OFFERYNNAU STATUDOL CYMRU

2003 Rhif 3119 (Cy.297)

AMAETHYDDIAETH, CYMRU

Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) (Rhif 2) 2003

Wedi'u gwneud - -	*2 Rhagfyr 2003*
Yn dod i rym - -	*3 Rhagfyr 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adrannau 66(1), 74A a 84 o Ddeddf Amaethyddiaeth 1970(**1**) (o'i darllen ynghyd â rheoliad 14 o Reoliadau Deddf Safonau Bwyd 1999 (Darpariaethau ac Esemptiadau Trosiannol a Dilynol) (Lloegr a Chymru) 2000(**2**) ac erthyglau 2 a 6 o Orchymyn y Weinyddiaeth Amaethyddiaeth, Pysgodfeydd a Bwyd (Diddymu) 2002(**3**)) ac sydd bellach yn arferadwy gan y Cynulliad Cenedlaethol mewn perthynas â Chymru(**4**)), ar ôl ymgynghori yn unol â gofynion adran 84(1) o'r Ddeddf honno a chan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau ar faterion diogelwch bwyd(**5**) a chan ei fod wedi'i ddynodi(**6**)) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**7**) mewn perthynas â Pholisi Amaethyddol Cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran honno a grybwyllwyd ddiwethaf (i'r graddau nad oes modd gwneud y Rheoliadau hyn o dan y pwerau yn Neddf Amaethyddiaeth 1970 a bennwyd uchod), yn gwneud y Rheoliadau canlynol:

Teitl, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Porthiant, Porthiant (Samplu a Dadansoddi) a Phorthiant (Gorfodi) (Diwygio) (Cymru) (Rhif 2) 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 3 Rhagfyr 2003.

(**1**) 1970 p.40. Mae adran 66(1) yn cynnwys diffiniadau o'r ymadroddion "the Ministers", "prescribed" a "regulations"; diwygiwyd y diffiniad o "the Ministers" gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S.1978/272), Atodlen 5, paragraff 1. Mewnosodwyd adran 74A gan Ddeddf y Cymunedau Ewropeaidd 1972 (1972 p. 68), Atodlen 4, paragraff 6.
(**2**) O.S. 2000/656.
(**3**) O.S. 2002/794.
(**4**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan O.S.1999/672.
(**5**) OJ Rhif L31, 1.2.2002, t.1. O dan Erthygl 3 o Reoliad y CE mae'r ymadrodd "food law" yn ymestyn i fwyd a gynhyrchir ar gyfer anifeiliaid sy'n cynhyrchu bwyd neu a fwydir iddynt.
(**6**) O.S. 1999/2788.
(**7**) 1972 p.68.

Diwygio Rheoliadau Porthiant (Cymru) 2001

2.—(1) Diwygir Rheoliadau Porthiant (Cymru) 2001(**8**) yn unol â pharagraff (2) a pharagraff (3).

(2) Yn lle Rhan II o'r Tabl a nodir yn Atodlen 3 (ychwanegion a ganiateir a darpariaethau ynglŷn â'u defnyddio) rhoddir y Rhan sydd wedi'i nodi yn yr Atodlen i'r Rheoliadau hyn.

(3) Yn Rhan IX o Atodlen 3 —

(a) caiff y testun canlynol ei fewnosod yn syth ar ôl y cyfeiriad at Reoliad y Comisiwn (EC) Rhif 688/2003 —

> "Commission Regulation (EC) No. 871/2003 permanently authorising a new additive manganomanganic oxide in feedingstuffs[17].
>
> Commission Regulation (EC) No. 877/2003 provisionally authorising the use of the acidity regulator "Benzoic acid" in feedingstuffs[18]."; a

(b) mewnosodir y testun canlynol ar y diwedd —

> "**17.** OJ No. L125, 21.5.2003, p.3
>
> **18.** OJ No. L126, 22.5.2005, p.24."

Diwygiadau canlyniadol i Reoliadau Porthiant (Cymru) 2001

3.—(1) Caiff Rheoliadau Porthiant (Cymru) 2001 eu diwygio, i'r graddau y maent yn gymwys mewn perthynas â Chymru, yn unol â pharagraffau (2) a (3).

(2) Yn lle paragraff (1) o reoliad 7 (cyfyngiadau ar amrywiadau) rhodder y paragraff canlynol —

> "(1) Bydd i Adran 74(2) effaith fel pe bai'r geiriau "or the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001(**9**), the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001(**10**), the Feeding Stuffs (Amendment) (Wales) Regulations 2002(**11**), the Feeding Stuffs (Amendment) (Wales) Regulations 2003(**12**), the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003(**13**)) and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003." yn cael eu mewnosod ar ôl y geiriau "this part of the Act"".

(3) Yn lle paragraff (1) o reoliad 24 (addasu adran 74A(3) o Ddeddf Amaethyddiaeth 1970) rhodder y paragraff canlynol —

> "(1) At ddibenion gorfodi a gweinyddu'r darpariaethau a bennir ym mharagraff (2) isod bydd i adran 74A(3) effaith fel pe bai'r geiriau canlynol "any provision specified in regulation 25(2) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement)

(**8**) O.S. 2001/343 (Cy. 15), fel y'i diwygiwyd gan O.S. 2001/1797 (Cy.172), O.S. 2003/989 (Cy. 138) ac O.S. 2003/1850 (Cy. 200).
(**9**) O.S. 2001/2253 (Cy. 163).
(**10**) O.S. 2001/3461 (Cy. 280).
(**11**) O.S. 2002/1797 (Cy.. 172).
(**12**) O.S. 2003/989 (Cy.. 138).
(**13**) O.S. 2003/1850 (Cy. 200).

(Amendment) (Wales) (No. 2) Regulations 2003." yn cael eu rhoi yn lle "regulations under subsection (1) above, or fails to comply with any other provision of the regulations,"".

Diwygiadau canlyniadol i Reoliadau Porthiant (Samplu a Dadansoddi) 1999

4. Caiff Rheoliadau Porthiant (Samplu a Dadansoddi) 1999(**14**) eu diwygio i'r graddau y maent yn gymwys mewn perthynas â Chymru yn unol â rheoliadau 5 a 6.

5. Yn Rhan I o Atodlen 2 (dulliau dadansoddi) ym mharagraff 3(e)(ii) yn lle'r ymadrodd "and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003" rhodder yr ymadrodd ", the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003".

6. Yn Rhan II o Atodlen 3 (ffurflen tystysgrif ddadansodi) yn nodyn (11)(a) yn lle'r ymadrodd "and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003" rhodder yr ymadrodd ", the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003".

Diwygiadau Canlyniadol i Reoliadau Porthiant (Gorfodi) 1999

7. Caiff Rheoliadau Porthiant (Gorfodi) 1999(**15**) eu diwygio i'r graddau y maent yn gymwys mewn perthynas â Chymru yn unol â rheoliadau 8 i 11.

8. Yn rheoliad 7 (Addasu Deddf Amaethyddiaeth 1970 at rai dibenion) —

(a) yn lle paragraff (2) rhodder y paragraff canlynol —

"(2) The purpose referred to in paragraph (1) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act."; ac

(b) yn lle paragraff (4) rhodder y paragraff canlynol —

"(4) The purpose referred to in paragraph (3) is the enforcement and administration of —

(a) the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales)

(**14**) O.S. 1999/1663, diwygiwyd gan O.S. 1999/1871, O.S. 2001/2253 (Cy. 163), O.S. 2002/1797 (Cy. 172), O.S. 2003/1677 (Cy. 180) ac O.S. 2003/1850 (Cy. 200).

(**15**) O.S. 1999/2325, diwygiwyd gan O.S. 2000/656, O.S. 2001/2253 (Cy. 163), O.S. 2001/3461 (Cy. 280), O.S. 2002/1797 (Cy. 172), O.S. 2003/989 (Cy. 138), O.S. 2003/1677 (Cy. 180) ac O.S. 2003/1850 (Cy. 200).

Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003, as read with Part IV of the Act; and

(b) sections 73 and 73A of the Act.".

9. Ym mhob un o reoliadau 11, 11A ac 11B yn lle'r ymadrodd "and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003" rhodder yr ymadrodd ", the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003".

10. Yn y fersiwn a addaswyd o is-adran (8) o adran 67 o Ddeddf Amaethyddiaeth a nodir yn rheoliad 9 yn lle'r ymadrodd "and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003" rhodder yr ymadrodd ", the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003".

11. Yn rheoliad 10 (addasu adran 76 o Ddeddf Amaethyddiaeth 1970) yn lle'r fersiwn a addaswyd o is-adran (17) o adran 76 o Ddeddf Amaethyddiaeth 1970 a nodir yn y rheoliad rhodder yr is-adran ganlynol —

"(17) In this section —

"compound feeding stuff" has the meaning given in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003;

"controlled product" means any feeding stuff, substance or product which is subject to any of the controls contained in the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No.2) Regulations 2003, as read with this Part of this Act, or in section 73 or 73A of this Act;

"feeding stuff which is intended for a particular nutritional purpose" shall be construed in accordance with the definitions of "feeding stuff intended for a particular nutritional purpose" and "particular nutritional purpose" in regulation 2(1) of the Feeding Stuffs (Wales) Regulations 2001 as amended by the Feeding Stuffs (Sampling and Analysis) (Amendment) (Wales) Regulations 2001, the Feeding Stuffs and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2001, the Feeding

Stuffs (Amendment) (Wales) Regulations 2002, the Feeding Stuffs (Amendment) (Wales) Regulations 2003, the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) Regulations 2003 and the Feeding Stuffs, the Feeding Stuffs (Sampling and Analysis) and the Feeding Stuffs (Enforcement) (Amendment) (Wales) (No. 2) Regulations 2003;

"premises" include any land, vehicle, vessel, aircraft or hovercraft; and

"put into circulation" means sell or otherwise supply, or have in possession with a view to selling or otherwise supplying.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**16**)

D.Elis-Thomas
Llywydd y Cynulliad Cenedlaethol

2 Rhagfyr 2003

(**16**) 1998 p.38.