



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 441 (Cy.46)

2009 No. 441 (W.46)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Gorchymyn Rheoli Salmonela
mewn Heidiau o Frwyliaid
(Cymru) 2009**

**The Control of Salmonella in
Broiler Flocks (Wales) Order
2009**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn gorfodi Rheoliad y Comisiwn 646/2007(1) a Rheoliad y Comisiwn 1177/2006(2).

This Order enforces Commission Regulation 646/2007(1) and Commission Regulation 1177/2006(2).

Mae'n darparu ar gyfer cofrestru heidiau o frwyliaid, sef adar o'r rhywogaeth *Gallus gallus* a'u profi am *Salmonella*. Mae hefyd yn gwahardd defnyddio gwrthficrobiaid a brechlyn salmonela byw.

It makes provision for registration of broiler flocks of birds of the species *Gallus gallus* and for their testing for *Salmonella*. It also prohibits the use of antimicrobials and live salmonella vaccine.

Yr awdurdod lleol sydd i orfodi'r Gorchymyn.

The Order is enforced by the local authority.

Mae torri'r Gorchymyn yn dramgwydd o dan adran 73 o Ddeddf Iechyd Anifeiliaid 1981 (p.22), y gellir ei gosbi yn unol ag adran 75 o'r Ddeddf honno.

Breach of the Order is an offence under section 73 of the Animal Health Act 1981 (c.22), punishable in accordance with section 75 of that Act.

Mae asesiad effaith rheoleiddiol o'r effaith a gaiff yr offeryn hwn ar gostau busnes a'r sector gwirfoddol ar gael ar wefan Llywodraeth Cynulliad Cymru.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on the Welsh Assembly Government's website.

(1) OJ Rhif L151, 13.6.2007, t.21 fel y'i diwygiwyd gan Reoliad y Comisiwn (EC) Rhif 584/2008 (OJ Rhif L162, 21.6.2008, t.3).

(2) OJ Rhif L212, 2.8.2006, t.3.

(1) OJ No. L151, 13.6.2007, p.21 as amended by Commission Regulation (EC) No. 584/2008 (OJ No. L162, 21.6.2008, p.3).

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(Cymru) 2009

The Control of Salmonella in
Broiler Flocks (Wales) Order
2009

Gwnaed 27 Chwefror 2009
Yn dod i rym 9 Mawrth 2009

Made 27 February 2009
Coming into force 9 March 2009

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddwyd gan adrannau 1 ac 8 o Ddeddf Iechyd Anifeiliaid 1981(1).

The Welsh Ministers make this Order in exercise of the powers conferred by sections 1 and 8 of the Animal Health Act 1981(1).

Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Rheoli Salmonela mewn Heidiau o Frwyliaid (Cymru) 2009; mae'n gymwys o ran Cymru ac yn dod i rym ar 9 Mawrth 2009.

Title, application and commencement

1. The title of this Order is the Control of Salmonella in Broiler Flocks (Wales) Order 2009; it applies in relation to Wales and comes into force on 9 March 2009.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "awdurdod lleol" ("*local authority*") o ran ardal yw cyngor sir neu gyngor bwrdeistref sirol ar gyfer yr ardal honno;

ystyr "daliad" ("*holding*") yw unrhyw ddaliad lle y cedwir neu y bwriedir cadw un neu ragor o heidiau o frwyliaid;

ystyr "haid" ("*flock*") yw'r holl ieir o'r un statws iechyd â'i gilydd a gedwir yn yr un fangre neu yn yr un caeade ac sy'n ffurfio un uned epidemiolegol ac, yn achos ieir dan do, yn cynnwys pob aderyn sy'n rhannu'r un gofod awyr;

ystyr "haid o frwyliaid" ("*broiler flock*") yw haid a gedwir i gynhyrchu cig i'w fwyta gan bobl;

Interpretation

2. In this Order—

"broiler flock" ("*haid o frwyliaid*") means a flock kept for the production of meat intended for human consumption;

"chickens" ("*ieir*") means birds of the species *Gallus gallus*.

"flock" ("*haid*") means all chickens of the same health status kept on the same premises or in the same enclosure and constituting a single epidemiological unit and, in the case of housed chickens, includes all birds sharing the same airspace;

"holding" ("*daliad*") means any holding on which one or more broiler flocks of chickens are kept or are intended to be kept;

(1) 1981 p.22. Trosglwyddwyd swyddogaethau'r Gweinidog a'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 ac O.S. 2004/3044. Mae swyddogaethau Cynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(1) 1981 c.22. Functions of the Minister and the Secretary of State transferred to the National Assembly for Wales by S.I. 1999/672 and S.I. 2004/3044. Functions of the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

ystyr "ieir" ("*chickens*") yw adar o'r rhywogaeth *Gallus gallus*;

ystyr "meddiannydd" ("*occupier*") o ran unrhyw ddaliad yw'r person sydd â gofal y daliad hwnnw.

Yr awdurdod cymwys

3. Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion —

- (a) Rheoliad y Comisiwn (EC) Rhif 646/2007 sy'n gweithredu Rheoliad (EC) Rhif 2160/2003 Senedd Ewrop a'r Cyngor o ran targed Cymunedol i leihau nifer achosion *Salmonella enteritidis* a *Salmonella typhimurium* mewn brwyliaid ac yn diddymu Rheoliad (EC) Rhif 1091/2005(1); a
- (b) Rheoliad y Comisiwn (EC) Rhif 1177/2006 sy'n gweithredu Rheoliad (EC) Rhif 2160/2003 Senedd Ewrop a'r Cyngor o ran y gofynion ar gyfer defnyddio dulliau rheoli penodol yn y fframwaith o raglenni cenedlaethol i reoli salmonela mewn dofednod(2).

Hysbysu am heidiau o frwyliaid

4.—(1) Rhaid i feddiannydd y daliad lle y cedwir un neu ragor o heidiau o frwyliaid hysbysu Gweinidogion Cymru o'r wybodaeth ym mharagraff (4) o'r erthygl hon—

- (a) cyn pen tri mis ar ôl i'r Gorchymyn hwn ddod i rym; neu
- (b) yn achos daliad a sefydlir ar ôl y dyddiad pan ddaw'r Gorchymyn hwn i rym, cyn pen tri mis ar ôl sefydlu'r daliad.

(2) Rhaid i'r meddiannydd hysbysu Gweinidogion Cymru o unrhyw newid i'r wybodaeth honno neu unrhyw ychwanegiad ati a hynny o fewn tri mis ar ôl gwneud y newid neu'r ychwanegiad.

(3) Nid yw'r erthygl hon yn gymwys i unrhyw feddiannydd sydd wedi hysbysu Gweinidogion Cymru am yr wybodaeth honno o dan unrhyw ddeddfiad arall.

- (4) Dyma'r wybodaeth y mae'n rhaid ei hysbysu —
 - (a) cyfeiriad a rhif ffôn y daliad;
 - (b) enw, cyfeiriad a rhif ffôn y meddiannydd a'r person sydd biau pob haid ar y daliad;
 - (c) nifer yr heidiau ar y daliad.

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

"occupier" ("*meddiannydd*") means, in relation to any holding, the person in charge of the holding;

Competent authority

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

- (a) Commission Regulation (EC) No. 646/2007 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers and repealing Regulation (EC) No. 1091/2005(1); and
- (b) Commission Regulation (EC) No. 1177/2006 implementing Regulation (EC) No. 2160/2003 of the European Parliament and of the Council as regards requirements for the use of specific control methods in the framework of the national programmes for the control of salmonella in poultry(2).

Notification of broiler flocks

4.—(1) The occupier of the holding on which one or more broiler flocks are kept must notify the Welsh Ministers of the information in paragraph (4) of this article—

- (a) within three months of the coming into force of this Order; or
- (b) in the case of such a holding established after the date this Order comes into force, within three months of the establishment of the holding.

(2) The occupier must notify the Welsh Ministers of any change or addition to that information within three months of the change or addition.

(3) This article does not apply to any occupier who has notified the Welsh Ministers of that information under any other enactment.

- (4) The information to be notified is —
 - (a) the address and telephone number of the holding;
 - (b) the name, address and telephone number of the occupier and of the person who owns each flock on the holding;
 - (c) the number of flocks on the holding.

(1) OJ Rhif L151, 13.6.2007, t.21 fel y'i diwygiwyd gan Reoliad y Comisiwn (EC) Rhif 584/2008 (OJ Rhif L162, 21.6.2008, t.3).

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(2) OJ No. L212, 2.8.2006, p. 3.

Samplu

5.—(1) Rhaid i'r meddiannydd samplu yn unol â phwyntiau 1 a 2 o'r Atodiad i Reoliad (EC) Rhif 646/2007 a rhaid iddo anfon samplau i labordy cymeradwy yn unol â phwynt 3.1 o'r Atodiad hwnnw (ac at ddibenion y pwynt hwnnw mae "express post" yn cynnwys post dosbarth cyntaf).

(2) O ran pob sampl rhaid i'r meddiannydd ddarparu'r wybodaeth a ganlyn—

- (a) enw'r meddiannydd;
- (b) cyfeiriad y daliad;
- (c) teip y samplau;
- (ch) y dyddiad pryd y cymerwyd y samplau;
- (d) dull adnabod yr haid, pan fo rhagor nag un haid ar y daliad;
- (dd) y dyddiad pryd y symudodd yr haid i'r daliad;
- (e) oed yr haid.

Cofnodion samplau

6.—(1) Rhaid i'r meddiannydd, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cymryd sampl, gofnodi—

- (a) y math o sampl a gymerwyd;
- (b) y dyddiad pryd y cymerwyd y sampl;
- (c) pan fo rhagor nag un haid ar y daliad, dull adnabod yr haid y cymerwyd y sampl ohoni;
- (ch) oed yr haid a samplwyd;
- (d) y labordy yr anfonwyd yr haid iddo;
- (dd) y dyddiad cigyddu arfaethedig yr haid a samplwyd.

(2) Rhaid i'r meddiannydd gofnodi canlyniad pob prawf pan gaiff ef gan y labordy.

Cofnodion symudiadau

7. Pan fo adar yn cael eu symud i neu oddi wrth ddaliad rhaid i'r meddiannydd gofnodi ar gyfer pob haid —

- (a) dyddiad y symud;
- (b) p'un a oedd y symud i'r daliad neu oddi wrtho;
- (c) nifer yr adar a symudwyd;
- (ch) oed yr adar a symudwyd;
- (d) yn achos symud haid gyfan, dull adnabod yr haid honno, pan fo rhagor nag un haid ar y daliad.
- (dd) dull adnabod yr adeilad neu'r grwp o adeiladau y symudwyd yr adar iddo, iddynt, oddi wrtho neu oddi wrthynt;

Sampling

5.—(1) The occupier must carry out sampling in accordance with points 1 and 2 of the Annex to Regulation (EC) No. 646/2007 and must despatch samples to an approved laboratory in accordance with point 3.1 of that Annex (and for the purposes of that point "express post" includes first class post).

(2) In relation to each sample the occupier must provide the following information—

- (a) the name of the occupier;
- (b) the address of the holding;
- (c) the type of samples;
- (d) the date on which the samples were taken;
- (e) the identification of the flock, where there is more than one flock on the holding;
- (f) the date on which the flock moved onto the holding;
- (g) the age of the flock.

Records of samples

6.—(1) The occupier must, as soon as is reasonably practicable after taking a sample, record—

- (a) the type of sample taken;
- (b) the date on which the sample was taken;
- (c) where there is more than one flock on the holding, the identification of the flock from which the sample was taken;
- (d) the age of the flock sampled;
- (e) the laboratory to which the sample was sent;
- (f) the intended date of slaughter of the flock sampled.

(2) The occupier must record the result of each test when it is received from the laboratory.

Records of movements

7. When birds are moved on to or off a holding the occupier must record for each flock—

- (a) the date of the movement;
- (b) whether the movement was on to or off the holding;
- (c) the number of birds moved;
- (d) the age of the birds moved;
- (e) in the case of the movement of an entire flock, the identification of that flock, where there is more than one flock on the holding;
- (f) the identity of the building or group of buildings into or from which the birds were moved;

(e) cyfeiriad y daliad o le y daethant neu'r lladd-dy neu'r daliad yr anfonwyd hwy iddo.

(g) the address of the holding that they came from or the slaughterhouse or holding they were sent to.

Dyletswyddau'r person sydd â gofal labordy

8. Pan fo labordy yn profi samplau, rhaid i'r person sydd â gofal y labordy sicrhau eu bod yn cael eu profi yn unol â phwynt 3 o'r Atodiad i Reoliad (EC) Rhif 646/2007.

Duties of the person in charge of a laboratory

8. Where a laboratory tests samples, the person in charge of the laboratory must ensure that they are tested in accordance with point 3 of the Annex to Regulation (EC) No. 646/2007.

Gwahardd defnyddio gwrthficrobiaid

9. Ni chaiff neb roi unrhyw gwrthficrobiad i unrhyw ieir fel dull penodol o reoli salmonela yn groes i Erthygl 2 o Reoliad y Comisiwn (EC) Rhif 1177/2006 (defnyddio gwrthficrobiaid).

Prohibition on the use of antimicrobials

9. No person may administer any antimicrobial to any chickens as a specific method to control salmonella in breach of Article 2 of Commission Regulation (EC) No. 1177/2006 (use of antimicrobials).

Gwahardd defnyddio brechlynnau

10. Ni chaiff neb roi unrhyw frechlyn salmonela byw i unrhyw ieir yn groes i Erthygl 3(1) o Reoliad y Comisiwn (EC) Rhif 1177/2006 (defnyddio brechlynnau).

Prohibition on the use of vaccines

10. No person may administer any live salmonella vaccine to any chickens in breach of Article 3(1) of Commission Regulation (EC) No. 1177/2006 (use of vaccines).

Cofnodion

11. Rhaid i unrhyw berson sy'n gorfod cadw cofnod o dan y Gorchymyn hwn ei gadw am ddwy flynedd ar ôl dyddiad ei wneud a rhaid iddo ei ddangos i un o arolygwyr neu un o swyddogion Gweinidogion Cymru os bydd gofyn a chaniatáu gwneud copi neu gymryd echdyniad ohono.

Records

11. Any person required to keep a record under this Order must keep it for two years from the date it is made and must produce it on demand to an inspector or officer of the Welsh Ministers and allow a copy of it to be made or an extract from it to be taken.

Ymyrryd â samplau

12. Rhaid i berson beidio ag ymyrryd â sampl na gwneud unrhyw beth iddo sy'n debygol o effeithio ar ganlyniad unrhyw brawf y mae'n ofynnol ei gynnal o dan y Gorchymyn hwn.

Tampering with samples

12. A person must not tamper with a sample or do anything to it that is likely to affect the result of any test required to be carried out under this Order.

Pwerau Gweinidogion Cymru mewn achosion o fethu â chydymffurfio

13. Os bydd unrhyw berson yn methu â chymryd unrhyw gamau sy'n ofynnol gan y Gorchymyn hwn, caiff arolygydd drefnu i'r cyfryw gamau gael eu cymryd ar draul y person sydd wedi methu â chydymffurfio.

Powers of the Welsh Ministers in cases of default

13. If any person fails to take any action required by this Order, an inspector may arrange for such action to be taken at the expense of the person in default.

Gorfodi

14.—(1) Yr awdurdod lleol sydd yn gorfodi'r Gorchymyn hwn.

(2) Caiff Gweinidogion Cymru gyfarwyddo, mewn perthynas ag achosion o ddisgrifiad penodol neu ag unrhyw achos penodol, mai Gweinidogion Cymru yn hytrach na'r awdurdod lleol fydd yn gorfodi'r Gorchymyn hwn.

Enforcement

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

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that the Welsh Ministers will enforce this Order instead of the local authority.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

Food and Rural Affairs

Minister for Rural Affairs, one of the Welsh Ministers

27 Chwefror 2009

27 February 2009

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