol am yr anifail, yn unol â rheoliad 15, yn gwahardd neu'n cyfyngu ar symud yr anifail; a
- (b) os yw'n anifail buchol, ymfael yn ei basbort.

Cigydd a anifeiliaid

5.—(1) Pan fo gan arolygydd a benodwyd gan Weinidogion Cymru sail resymol i gredu bod anifail sy'n agored i'w heintio gan TSE wedi ei fwydo neu wedi cael mynediad at unrhyw ddeunydd y cyfeirir ato ym mharagraff 4, caiff gyflwyno hysbysiad i'r perchenog neu'r person sy'n gyfrifol am yr anifail yn unol â rheoliad 15.

(2) Caiff yr hysbysiad naill ai—

- (a) mynnu bod y perchenog neu'r person sy'n gyfrifol am yr anifail yn ei ladd a'i waredu fel a nodir yn yr hysbysiad; neu
- (b) mynnu bod y perchenog neu'r person sy'n gyfrifol am yr anifail ei gadw yn y fangre ac yn y modd a ddarperir yn yr hysbysiad, ac os felly, rhaid i'r arolygydd sicrhau bod y pasbort gwartheg yn cael ei stampio â'r geiriau "Not for human consumption".

(3) Rhaid i'r arolygydd sicrhau bod yr holl anifeiliaid a bennir ar gyfer eu lladd yn yr hysbysiad yn is-baragraff (2)(a) yn cael ei lladd a'u gwaredu.

Iawndal

6.—(1) Pan leddir anifail o dan baragraff 5, caiff Gweinidogion Cymru dalu iawndal os ystyriant hynny'n briodol o dan yr holl amgylchiadau, a rhaid iddynt ddatgan eu penderfyniad mewn ysgrifen ynglyn

- (d) farmed animals never have access to petfood, and do not have access to organic fertiliser or soil improver until it has been applied to the land in compliance with the Animal By-Products (Wales) Regulations 2006.

Movement prohibitions and restrictions of animals

4.—(1) Where an inspector has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to—

- (a) specified risk material;
- (b) any material which the inspector has reasonable grounds to believe carries the risk of TSE infectivity; or
- (c) animal protein for which the inspector cannot establish the origin or the TSE infectivity risk,

they may take the action specified in sub-paragraph (2).

(2) The inspector may—

- (a) serve a notice on the owner or person in charge of the animal in accordance with regulation 15 prohibiting or restricting the movement of the animal; and
- (b) if it is bovine, seize its passport.

Slaughter of animals

5.—(1) Where an inspector appointed by the Welsh Ministers has reasonable grounds to believe that a TSE susceptible animal has been fed or has had access to any material referred to in paragraph 4, they may serve a notice on the owner or person in charge of the animal in accordance with regulation 15.

(2) The notice may either—

- (a) require the owner or person in charge of the animal to kill it and dispose of it, as specified in the notice; or
- (b) require the owner or person in charge of the animal to keep it on such premises and in such manner as the notice provides, in which case the inspector must ensure that the cattle passport is stamped with the words "Not for human consumption".

(3) The inspector must ensure that all the animals specified for killing in the notice in sub-paragraph (2)(a) are killed and disposed of.

Compensation

6.—(1) Where an animal is killed under paragraph 5, the Welsh Ministers may pay compensation if the Welsh Ministers consider it appropriate in all the circumstances and must give the decision on whether

â thalu iawndal ai peidio.

(2) Mae'r drefn apelio yn rheoliad 10 yn gymwys mewn perthynas â'r penderfyniad.

(3) Yr iawndal am—

- (a) anifail buchol yw'r gwerth a benderfynir yn unol â pharagraffau 9 a 10 o Atodlen 3;
- (b) anifail o deulu'r ddafad neu afr yw'r gwerth a benderfynir yn unol â pharagraffau 23 a 24 of Atodlen 4; ac
- (c) anifail nad yw o deulu'r fuwch, y ddafad na'r afr yw gwerth yr anifail ar y farchnad ar yr adeg ei lleddir, a benderfynir yn unol â'r weithdrefn yn rheoliad 11, gyda'r perchennog yn talu unrhyw ffi sy'n codi o enwebu a chyflogi prisiwr.

Cigydda neu werthu i'w fwyta gan bobl

7. Mae'n dramgydd i unrhyw anifail a allai gael ei heintio gan TSE gael ei draddodi i gael ei gigydda i'w fwyta gan bobl neu ei gigydda i'w gael ei fwyta gan bobl pan fo pasbort yr anifail wedi cael ei stampio o dan baragraff 5.

or not to pay compensation in writing.

(2) The appeals procedure in regulation 10 applies in relation to the decision.

(3) The compensation for —

- (a) a bovine animal is the value established in accordance with paragraphs 9 and 10 of Schedule 3;
- (b) an ovine or caprine animal is the value established in accordance with paragraphs 23 and 24 of Schedule 4; and
- (c) an animal that is not bovine, ovine or caprine is the market value of the animal at the time it is killed, established in accordance with the procedure in regulation 11, with the owner paying any fee arising for nominating and employing a valuer.

Slaughter or sale for human consumption

7. It is an offence to consign for slaughter for human consumption or to slaughter for human consumption any TSE susceptible animal the passport for which has been stamped under paragraph 5.

RHAN 2

Cynhyrchu protein a bwydydd anifeiliaid

Blawd pysgod ar gyfer bwydo anifeiliaid a ffermir nad ydynt yn cnoi cil

8.—(1) Rhaid i unrhyw berson sy'n cynhyrchu blawd pysgod ar gyfer ei fwydo i anifeiliaid a ffermir nad ydynt yn cnoi cil wneud hynny yn unol â phwynt B(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned.

(2) Rhaid i unrhyw berson sy'n cynhyrchu bwydydd sy'n cynnwys blawd pysgod ar gyfer ei fwydo i anifeiliaid a ffermir nad ydynt yn cnoi cil wneud hynny

- (a) yn unol â phwynt B(c) o'r Rhan honno, mewn mangre a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw;
- (b) yn unol â phwynt B(c)(i) o'r Rhan honno, ar gyfer unrhyw un sy'n cynhyrchu bwyd cyfansawdd gartref a gofrestrwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw; neu
- (c) yn unol â phwynt B(c) (ii) o'r Rhan honno, mewn mangre a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw.

(3) Rhaid i unrhyw berson sy'n pecynnur bwydydd anifeiliaid eu labelu yn unol â phwynt B(d) o'r Rhan

PART 2

Production of protein and feedingstuffs

Fishmeal for feeding to non-ruminant farmed animals

8.—(1) Any person producing fishmeal intended for feeding to non-ruminant farmed animals must do so in accordance with point B(a) of Part II of Annex IV to the Community TSE Regulation.

(2) Any person producing feedingstuffs containing fishmeal intended for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point B(c) of that Part, in premises authorised by the Welsh Ministers for the purposes of that point;
- (b) in accordance with point B(c)(i) of that Part, for home compounders registered by the Welsh Ministers for the purposes of that point; or
- (c) in accordance with point B(c) (ii) of that Part, in premises authorised by the Welsh Ministers for the purposes of that point.

(3) Any person packaging the feedingstuffs must label them in accordance with point B(d) of that Part,

honno, ac y mae'n rhaid i unrhyw ddogfennau a anfonir gyda'r bwydydd anifeiliaid gydymffurfio â'r pwynt hwnnw.

(4) Rhaid i unrhyw berson sy'n cludo llwythi mawr o'r bwydydd anifeiliaid wneud hynny yn unol â'r frawddeg gyntaf ym mhwynt B(e) o'r Rhan honno.

(5) Rhaid i unrhyw berson sy'n defnyddio cerbyd, a ddefnyddiwyd yn flaenarol i gludo bwydydd anifeiliaid o'r fath, i gludo bwydydd anifeiliaid ar gyfer anifeiliaid cnoi cil gydymffurfio â'r ail frawddeg ym mhwynt B(e) o'r Rhan honno.

(6) Rhaid i feddiannydd unrhyw fferm lle cedwir anifeiliaid cnoi cil gydymffurfio â'r paragraff cyntaf o bwynt B(f) o'r Rhan honno oni fydd Gweinidogion Cymru wedi eu bodloni y cydymffurfir â darpariaethau'r ail baragraff o'r pwynt hwnnw ac wedi cofrestru'r fferm o dan y paragraff hwnnw.

Tramgwyddau sy'n ymwneud â blawd pysgod a bwydydd anifeiliaid sy'n cynnwys blawd pysgod

9.—(1) Mae peidio â chydymffurfio â pharagraff 8 yn dramgydd.

(2) Mae cynhyrchydd bwydydd cyfansawdd cartref a gofrestrwyd o dan baragraff 8(2)(b) yn cyflawni tramgwydd os yw—

- (a) yn cadw anifeiliaid cnoi cil;
- (b) yn traddodi bwydydd anifeiliaid sy'n cynnwys blawd pysgod (boed yn gyflawn neu'n rhannol gyflawn) a gynhyrchwyd ganddo ei hunan o'i ddaliad; neu
- (c) defnyddio bwydydd anifeiliaid sy'n cynnwys blawd pysgod gyda chynnwys protein crai o 50% neu fwy wrth gynhyrchu bwydydd anifeiliaid cyflawn.

(3) Mae unrhyw berson sy'n cynhyrchu bwydydd anifeiliaid yn unol â phwynt B(c)(ii) o Ran II o Atodiad IV i Reoliad TSE y Gymuned yn cyflawni tramgwydd os yw—

- (a) yn peidio â sicrhau y cedwir bwydydd anifeiliaid a fwriedir ar gyfer anifeiliaid cnoi cil mewn cyfleusterau ar wahân, yn unol â mewnoliad cyntaf y pwynt hwnnw;
- (b) yn peidio â sicrhau y gweithgynhyrchrif bwydydd anifeiliaid a fwriedir ar gyfer anifeiliaid cnoi cil yn unol â'r ail fewnoliad; neu
- (c) yn peidio â gwneud a chadw cofnod yn unol â'r trydydd mewnoliad.

Bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm neu ffosffad tricalsiwm i'w bwydo i anifeiliaid nad ydynt yn cnoi cil

10.—(1) Rhaid i unrhyw berson sy'n cynhyrchu bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm

and any documentation accompanying the feedingstuffs must be in accordance with that point.

(4) Any person transporting the feedingstuffs in bulk must do so in accordance with the first sentence of point B(e) of that Part.

(5) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants must comply with the second sentence of point B(e) of that Part.

(6) The occupier of any farm where ruminants are kept must comply with the first paragraph of point B(f) of that Part unless the Welsh Ministers are satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to fishmeal and feedingstuffs containing fishmeal

9.—(1) Failure to comply with paragraph 8 is an offence.

(2) It is an offence for a home compounder registered under paragraph 8(2)(b) to—

- (a) keep ruminant animals;
- (b) consign feedingstuffs containing fishmeal (whether complete or partly complete) they have produced from their holding; or
- (c) use feedingstuffs containing fishmeal with a crude protein content of 50% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing feedingstuffs in accordance with point B(c)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are kept in separate facilities in accordance with the first indent of that point;
- (b) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals

10.—(1) Any person producing feedingstuffs containing dicalcium phosphate or tricalcium

neu ffosffad tricalsiwm i'w bwydo i anifeiliaid a ffermir nad ydynt yn cnoi cil wneud hynny —

- (a) yn unol â phwynt C(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned, mewn sefydliad a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwynt hwnnw;
- (b) yn unol â phwynt C(a)(i) o'r Rhan honno, yn achos cynhyrchwyr bwydydd cyfansawdd cartref a gofrestrwyd gan Weinidogion Cymru at ddibenion y pwynt hwnnw; neu
- (c) yn unol â phwynt C(a)(ii) o'r Rhan honno mewn sefydliad a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwynt hwnnw.

(2) Rhaid i unrhyw berson sy'n pecynnwr bwydydd anifeiliaid eu labelu yn unol â phwynt C(b) o'r Rhan honno, ac y mae'n rhaid i unrhyw ddogfennau a anfonir gyda'r bwydydd anifeiliaid gydymffurfio â'r pwynt hwnnw.

(3) Rhaid i unrhyw berson sy'n cludo'r bwydydd anifeiliaid hynny mewn llwythi mawr wneud hynny yn unol â phwynt C(c) o'r Rhan honno.

(4) Rhaid i unrhyw berson sy'n defnyddio cerbyd, a ddefnyddiwyd yn flaenorol i gludo bwydydd anifeiliaid o'r math hyn, i gludo bwydydd anifeiliaid ar gyfer anifeiliaid cnoi cil gydymffurfio â'r ail frawddeg ym mhwynt C(c) o'r Rhan honno.

(5) Rhaid i feddiannydd unrhyw fferm lle cedwir anifeiliaid cnoi cil gydymffurfio â'r paragraff cyntaf o bwynt C(d) o'r Rhan honno oni fydd Gweinidogion Cymru wedi eu bodloni y cydymffurfir â darpariaethau'r ail baragraff o'r pwynt hwnnw ac wedi cofrestru'r fferm o dan y paragraff hwnnw.

Tramgwyddau sy'n ymwneud â bwydydd anifeiliaid sy'n cynnwys ffosffad tricalsiwm neu ffosffad tricalsiwm i'w bwydo i anifeiliaid nad ydynt yn cnoi cil

11.—(1) Mae peidio â chydymffurfio â pharagraff 10 yn dramgwydd.

(2) Mae cynhyrchydd bwydydd cyfansawdd cartref a gofrestrwyd o dan baragraff 10(1)(b) yn cyflawni tramgwydd os yw—

- (a) yn cadw anifeiliaid cnoi cil;
- (b) yn traddodi bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm neu ffosffad tricalsiwm (boed yn gyflawn neu'n rhannol gyflawn) o'i ddaliad; neu
- (c) yn defnyddio bwydydd anifeiliaid sy'n cynnwys ffosffad deucalsiwm neu ffosffad tricalsiwm sydd â'u cynnwys ffosfforws yn 10% neu fwy wrth gynhyrchu bwydydd anifeiliaid cyflawn.

(3) Mae unrhyw berson sy'n cynhyrchu bwydydd

phosphate for feeding to non-ruminant farmed animals must do so—

- (a) in accordance with point C(a) of Part II of Annex IV to the Community TSE Regulation, in an establishment authorised by the Welsh Ministers for the purposes of that point;
- (b) in accordance with point C(a)(i) of that Part, for home compounders registered by the Welsh Ministers for the purposes of that point; or
- (c) in accordance with point C(a)(ii) of that Part in an establishment authorised by the Welsh Ministers for the purposes of that point.

(2) Any person packaging the feedingstuffs must label them in accordance with point C(b) of that Part, and any documentation accompanying the feedingstuffs must be in accordance with that point.

(3) Any person transporting those feedingstuffs in bulk must do so in accordance with point C(c) of that Part.

(4) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants must comply with the second sentence of point C(c) of that Part.

(5) The occupier of any farm where ruminants are kept must comply with the first paragraph of point C(d) of that Part unless the Welsh Ministers are satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to feedingstuffs containing dicalcium phosphate or tricalcium phosphate for feeding to non-ruminant animals

11.—(1) Failure to comply with paragraph 10 is an offence.

(2) It is an offence for a home compounder registered under paragraph 10(1)(b) to—

- (a) keep ruminants;
- (b) consign feedingstuffs containing dicalcium phosphate or tricalcium phosphate (whether complete or partly complete) from their holding; or
- (c) use feedingstuffs containing dicalcium phosphate or tricalcium phosphate with a phosphorus content of 10% or more in the production of complete feedingstuffs.

(3) It is an offence for any person producing

anifeiliaid yn unol â phwynt C(a)(ii) o Ran II o Atodiad IV i Reoliad TSE y Gymuned yn cyflawni tramgwydd os yw—

- (a) yn peidio â sicrhau y gweithgynhyrchir bwydydd anifeiliaid a fwriedir ar gyfer anifeiliaid cnoi cil yn unol â'r mewnoliad cyntaf yn y pwyt hwnnw;
- (b) yn peidio â sicrhau y cedwir hwy mewn cyfleusterau ar wahân yn unol â'r ail fewnoliad; neu
- (c) yn peidio â gwneud a chadw cofnod yn unol â'r trydydd mewnoliad.

Cynhyrchion gwaed a blawd gwaed

12.—(1) Rhaid i unrhyw berson sy'n cynhyrchu—

- (a) cynhyrchion gwaed y bwriedir eu bwydo i anifeiliaid a ffermir nad ydynt yn cnoi cil; neu
- (b) blawd gwaed, a fwriedir i'w fwydo i bysgod, sicrhau bod y gwaed yn dod o ladd-dy sydd wedi ei gofrestru gyda Gweinidogion Cymru at ddibenion pwyt D(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned a naill ai—
- (c) na ddefnyddir y lladd-dy i gigydda anifeiliaid cnoi cil; neu
- (ch) bod system rheoli wedi ei sefydlu yn unol â'r ail baragraff ym mhwynt D(a) o'r Rhan honno i sicrhau y cedwir gwaed anifeiliaid cnoi cil ar wahân i waed anifeiliaid nad ydynt yn cnoi cil a'i fod wedi cael ei awdurdodi at y diben hwnnw gan Weinidogion Cymru.

(2) Rhaid i feddiannydd y lladd-dy draddodi'r gwaed yn unol â phwynt D(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned, a rhaid i unrhyw gludydd ei gludo yn unol â'r pwyt hwnnw.

(3) Rhaid i unrhyw berson sy'n cynhyrchu cynhyrchion gwaed neu flawd gwaed wneud hynny yn unol â naill ai'r paragraff cyntaf neu'r ail baragraff o bwynt D(b) o'r Rhan honno.

(4) Rhaid i unrhyw berson sy'n cynhyrchu cynhyrchion gwaed neu flawd gwaed at y defnydd a ddisgrifir yn yr ail baragraff o bwynt D(b) o Ran II o Atodiad IV i Reoliad TSE y Gymuned—

- (a) fod wedi sefydlu'r system rheolaethau a bennir yn yr ail baragraff hwnnw i sicrhau y cedwir cynhyrchion sy'n tarddu o anifeiliaid cnoi cil ar wahân i gynhyrchion sy'n tarddu o anifeiliaid nad ydynt yn cnoi cil; neu
- (b) bod wedi ei awdurdodi ar gyfer y diben gan Weinidogion Cymru.

(5) Rhaid i unrhyw berson sy'n cynhyrchu bwydydd anifeiliaid sy'n cynnwys cynhyrchion gwaed neu flawd gwaed wneud hynny—

feedingstuffs in accordance with point C(a)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs destined for ruminants are manufactured in accordance with the first indent of that point;
- (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

Blood products and blood meal

12.—(1) Any person who produces—

- (a) blood products intended for feeding to non-ruminant farmed animals; or
 - (b) blood meal intended for feeding to fish,
- must ensure that the blood comes from a slaughterhouse that is registered with the Welsh Ministers for the purposes of point D(a) of Part II of Annex IV to the Community TSE Regulation and that either—
- (c) is not used to slaughter ruminants; or
 - (d) has in place a control system in accordance with the second paragraph of point D(a) of that Part to ensure that ruminant blood is kept separate from non-ruminant blood and has been authorised for that purpose by the Welsh Ministers.

(2) The occupier of the slaughterhouse must consign the blood in accordance with point D(a) of Part II of Annex IV to the Community TSE Regulation, and any transporter must transport it in accordance with that point.

(3) Any person producing blood products or blood meal must do so in accordance with either the first or the second paragraph of point D(b) of that Part.

(4) Any person producing blood products or blood meal for the use described in the second paragraph of point D(b) of Part II of Annex IV to the Community TSE Regulation must—

- (a) have in place the control system specified in that second paragraph to ensure that products of ruminant origin are kept separate from products of non-ruminant origin; and
- (b) be authorised by the Welsh Ministers for that purpose.

(5) Any person producing feedingstuffs containing blood products or blood meal must do so—

- (a) yn unol â phwynt D(c) o'r Rhan honno, mewn sefydliad a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw;
- (b) yn unol â phwynt D(c)(i) o'r Rhan honno, fel cynhyrchydd bwydydd cyfansawdd cartref a gofrestrwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw; neu
- (c) yn unol â phwynt D(c)(ii) o'r Rhan honno, mewn sefydliad a awdurdodwyd gan Weinidogion Cymru at ddibenion y pwyt hwnnw.

(6) Rhaid i unrhyw berson sy'n pecynnu'r bwydydd anifeiliaid eu labelu yn unol â phwynt D(d) o'r Rhan honno, a rhaid i unrhyw ddogfennau a anfonir gyda'r bwydydd anifeiliaid gydymffurfio â'r pwyt hwnnw.

(7) Rhaid i unrhyw berson sy'n cludo'r bwydydd anifeiliaid mewn llwythi mawr wneud hynny yn unol â phwynt D(e) o'r Rhan honno.

(8) Rhaid i unrhyw berson sy'n defnyddio cerbyd, a ddefnyddiwyd yn flaenorol i gludo bwydydd anifeiliaid o'r math hyn, i gludo bwydydd anifeiliaid ar gyfer anifeiliaid cnoi cil gydymffurfio â'r ail frawddeg ym mhwynt D(e) o'r Rhan honno.

(9) Rhaid i feddiannydd unrhyw fferm lle cedwir anifeiliaid cnoi cil gydymffurfio â'r paragraff cyntaf o bwynt D(f) o'r Rhan honno oni fydd Gweinidogion Cymru wedi eu bodloni y cydymffurfir â darpariaethau'r ail baragraff o'r pwyt hwnnw a'i fod wedi cofrestru'r fferm o dan y paragraff hwnnw.

Tramgwyddau sy'n ymwneud â bwydydd anifeiliaid sy'n cynnwys cynhyrchion gwaed neu flawd gwaed

13.—(1) Mae peidio â chydymffurfio â pharagraff 12 yn dramgwydd.

(2) Mae'n dramgwydd i unrhyw berson sy'n casglu gwaed yn unol â'r ail baragraff o bwynt D(a) o Ran II o Atodiad IV i Reoliad TSE y Gymuned beidio ag—

- (a) cifydda anifeiliaid yn unol â mewnoliad cyntaf y paragraff hwnnw;
- (b) casglu, storio, cludo neu becynnu gwaed yn unol ag ail fewnoliad y paragraff hwnnw; neu
- (c) samplu a dadansoddi gwaed yn rheolaidd yn unol â thrydydd fewnoliad y paragraff hwnnw.

(3) Mae'n dramgwydd i unrhyw berson sy'n cynhyrchu cynhyrchion gwaed neu flawd gwaed yn unol â'r ail baragraff o bwynt D(b) o'r Rhan honno beidio ag—

- (a) sicrhau y prosesir y gwaed yn unol â mewnoliad cyntaf y paragraff hwnnw;

- (a) in accordance with point D(c) of that Part, in an establishment authorised by the Welsh Ministers for the purposes of that point;
- (b) in accordance with point D(c)(i) of that Part, as a home compounder registered by the Welsh Ministers for the purposes of that point; or
- (c) in accordance with point D(c)(ii) of that Part, in an establishment authorised by the Welsh Ministers for the purposes of that point.

(6) Any person packaging the feedingstuffs must label them in accordance with point D(d) of that Part, and any documentation accompanying the feedingstuffs must be in accordance with that point.

(7) Any person transporting the feedingstuffs in bulk must do so in accordance with point D(e) of that Part.

(8) Any person using a vehicle previously used to transport such feedingstuffs to transport feedingstuffs for ruminants must comply with the second sentence of point D(e) of that Part.

(9) The occupier of any farm where ruminants are kept must comply with the first paragraph of point D(f) of that Part unless the Welsh Ministers are satisfied that the provisions of the second paragraph of that point are complied with and has registered the farm under that paragraph.

Offences relating to feedingstuffs containing blood products or blood meal

13.—(1) Failure to comply with paragraph 12 is an offence.

(2) It is an offence for any person collecting blood in accordance with the second paragraph of point D(a) of Part II of Annex IV to the Community TSE Regulation to fail to—

- (a) slaughter animals in accordance with the first indent of that paragraph;
- (b) collect, store, transport or package blood in accordance with the second indent of that paragraph; or
- (c) regularly sample and analyse blood in accordance with the third indent of that paragraph.

(3) It is an offence for any person producing blood products or blood meal in accordance with the second paragraph of point D(b) of that Part to fail to—

- (a) ensure that the blood is processed in accordance with the first indent of that paragraph;

- (b) cadw deunydd crai a chynnyrch gorffenedig yn unol ag ail fewnoliad y paragraff hwnnw; neu
- (c) samplu yn unol â thrydydd fewnoliad y paragraff hwnnw.

(4) Mae'n dramgwydd i unrhyw berson sy'n cynhyrchu bwydydd anifeiliaid yn unol â phwynt D(c)(ii) o Ran II o Atodiad IV i Reoliad TSE y Gymuned—

- (a) beidio â sicrhau y gweithgynhyrchrir bwydydd anifeiliaid yn unol â mewnoliad cyntaf y pwynt hwnnw;
- (b) beidio â sicrhau y'u cedwir mewn cyfleusterau ar wahân yn unol â'r ail fewnoliad; neu
- (c) beidio â gwneud a chadw cofnod yn unol â'r trydydd mewnoliad.

(5) Mae'n dramgwydd i unrhyw un sy'n cynhyrchu bwyd cyfansawdd gartref sydd wedi ei gofrestru o dan baragraff 12(5)(b)—

- (a) gadw anifeiliaid cnoi cil lle y defnyddir cynhyrchion gwaed;
- (b) cadw anifeiliaid ac eithrio pysgod lle y defnyddir blawd gwaed;
- (c) traddodi bwydydd anifeiliaid sy'n cynnwys cynhyrchion gwaed neu flawd gwaed (boed yn gyflawn neu'n rhannol gyflawn) o'i ddaliad; neu
- (ch) defnyddio bwydydd anifeiliaid sy'n cynnwys cynhyrchion gwaed neu flawd gwaed gyda chyfanswm cynnwys protein o 50% neu fwy wrth gynhyrchu bwydydd anifeiliaid cyflawn.

Newid y defnydd o gyfarpar

14. Mae'n dramgwydd defnyddio cyfarpar a ddefnyddiwyd i gynhyrchu bwydydd i anifeiliaid nad ydynt yn cnoi cil o dan baragraffau 8, 10 neu 12, i gynhyrchu bwydydd i anifeiliaid cnoi cil, onid awdurdodir hynny mewn ysgrifen gan arolygydd.

Amodau sy'n gymwys i storio a chludo llwythi mawr o gynhyrchion protein a bwydydd anifeiliaid sy'n cynnwys proteinau o'r fath

- 15.—(1)** Mae'n dramgwydd storio neu gludo—
- (a) llwythi mawr o brotein anifeiliaid wedi'i brosesu (ac eithrio blawd pysgod); neu
 - (b) llwythi mawr o gynhyrchion, gan gynnwys bwydydd anifeiliaid, gwreithiau organig a deunyddiau gwella pridd sy'n cynnwys proteinau o'r fath,

ac eithrio yn unol â phwynt C(a) o Ran III o Atodiad IV i Reoliad TSE y Gymuned.

- (2) Mae'n dramgwydd storio neu gludo llwythi mawr

- (b) keep raw material and finished product in accordance with the second indent of that paragraph; or
- (c) sample in accordance with the third indent of that paragraph.

(4) It is an offence for any person producing feedingstuffs in accordance with point D(c)(ii) of Part II of Annex IV to the Community TSE Regulation to—

- (a) fail to ensure that feedingstuffs are manufactured in accordance with the first indent of that point;
- (b) fail to ensure that they are kept in separate facilities in accordance with the second indent; or
- (c) fail to make and keep a record in accordance with the third indent.

(5) It is an offence for a home compounder registered under paragraph 12(5)(b) to—

- (a) keep ruminant animals where blood products are used;
- (b) keep animals other than fish where blood meal is used;
- (c) consign feedingstuffs containing blood products or blood meal (whether complete or partly complete) from their holding; or
- (d) use feedingstuffs containing blood products or blood meal with a total protein content of 50% or more in the production of complete feedingstuffs.

Change in use of equipment

14. It is an offence to use equipment used to produce feedingstuffs for non-ruminant animals under paragraph 8, 10 or 12, for the production of feedingstuffs for ruminant animals, unless authorised in writing by an inspector.

Conditions applying to the storage and transport of bulk quantities of protein products and feedingstuffs containing such proteins

- 15.—(1)** It is an offence to store or transport—

- (a) bulk processed animal protein (other than fishmeal); or
- (b) bulk products, including feedingstuffs, organic fertilisers, and soil improvers containing such proteins,

except in accordance with point C(a) of Part III of Annex IV to the Community TSE Regulation.

- (2) It is an offence to store or transport bulk

o flawd pysgod, ffosffad deucalsiw, ffosffad tricalsiwm, cynhyrchion gwaed sy'n tarddu o anifeiliaid nad ydynt yn cnoi cil neu flawd gwaed sy'n dod o anifeiliaid nad ydynt yn cnoi cil , ac eithrio yn unol â phwynt C(b) ac C(c) o Ran III o Atodiad IV i Reoliad TSE y Gymuned.

(3) Yn ychwanegol at ofynion is-baragraffau (1) a (2), mae'n dramgydd cludo llwythi mawr o brotein anifeiliaid wedi'i brosesu neu unrhyw un o'r deunyddiau a nodir yn is-baragraff (2) onid yw'r cludwr wedi ei gofrestru at y diben hwnnw gyda Gweinidogion Cymru.

Amodau sy'n gymwys i weithgynhyrchu a chludo bwydydd anifeiliaid anwes neu fwydydd anifeiliaid

16.—(1) Mae'n dramgydd gweithgynhyrchu, storio, cludo neu becynnu bwydydd anifeiliaid anwes sy'n cynnwys cynhyrchion gwaed sy'n tarddu o anifeiliaid cnoi cil neu brotein anifeiliaid wedi'i brosesu, ac eithrio blawd pysgod, ac eithrio yn unol â phwynt D o Ran III o Atodiad IV i Reoliad TSE y Gymuned.

(2) Mae'n dramgydd gweithgynhyrchu neu gludo bwydydd anifeiliaid anwes sy'n cynnwys ffosffad deucalsiw neu dricalsiwm neu gynhyrchion gwaed sy'n tarddu o anifeiliaid nad ydynt yn cnoi cil ac eithrio yn unol â phwynt D o'r Rhan honno.

Allforio protein anifeiliaid wedi'i brosesu i drydydd gwledydd

17.—(1) Yn unol â phwynt E(1) o Ran III o Atodiad IV i Reoliad TSE y Gymuned mae'n dramgydd allforio protein anifeiliaid wedi'i brosesu sy'n deillio o anifeiliaid cnoi cil, ac unrhyw beth sy'n ei gynnwys.

(2) Mae'n dramgydd allforio protein anifeiliaid sydd wedi ei brosesu sy'n deillio o anifeiliaid nad ydynt yn cnoi cil (ac unrhyw beth sy'n ei gynnwys) ac eithrio yn unol â phwynt E(2) o'r Rhan honno a chytundeb ysgrifenedig rhwng Gweinidogion Cymru ac awdurdod cymwys yn y drydedd gwlad.

Gwrteithiau

18.—(1) Mae'n dramgydd gwerthu neu gyflenwi i'w ddefnyddio fel gwrtraith ar dir amaethyddol, neu feddu gyda'r bwriad o werthu neu gyflenwi, unrhyw—

- (a) brotein mamalaidd (ac eithrio lludw) sy'n deillio o sgil-gynhyrchion anifeiliaid a ddosbarthwyd yn ddeunydd Categori 2 yn Rheoliad (EC) Rhif 1774/2002; neu
- (b) lludw sy'n deillio o losgi sgil-gynhyrchion anifeiliaid a ddosbarthwyd yn ddeunydd Categori 1 yn y Rheoliad hwnnw.

(2) Mae'n dramgydd defnyddio unrhyw beth a waherddir yn is-baragraff (1) fel gwrtraith ar dir amaethyddol.

fishmeal, dicalcium phosphate, tricalcium phosphate, blood products of non-ruminant origin or blood meal of non-ruminant origin, except in accordance with point C(b) and C(c) of Part III of Annex IV to the Community TSE Regulation.

(3) In addition to the requirements of sub-paragraphs (1) and (2), it is an offence to transport bulk processed animal protein or any of the materials specified in sub-paragraph (2) unless the transporter is registered with the Welsh Ministers for that purpose.

Conditions applying to the manufacture and transport of petfood or feedingstuffs

16.—(1) It is an offence to manufacture, store, transport or package petfood that contains blood products of ruminant origin or processed animal protein, other than fishmeal, except in accordance with point D of Part III of Annex IV to the Community TSE Regulation.

(2) It is an offence to manufacture or transport petfood containing dicalcium or tricalcium phosphate or blood products of non-ruminant origin except in accordance with point D of that Part.

Export of processed animal protein to third countries

17.—(1) In accordance with point E(1) of Part III of Annex IV to the Community TSE Regulation it is an offence to export processed animal protein derived from ruminants, and anything containing it.

(2) It is an offence to export processed animal protein derived from non-ruminants (and anything containing it) except in accordance with point E(2) of that Part and an agreement in writing between the Welsh Ministers and the competent authority of the third country.

Fertilisers

18.—(1) It is an offence to sell or supply for use as a fertiliser on agricultural land, or to possess with the intention of such sale or supply, any—

- (a) mammalian protein (other than ash) derived from animal by-products classified as Category 2 material in Regulation (EC) No. 1774/2002; or
- (b) ash derived from the incineration of animal by-products classified as Category 1 material in that Regulation.

(2) It is an offence to use anything prohibited in sub-paragraph (1) on agricultural land as a fertiliser.

(3) Yn y paragraff hwn—

- (a) ystyr "tir amaethyddol" ("agricultural land") yw tir a ddefnyddir neu y gellid ei ddefnyddio at ddiben masnach neu fusnes sy'n gysylltiedig ag amaethyddiaeth; a
- (b) mae "amaethyddiaeth" ("agriculture") yn cynnwys tyfu ffrwythau, tyfu hadau, ffermio gwartheg godro a bridio a chadw da byw, defnyddio tir ar gyfer pori, doldir, tir gwial helyg, defnyddio tir fel coetir, a garddwriaeth (ac eithrio lluosogi a thyfu planhigion mewn tai gwydr, strwythurau gwydr neu strwythurau plastig).

Cadw cofnodion ar gyfer cludo etc bwydydd gwrthodedig anifeiliaid anwes

19.—(1) Rhaid i unrhyw berson sy'n cyflenwi, yn cludo neu'n derbyn unrhyw fwyd anifeiliaid anwes sy'n cynnwys protein anifeiliaid ac na fwriedir ei ddefnyddio fel bwyd anifeiliaid anwes gofnodi—

- (i) enw'r gweithgynhyrchwr;
- (ii) y dyddiad cyflenwi a'r dyddiad derbyn;
- (iii) y fangre y tarddodd y bwyd anifeiliaid anwes ohoni a'i gyrchfan;
- (iv) maint y bwyd anifeiliaid anwes; a
- (v) natur y protein anifeiliaid a gynhwysir yn y bwyd anifeiliaid anwes.

(2) Rhaid i'r person hwnnw gadw'r cofnodion hyn am 2 flynedd.

(3) Rhaid i'r traddodwr sicrhau bod y bwyd anifeiliaid anwes wedi ei labelu â'r wybodaeth y cyfeirir ati yn is-baragraff (1) neu yr anfonir dogfennau sy'n cynnwys yr wybodaeth honno ynghyd â'r bwyd hwnnw.

(4) Mae unrhyw berson sy'n peidio â chydymffurfio â'r paragraff hwn yn euog o dramgydd.

Trawshalogi deunyddiau sy'n tarddu o fangroedd lle y defnyddir proteinau anifeiliaid wedi'i brosesu (ac eithrio blawd pysgod)

20.—(1) Rhaid i unrhyw berson sy'n cyflenwi—

- (a) cynhwysyn, neu
- (b) cynnrych bwyd anifeiliaid nad yw wedi ei nodi fel bwyd anifeiliaid anwes, ond sy'n cynnwys cynhwysyn,

gydymffurfio ag is-baragraff (2).

(2) Rhaid i'r person hwnnw sicrhau bod —

- (a) naill ai label wedi ei gysylltu â'r pecyn sy'n cynnwys y cynhwysyn neu'r bwyd anifeiliaid; neu
- (b) unrhyw ddogfennau a anfonir ynghyd â'r cynhwysyn neu'r bwyd anifeiliaid,

(3) In this paragraph—

- (a) "agricultural land" ("tir amaethyddol") means land used or capable of use for the purposes of a trade or business in connection with agriculture; and
- (b) "agriculture" ("amaethyddiaeth") includes fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, osier land, the use of land for woodland, and horticulture (except the propagation of plants and the growing of plants within greenhouses, glass structures or plastic structures).

Record keeping for transport etc. of reject petfood

19.—(1) Any person who supplies, transports or receives any petfood containing animal protein that is not intended for use as petfood must record—

- (i) the name of the manufacturer;
- (ii) the date of supply and receipt;
- (iii) the premises of origin and destination;
- (iv) the quantity of petfood; and
- (v) the nature of the animal protein contained in the petfood.

(2) That person must keep those records for 2 years.

(3) The consignor must ensure that the petfood is labelled with the information referred to in sub-paragraph (1) or is accompanied by documentation that contains that information.

(4) Any person who fails to comply with this paragraph is guilty of an offence.

Cross-contamination of materials originating from premises where processed animal proteins (except fishmeal) are in use

20.—(1) Any person who supplies—

- (a) an ingredient, or
- (b) a feedingstuff product that is not identified for use as petfood but which contains an ingredient,

must comply with sub-paragraph (2).

(2) That person must ensure that—

- (a) either a label affixed to the package containing the ingredient or feedingstuff; or
- (b) any documentation accompanying the ingredient or feedingstuff,

yn dynodi bod y cynhwysyn wedi ei gynhyrchu mewn mangre lle defnyddir unrhyw brotein anifeiliaid wedi'i brosesu (ac eithrio blawd pysgod) mewn unrhyw broses weithgynhyrchu.

(3) Mae unrhyw berson sy'n peidio â chydymffurfio ag is-baragraff (2) yn euog o dramgywyd.

(4) Yn y paragraff hwn, ystyr "cynhwysyn" ("ingredient") yw cynhwysyn sydd i'w ddefnyddio mewn bwyd anifeiliaid a weithgynhyrchir mewn mangre lle y defnyddir unrhyw brotein anifeiliaid wedi'i brosesu ac eithrio blawd pysgod, mewn unrhyw broses weithgynhyrchu.

ATODLEN 7

Rheoliad 5

Deunydd risg penodedig, cig a wahlenir yn fecanyddol a thechnegau cifydda

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3. Cig a wahlenir yn fecanyddol
4. Pithio
5. Cynaeafu tafodau
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7. Tynnu deunydd risg penodedig
8. Anifeiliaid buchol mewn lladd-dy
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15. Staenio a gwaredu deunydd risg penodedig
16. Anifeiliaid cynllun
17. Diogelwch deunydd risg penodedig
18. Gwahardd cyflenwi deunydd risg penodedig i'w fwyta gan bobl

Penodi'r Asiantaeth Safonau Bwyd yn awdurdod cymwys

1.—(1) Rhaid i'r Asiantaeth Safonau Bwyd gyflawni'r dyletswyddau a osodir ar yr Aelod-wladwriaeth ym mhwynt 11(1) a phwynt 11(2) o Atodiad V i Reoliad TSE y Gymuned mewn perthynas â'r Atodlen hon, a chaiff roi awdurdodiadau at ddibenion pwynt 4(3)(a) o'r Atodiad hwnnw.

indicates that the ingredient was produced on premises where any processed animal protein (that is not fishmeal) is used in any manufacturing process.

(3) Any person who fails to comply with subparagraph (2) is guilty of an offence.

(4) In this paragraph, "ingredient" ("cynhwysyn") means an ingredient for use in a feedingstuff that is manufactured on premises where any processed animal protein that is not fishmeal is used in any manufacturing process.

SCHEDULE 7

Regulation 5

Specified risk material, mechanically separated meat and slaughtering techniques

CONTENTS

1. Appointment of the Food Standards Agency as the competent authority
2. Training
3. Mechanically separated meat
4. Pithing
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12. Authorisation of cutting plants by the Food Standards Agency
13. Removal of specified risk material at a cutting plant authorised under paragraph 12(1)
14. Meat from another member State
15. Staining and disposal of specified risk material
16. Scheme animals
17. Security of specified risk material
18. Prohibition on the supply of specified risk material for human consumption

Appointment of the Food Standards Agency as the competent authority

1.—(1) The Food Standards Agency must carry out the duties on the member State in point 11(1) and point 11(2) of Annex V to the Community TSE Regulation in relation to this Schedule and may grant authorisations for the purposes of point 4(3)(a) of that Annex.

(2) At ddibenion yr Atodlen hon, o fewn lladd-dy neu safle torri, arolygydd yw unrhyw berson a benodir at y diben hwnnw gan yr Asiantaeth Safonau Bwyd.

(3) Caniateir cyfyngu penodiad fel arolygydd i'r pwerau a'r dyletswyddau a bennir wrth benodi.

(4) Mae gan unrhyw berson sy'n gweithredu pwerau arolygydd o dan yr Atodlen hon yr amddiffyniad a nodir yn rheoliad 14(3).

Hyfforddiant

2. Rhaid i feddiannydd unrhyw ladd-dy neu safle torri lle y tynnir deunydd risg penodedig—

- (a) sicrhau bod y staff yn cael pa bynnag hyfforddiant sy'n angenrheidiol i sicrhau bod y meddiannydd yn cydymffurfio â'i ddyletswyddau yn yr Atodlen hon; a
- (b) cadw cofnod o hyfforddiant pob person cyhyd ag y bo'r person yn gweithio yno,

ac y mae peidio â gwneud hynny yn dramgwydd.

Cig a wahlenir yn fecanyddol

3.—(1) Mae unrhyw berson sy'n peidio â chydymffurfio â phwynt 5 o Atodiad V i Reoliad TSE y Gymuned (mesurau ynghylch cig a wahlenir yn fecanyddol) yn euog o dramgwydd.

(2) Mae unrhyw berson sy'n defnyddio unrhyw gig a wahanwyd yn fecanyddol ac a gynhyrchwyd yn groes i'r pwyt hwnnw wrth baratoi unrhyw fwyd ar gyfer ei werthu i'w fwyta gan bobl neu unrhyw fwyd anifeiliaid yn euog o dramgwydd.

(3) Yn y paragraff hwn ystyr "cig a wahlenir yn fecanyddol" ("mechanically separated meat") yw'r cynnyrch a geir trwy dynnu'r cig oddi ar esgyrn sydd â chig arnynt ar ôl diesgyrnu, gan ddefnyddio dulliau mecaniddol sy'n achosi colli neu addasu strwythur y ffibrau cyhyrol.

Pithio

4. Mae unrhyw berson sy'n peidio â chydymffurfio â phwynt 6 o Atodiad V i Reoliad TSE y Gymuned (mesurau ynghylch rhwygo meinweoedd) yn euog o dramgwydd.

Cynaeafu tafodau

5. Mae unrhyw berson sy'n peidio â chydymffurfio â phwynt 7 o Atodiad V i Reoliad TSE y Gymuned (cynaeafu tafodau o anifeiliaid buchol) yn euog o dramgwydd.

Cynaeafu cig y pen

6. Mae unrhyw berson sy'n peidio â chydymffurfio â

(2) For the purposes of this Schedule, within a slaughterhouse or cutting plant an inspector is any person appointed for that purpose by the Food Standards Agency.

(3) An appointment as an inspector may be limited to powers and duties specified in the appointment.

(4) Any person exercising the powers of an inspector under this Schedule has the protection specified in regulation 14(3).

Training

2. The occupier of any slaughterhouse or cutting plant where specified risk material is removed must—

- (a) ensure that staff receive any training necessary to ensure that the occupier complies with their duties in this Schedule; and
- (b) keep records of each person's training for as long as that person works there,

and failure to do so is an offence.

Mechanically separated meat

3.—(1) Any person who fails to comply with point 5 of Annex V to the Community TSE Regulation (measures concerning mechanically separated meat) is guilty of an offence.

(2) Any person who uses any mechanically separated meat produced in contravention of that point in the preparation of any food for sale for human consumption or of any feedingstuff is guilty of an offence.

(3) In this paragraph "mechanically separated meat ("cig a wahlenir yn fecanyddol") means the product obtained by removing meat from flesh bearing bones after boning, using mechanical means resulting in the loss or modification of the muscle fibre structure.

Pithing

4. Any person who fails to comply with point 6 of Annex V to the Community TSE Regulation (measures concerning laceration of tissue) is guilty of an offence.

Tongue harvesting

5. Any person who fails to comply with point 7 of Annex V to the Community TSE Regulation (harvesting of tongues from bovine animals) is guilty of an offence.

Head meat harvesting

6. Any person who fails to comply with point 8(1) of

phwynt 8(1) o Atodiad V i Reoliad TSE y Gymuned (cynaeafu cig y pen o anifeiliaid buchol) yn euog o dramgydd.

Tynnu deunydd risg penodedig

7.—(1) Mae unrhyw berson sy'n tynnu deunydd risg penodedig mewn unrhyw fangre ar wahân i fangre lle y caniateir tynnu'r deunydd risg penodedig hwnnw o dan bwynt 4(1) neu bwynt 4(3)(a) o Atodiad V i Reoliad TSE y Gymuned yn euog o dramgydd.

(2) Yn achos safle torri, mae tynnu'r canlynol yn dramgrwydd —

- (a) unrhyw ran o asgwrn y cefn sy'n ddeunydd risg penodedig o unrhyw anifail buchol, onid yw'r safle wedi ei awdurdodi o dan baragraff 12(1)(a); neu
- (b) madruddyd y cefn o unrhyw ddafad neu afro sydd dros 12 mis oed pan gaiff ei chigydda, neu sydd â blaenddant parhaol wedi torri drwy'r deintgig, onid yw'r safle wedi ei awdurdodi o dan baragraff 12(1)(b) at y diben o dynnu deunydd o'r fath.

Anifeiliaid buchol mewn lladd-dy

8.—(1) Pan gigyddir anifail buchol mewn lladd-dy, neu pan gludir carcas anifail buchol i ladd-dy ar ôl ei ladd mewn man arall fel mesur argyfwng, rhaid i feddiannydd y lladd-dy dynnu'r holl ddeunydd risg penodedig (ar wahân i'r rhannau hynny o asgwrn y cefn sy'n ddeunydd risg penodedig) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cigydda ac ym mhob achos cyn yr archwiliad post-mortem.

(2) Rhaid i feddiannydd y lladd-dy draddodi unrhyw gig sy'n cynnwys y rhannau hynny o'r asgwrn cefn sy'n ddeunydd risg penodedig cyn gynted ag y bo'n rhesymol ymarferol i—

- (a) safle torri a awdurdodwyd o dan baragraff 12(1)(a);
- (b) safle torri a leolir mewn rhan arall o'r Deyrnas Unedig ac a awdurdodwyd o dan y ddarpariaeth gyfatebol sy'n gymwys yn y rhan honno; neu
- (c) Aelod-wladwriaeth arall yn unol â phwynt 10(2) o Atodiad V i Reoliad TSE y Gymuned.

(3) Rhaid i feddiannydd y lladd-dy nodi pa gig sy'n cynnwys asgwrn cefn nad yw'n ddeunydd risg penodedig yn unol â phwynt 11(3)(a) o Atodiad V i Reoliad TSE y Gymuned a darparu gwybodaeth yn unol â phwynt 11(3)(b) o'r Atodiad hwnnw.

(4) Ni chaiff neb gynnwys streipen las yn y label y cyfeirir ato yn Erthygl 13 o Reoliad Senedd Ewrop a'r Cyngor (EC) Rhif 1760/2000 sy'n sefydlu system ar gyfer adnabod a chofrestru anifeiliaid buchol ac ar

Annex V to the Community TSE Regulation (harvesting of bovine head meat) is guilty of an offence.

Removal of specified risk material

7.—(1) Any person who removes specified risk material in any premises other than premises in which that specified risk material may be removed under point 4(1) or point 4(3)(a) of Annex V to the Community TSE Regulation is guilty of an offence.

(2) In the case of a cutting plant, it is an offence to remove—

- (a) any part of the vertebral column that is specified risk material from any bovine animal unless the plant is authorised under paragraph 12(1)(a); or
- (b) the spinal cord from any sheep or goat aged over 12 months at slaughter or which has a permanent incisor erupted through the gum, unless the plant is authorised for the purpose of such removal under paragraph 12(1)(b).

Bovine animals in a slaughterhouse

8.—(1) When a bovine animal is slaughtered in a slaughterhouse or the carcase of a bovine animal is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than those parts of the vertebral column that are specified risk material) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) The occupier must as soon as is reasonably practicable after slaughter consign any meat containing those parts of the vertebral column that are specified risk material to—

- (a) a cutting plant authorised under paragraph 12(1)(a);
- (b) a cutting plant located in another part of the United Kingdom and authorised under the corresponding provision applicable in that part; or
- (c) another member State in accordance with point 10(2) of Annex V to the Community TSE Regulation.

(3) The occupier must identify meat containing vertebral column that is not specified risk material in accordance with point 11(3)(a) of Annex V to the Community TSE Regulation and provide information in accordance with point 11(3)(b) of that Annex.

(4) No person may include a blue stripe in the label referred to in Article 13 of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council establishing a system for the identification and

gyfer labelu eidion a chynhyrchion eidion ac yn dirymu Rheoliad y Cyngor (EC) Rhif 820/97 (1), ac eithrio yn unol â phwynt 11(3)(a) o Atodiad V i Reoliad TSE y Gymuned.

(5) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgwydd.

Defaid a geifr mewn lladd-dy

9.—(1) Pan gigyddir defaid neu eifr, mewn lladd-dy, neu pan gludir carcas dafad neu afr i ladd-dy ar ôl ei ladd mewn man arall fel mesur argyfwng, rhaid i feddiannydd y lladd-dy dynnu'r holl ddeunydd risg penodedig (ar wahân i'r rhannau hynny o asgwrn y cefn sy'n ddeunydd risg penodedig) cyn gynted ag y bo'n rhesymol ymarferol ar ôl cigydda ac ym mhob achos cyn yr archwiliad post-mortem.

(2) Yn achos ddafad neu afr sydd dros 12 mis oed pan gaiff ei chigydda, neu sydd â blaenddant parhaol wedi torri drwy'r deintgig, rhaid i'r meddiannydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cigydda—

- (a) dynnu ymaith fadruddyn y cefn yn y lladd-dy cyn yr archwiliad post-mortem; neu
- (b) afon y cig i—
 - (i) safle torri sydd wedi'i awdurdodi o dan baragraff 12(1)(b);;
 - (ii) safle torri a leolir mewn rhan arall o'r Deyrnas Unedig ac a awdurdodwyd o dan y ddarpariaeth gyfatebol sy'n gymwys yn y rhan honno; neu
 - (iii) yn unol â pwynt 10(1) o Atodiad V i Reoliad TSE y Gymuned, safle torri mewn Aelod-wladwriaeth arall cyn belled â bod yr Asiantaeth Safonau Bwyd wedi gwneud cytundeb ysgrifenedig ag awdurdod cymwys yr Aelod-wladwriaeth sy'n derbyn y cig, ac yr anfonir y cig yn unol â'r cytundeb hwnnw.

(3) Yn is-baragraff (2)(b)(iii), ystyr "safle torri" ("cutting plant") yw mangre—

- (a) a gymeradwywyd neu a gymeradwywyd yn amodol fel y cyfryw o dan Erthygl 31(2) o Reoliad (EC) Rhif 882/2004; neu
- (b) sy'n gweithredu fel y cyfryw o dan Erthygl 4(5) o Reoliad (EC) Rhif 835/2004, hyd nes cymeradwyir felly.

(4) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgwydd.

registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No. 820/97(1), except in accordance with point 11(3)(a) of Annex V to the Community TSE Regulation.

(5) Failure to comply with this paragraph is an offence.

Sheep and goats in a slaughterhouse

9.—(1) When a sheep or goat is slaughtered in a slaughterhouse or the carcase of a sheep or goat is transported to a slaughterhouse following emergency slaughter elsewhere, the occupier of the slaughterhouse must remove all specified risk material (other than the spinal cord) as soon as is reasonably practicable after slaughter and in any event before post-mortem inspection.

(2) In the case of a sheep or goat aged over 12 months at slaughter, or which has a permanent incisor erupted through the gum, the occupier must as soon as is reasonably practicable after slaughter—

- (a) remove the spinal cord at the slaughterhouse before the post-mortem inspection; or
- (b) send the meat to—
 - (i) a cutting plant authorised under paragraph 12(1)(b);
 - (ii) a cutting plant located in another part of the United Kingdom and authorised under the corresponding provision applicable in that part; or
 - (iii) in accordance with point 10(1) of Annex V to the Community TSE Regulation, a cutting plant located in another member State, provided that the Food Standards Agency has entered into a written agreement with the competent authority of the receiving member State and the dispatch is in accordance with that agreement.

(3) In sub-paragraph (2)(b)(iii), "cutting plant" ("safle torri) means premises—

- (a) approved or conditionally approved as such under Article 31(2) of Regulation (EC) No. 882/2004; or
- (b) operating as such under Article 4(5) of Regulation (EC) No. 853/2004, pending such approval.

(4) Failure to comply with this paragraph is an offence.

(1) OJ Rhif L 204, 11.8.2000, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006 (OJ Rhif L 363, 20.12.2006, t. 1).

(1) OJ No L 204, 11.8.2000, p.1, as last amended by Council Regulation (EC) No 1791/2006 (OJ No L 363, 20.12.2006, p.1).

Stampiau wŷn a geifr ifanc

10.—(1) Caiff arolygydd stampio dafad neu afr mewn lladd-dy gyda stamp oen ifanc neu stamp gafr ifanc os nad oes gan yr anifail flaenddant parhaol sydd wedi torri drwy'r deintgig ac os nad yw'r ddogfennaeth (os oes dogfennaeth o'r fath) sy'n gysylltiedig â'r anifail yn dangos ei fod dros 12 mis oed ar adeg y cigydda.

(2) rhaid i'r stamp farcio'r cig gyda chylch 5 centimetr mewn diamedr ac yn cynnwys y canlynol mewn llythrennau bras 1 centimetr o uchder—

- (a) "MHS"; a
- (b) yn achos—
 - (i) dafad, "YL"; neu
 - (ii) gafr, "YG".

(3) Mae'n dramgwydd i unrhyw berson ac eithrio arolygydd osod y stamp neu farc tebyg iddo, neu fod â chyfarpar yn ei feddiant ar gyfer ei osod.

(4) Mae'n dramgwydd marcio dafad neu afr gyda stamp oen ifanc neu stamp gafr ifanc neu stamp sy'n debyg iddynt onid yw'r anifail yn un y caniateir ei farcio yn unol ag is-baragraff (1).

Tynnu madruddyd y cefn o ddefaid a geifr

11. Mae'n dramgwydd tynnu madruddyd y cefn neu unrhyw ran ohono o ddafad neu afr sydd dros 12 mis oed ar adeg eu cigydda neu o ddafad neu afr a oedd ag un neu fwy o flaenddannedd parhaol a oedd wedi torri drwy'r deintgig (ac eithrio at ddibenion archwiliad milfeddygol neu wyddonol) ac eithrio trwy—

- (a) holli'r holl asgwrn cefn yn hydredol; neu
- (b) tynnu ymaith doriad hydredol o'r holl asgwrn cefn gan gynnwys madruddyd y cefn

Awdurdodi safleoedd torri gan yr Asiantaeth Safonau Bwyd

12.—(1) Caiff yr Asiantaeth Safonau Bwyd awdurdodi safle torri i dynnu—

- (a) y rhannau hynny o asgwrn cefn anifeiliaid buchol sy'n ddeunydd risg penodedig; neu
- (b) madruddyd y cefn o ddefaid a geifr sydd dros 12 mis oed pan gânt eu cigydda neu pan fo un neu fwy o'r blaenddannedd wedi torri drwy'r deintgig,

os bodlonir yr Asiantaeth y cydymffurfir â darpariaethau Atodiad V i Reoliad TSE y Gymuned a'r Atodlen hon.

(2) Mae'r gweithdrefnau yn rheoliadau 6, 8, 9 a 10 yn gymwys, ond rhaid dehongli pob cyfeiriad at Weinidogion Cymru fel pe baent yn gyfeiriadau at yr Asiantaeth Safonau Bwyd.

Young lamb and goat stamps

10.—(1) An inspector may stamp a sheep or goat in a slaughterhouse with a young lamb stamp or a young goat stamp if the animal does not have a permanent incisor erupted through the gum and the documentation (if any) relating to the animal does not indicate that it is aged over 12 months at slaughter.

(2) The stamp must mark the meat with a circular mark 5 centimetres in diameter with the following in capital letters 1 centimetre high—

- (a) "MHS"; and
- (b) in the case of—
 - (i) a sheep, "YL"; or
 - (ii) a goat, "YG".

(3) It is an offence for any person other than an inspector to apply the stamp or a mark resembling the stamp, or to possess the equipment for applying it.

(4) It is an offence to mark a sheep or goat with a stamp that is or resembles a young lamb stamp or a young goat stamp unless it is an animal permitted to be marked in accordance with sub-paragraph (1).

Removal of spinal cord from sheep and goats

11. It is an offence to remove the spinal cord or any part of it from a sheep or goat aged over 12 months at slaughter or that had one or more permanent incisors erupted through the gum (other than for the purposes of veterinary or scientific examination) except by—

- (a) longitudinally splitting the whole vertebral column; or
- (b) removing a longitudinal section of the whole vertebral column including the spinal cord.

Authorisation of cutting plants by the Food Standards Agency

12.—(1) The Food Standards Agency may authorise a cutting plant to remove—

- (a) those parts of the vertebral column of bovine animals that are specified risk material; or
- (b) spinal cord from sheep and goats aged over 12 months at slaughter or which have a permanent incisor erupted through the gum,

if the Agency is satisfied that the provisions of Annex V to the Community TSE Regulation and this Schedule will be complied with.

(2) The procedures in regulations 6, 8, 9 and 10 apply, but all references to the Welsh Ministers must be construed as references to the Food Standards Agency.

Tynnu deunydd risg penodedig mewn safle torri a awdurdodir o dan baragraff 12(1)

13. Bydd meddiannydd safle torri a awdurdodwyd o dan baragraff 12(1) yn cyflawni tramgwydd oni fydd yn tynnu o'r cig y yr holl ddeunydd risg penodedig o'r math y mae'r awdurdodiad yn berthnasol iddo, cyn gynted ag y bo'n rhesymol ymarferol, ar ôl i'r cig gyrraedd y safle, a beth bynnag cyn i'r cig gael ei symud o'r safle

Cig o Aelod-wladwriaeth arall

14. At ddibenion pwynt 10(1) a phwynt 10(2) o Atodiad V i Reoliad TSE y Gymuned, pan gludir cig sy'n cynnwys y rhannau hynny o asgwrn cefn anifail buchol sy'n ddeunydd risg penodedig i Gymru o Aelod-wladwriaeth arall, rhaid i'r mewnforwr ei anfon ar ei union i safle torri a awdurdodwyd o dan baragraff 12(1)(a), ac y mae peidio â gwneud hynny yn dramgwydd.

Staenio a gwaredu deunydd risg penodedig

15.—(1) Bydd meddiannydd unrhyw fangre lle y tynnir ymaith ddeunydd risg penodedig, sy'n methu â chydymffurfio â phwynt 3 of Atodiad V i Reoliad TSE y Gymuned (marcio a gwaredu) yn euog o dramgwydd.

(2) At ddibenion y pwynt hwnnw —

- (a) ystyr staenio yw trin y deunydd (pa un ai drwy drochi, chwistrellu neu daenu rywfodd arall) gan ddefnyddio —
 - (i) toddiant 0.5% yn ôl pwysau/cyfaint o'r cyfrwng lliwio Patent Blue V (E131, Colur Index 1971 Rhif 42051 (1)); neu
 - (ii) pa bynnag gyfrwng lliwio arall a gymeradwyir mewn ysgrifen gan Weinidogion Cymru neu'r Asiantaeth Safonau Bwyd; a
- (b) rhaid taenu'r staen fel y bo'r lliw yn holol weladwy ac yn parhau felly—
 - (i) dros holl arwyneb y toriad a'r rhan fwyaf o'r pen yn achos pen dafad neu afr; a
 - (ii) yn achos pob deunydd risg penodedig arall, dros holl arwyneb y deunydd.

(3) Nid yw'r paragraff hwn yn gymwys i unrhyw ddeunydd risg penodedig y bwriedir ei ddefnyddio fel y darperir yn Erthygl 1(2)(b) ac (c) o Reoliad TSE y Gymuned.

Removal of specified risk material at a cutting plant authorised under paragraph 12(1)

13. The occupier of a cutting plant authorised under paragraph 12(1) commits an offence if they do not, as soon as is reasonably practicable after arrival at the plant of meat, and in any event before the meat is removed from the plant, remove from the meat all specified risk material of a kind to which the authorisation relates.

Meat from another member State

14. For the purposes of point 10(1) and point 10(2) of Annex V to the Community TSE Regulation, where meat containing those parts of the vertebral column of a bovine animal that are specified risk material is brought into Wales from another member State, the importer must send it directly to a cutting plant authorised under paragraph 12(1)(a), and failure to do so is an offence.

Staining and disposal of specified risk material

15.—(1) The occupier of any premises where specified risk material is removed who fails to comply with point 3 of Annex V to the Community TSE Regulation (marking and disposal) is guilty of an offence.

(2) For the purposes of that point—

- (a) staining involves treating the material (whether by immersion, spraying or other application) with—
 - (i) a 0.5% weight/volume solution of the colouring agent Patent Blue V (E131, 1971 Colour Index No. 42051(1)); or
 - (ii) such other colouring agent as may be approved in writing by the Welsh Ministers or the Food Standards Agency; and
- (b) the stain must be applied in such a way that the colouring is and remains clearly visible—
 - (i) over the whole of the cut surface and the majority of the head in the case of the head of a sheep or goat, and
 - (ii) in the case of all other specified risk material, over the whole surface of the material.

(3) This paragraph does not apply in relation to any specified risk material which is destined for use as provided in Article 1(2)(b) and (c) of the Community TSE Regulation.

(1) Cyhoeddir y Colour Index gan The Society of Dyers and Colourists o Perkin House, 82 Grattan Road, Bradford, Gorllewin Swydd Efrog BD1 2JB.

(1) Colour Index is published by the Society of Dyers and Colourists at Perkin House, 82 Grattan Road, Bradford, West Yorkshire BD1 2JB.

Anifeiliaid cynllun

16.—(1) Wedi i'r deunydd risg penodedig gael ei dynnu ymaith o anifail buchol a gigyddir at ddibenion Rheoliad y Comisiwn (EC) Rhif 716/96, sy'n mabwysiadu mesurau cymorth eithriadol ar gyfer y farchnad eidion yn y Deyrnas Unedig (1), rhaid i'r meddiannydd sicrhau bod y gweddill (ac eithrio'r croen) yn cael ei staenio ar unwaith yn unol â pharagraff 15 fel y bo'r lliw yn weladwy ac yn parhau felly dros holl arwyneb y deunydd.

(2) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgydd.

Diogelwch deunydd risg penodedig

17.—(1) Hyd nes traddodir neu y gwaredir y deunydd o'r fangre lle y'i tynnwyd, rhaid i feddiannydd y fangre sicrhau bod deunydd risg penodedig yn cael ei wahanu'n ddigonol oddi wrth unrhyw fwyd, bwydydd anifeiliaid neu gynnyrch cosmetig, fferyllol neu feddygol, a'i gadw mewn cynhwysydd anhydraidd sydd â chaead a label arno i ddynodi ei fod yn cynwys naill ai—

- (a) deunydd risg penodedig; neu
- (b) sgil-gynhyrchion anifeiliaid Categori 1 ac yn dwyn y geiriau "For disposal only" ar y label.

(2) Rhaid i'r meddiannydd sicrhau bod y cynhwysydd yn cael ei olchi'n lân cyn gynted ag y bo'n rhesymol ymarferol bob tro ar ôl ei wagio, a'i ddiheintio cyn ei ddefnyddio at unrhyw ddiben arall.

(3) Mae peidio â chydymffurfio â'r paragraff hwn yn dramgydd.

Gwahardd cyflenwi deunydd risg penodedig i'w fwyta gan bobl

18. Mae'n dramgydd gwerthu neu gyflenwi—

- (a) unrhyw ddeunydd risg penodedig, neu unrhyw fwyd sy'n cynnwys deunydd risg penodedig, ar gyfer ei fwyta gan bobl; neu
- (b) unrhyw ddeunydd risg penodedig i'w ddefnyddio i baratoi unrhyw fwyd ar gyfer ei fwyta gan bobl.

Scheme animals

16.—(1) After the specified risk material has been removed from a bovine animal slaughtered for the purposes of Commission Regulation (EC) No. 716/96 adopting exceptional support measures for the beef market in the United Kingdom(1), the occupier must ensure that the remainder (excluding the hide) is immediately stained in accordance with paragraph 15 in such a way that the colouring is and remains clearly visible over the whole surface of the material.

(2) Failure to comply with this paragraph is an offence.

Security of specified risk material

17.—(1) Pending consignment or disposal from the premises on which it was removed, the occupier of the premises must ensure that specified risk material is adequately separated from any food, feedingstuff or cosmetic, pharmaceutical or medical product and held in an impervious covered container that is labelled as either—

- (a) containing specified risk material; or
- (b) Category 1 animal by-products and including the words "For disposal only".

(2) The occupier must ensure that the container is thoroughly washed as soon as is reasonably practicable each time that it is emptied, and disinfected before use for any other purpose.

(3) Failure to comply with this paragraph is an offence.

Prohibition on the supply of specified risk material for human consumption

18. It is an offence to sell or supply—

- (a) any specified risk material, or any food containing specified risk material, for human consumption; or
- (b) any specified risk material for use in the preparation of any food for human consumption.

(1) OJ Rhif L 99, 20.4.1996, t. 14, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 2109/2005 (OJ Rhif L 337, 22.12.2005, t. 25).

(1) OJ No L 99, 20.4.1996, p.14, as last amended by Commission Regulation (EC) No 2109/2005 (OJ No L 337, 22.12.2005, p.25).

Rheoliad 5

Cyfngiadau ar allforio

Allforio anifeiliaid buchol a chynhyrchion buchol i Aelod-wladwriaethau eraill ac i drydydd gwledydd

1.—(1) Mae'n dramgydd i unrhyw berson allforio (neu gynnig allforio) y canlynol i Aelod-wladwriaethau eraill neu i drydydd gwledydd—

- (a) yn unol â Rhan II o Bennod A o Atodiad VIII i Reoliad TSE y Gymuned, anifeiliaid buchol a anwyd neu a fagwyd yn y Deyrnas Unedig cyn 1 Awst 1996; neu
- (b) yn unol ag Erthygl 1(1) o Benderfyniad y Comisiwn 2007/411/EC, unrhyw gynhyrchion a gyfansoddir o, neu sy'n ymgorffori, unrhyw ddeunydd (ac eithrio llaeth) sy'n deillio o anifail buchol a anwyd neu a fagwyd o fewn y Deyrnas Unedig cyn 1 Awst 1996.

(2) Nid yw'r gwaharddiad yn is-baragraff (1)(b) yn gymwys i grwyn anifeiliaid buchol a anwyd neu a fagwyd o fewn y Deyrnas Unedig cyn 1 Awst (gan gynnwys crwyn o anifeiliaid buchol y cyfeirir atynt yn nhrydydd mewnoliad y pwynt 1(a) o Atodiad VII o Reoliad y Gymuned) a ddefnyddiwyd i gynhyrchu lledr yn unol ag Erthygl 1(3) o Benderfyniad y Comisiwn 2007/411/EC.

(3) Yn y paragraff hwn, caniateir i bwerau arolygydd gael eu harfer hefyd gan berson a benodir fel y cyfryw mewn perthynas â marchnad ledr neu danerdy gan y Bwrdd Datblygu Amaethyddiaeth a Garddwriaeth.

Allforio pennau a charcasau heb eu holtti i Aelod-wladwriaethau

2. Yn ddarostyngedig i bwynt 10(2) o Atodiad V i Reoliad TSE y Gymuned, mae'n dramgydd i unrhyw berson allforio (neu gynnig allforio) unrhyw ben neu garcas heb ei holtti sy'n cynnwys deunydd risg penodedig i Aelod-wladwriaeth arall, yn absenoldeb unrhyw gytundeb o'r math a bennir ym mhwynt 10(1) o'r Atodiad hwnnw.

Allforio cynhyrchion sy'n cynnwys deunydd risg penodedig i drydydd gwledydd

3. Yn unol â phwynt 10(3) o Atodiad V i Reoliad TSE y Gymuned, mae'n dramgydd i unrhyw berson allforio (neu gynnig allforio) i drydydd gwledydd pennau neu gig ffres anifeiliaid o deulu'r fuwch, y ddfafad neu'r afr sy'n cynnwys deunydd risg penodedig.

Regulation 5

Restrictions on export

Export to other member States and to third countries of bovine animals and products

1.—(1) It is an offence for any person to export (or offer to export) to other member States or to third countries—

- (a) in accordance with Part II of Chapter A of Annex VIII to the Community TSE Regulation, bovine animals born or reared in the United Kingdom before 1 August 1996; or
- (b) in accordance with Article 1(1) of Commission Decision 2007/411/EC, any products consisting of or incorporating any material (other than milk) derived from a bovine animal born or reared within the United Kingdom before 1 August 1996.

(2) The prohibition in sub-paragraph (1)(b) does not apply to the hides of bovine animals born or reared within the United Kingdom before 1 August 1996 (including hides from bovine animals referred to in the third indent of point 1(a) of Annex VII to the Community Regulation) that have been used for leather production in accordance with Article 1(3) of Commission Decision 2007/411/EC.

(3) In this paragraph the powers of an inspector may also be exercised by a person appointed as such in relation to a hide market or tannery by the Agriculture and Horticulture Development Board.

Export to member States of heads and un-split carcases

2. Subject to point 10(2) of Annex V to the Community TSE Regulation, it is an offence for any person to export (or offer to export) any head or un-split carcase containing specified risk material to another member State in the absence of an agreement of the kind specified in point 10(1) of that Annex.

Export to third countries of products containing specified risk material

3. In accordance with point 10(3) of Annex V to the Community TSE Regulation, it is an offence for any person to export (or offer to export) heads or fresh meat of bovine, ovine or caprine animals containing specified risk material to third countries.

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