OFFERYNNAU STATUDOL CYMRU

2003 Rhif 2529 (Cy.244)

HADAU, CYMRU

Rheoliadau Hadau Planhigion Olew a Ffibr (Diwygio) (Cymru) 2003

Wedi'u gwneud - -	*1 Hydref 2003*
Yn dod i rym - -	*6 Hydref 2003*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 16(1), (1A), (2) a 36 o Ddeddf Hadau ac Amrywogaethau Planhigion 1964(**1**) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw ac ar ôl ymgynghori yn unol ag adran 16(1) o'r Ddeddf honno â chynrychiolwyr y rhai hynny sydd â diddordeb y mae'n ymddangos iddo fod y diddordeb hwnnw o bwys iddynt, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hadau Planhigion Olew a Ffibr (Diwygio) (Cymru) 2003 a deuant i rym ar 6 Hydref 2003.

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

Dehongli

2. Yn y Rheoliadau hyn ystyr "y prif Reoliadau" ("*the principal Regulations*") yw Rheoliadau Hadau Planhigion Olew a Ffibr 1993(**2**).

Diwygio'r prif Reoliadau

3.—(1) Diwygir y prif Reoliadau yn unol â pharagraffau (2) i (7) isod.

(2) Yn rheoliad 3 (dehongli)(**3**), ym mharagraff (3) —

(a) yn lle'r diffiniad o "Pre basic Seed" rhodder —

(**1**) 1964 p.14; diwygiwyd adran 16 gan Ddeddf y Cymunedau Ewropeaidd 1972 (p.68), adran 4(1) ac Atodlen 4, paragraff 5(1), (2) a (3); *gweler* adran 38(1) ar gyfer diffiniad o "the Minister". Trosglwyddwyd swyddogaethau'r Gweinidog o dan adrannau 16 a 36 mewn perthynas â Chymru i Ysgrifennydd Gwladol Cymru gan Orchymyn Trosglwyddo Swyddogaethau (Cymru) (Rhif 1) 1978 (O.S. 1978/272) ac fe'u trosglwyddwyd yn eu tro i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(**2**) O.S. 1993/2007, fel y'i diwygiwyd gan O.S. 1994/1423, 1996/1451, 1997/616, 1999/1862 a 2001/3510 ac, mewn perthynas â Chymru, gan O.S. 2001/3669 (Cy.300).

(**3**) Diwygiwyd Rheoliad 3 gan O.S. 1999/1862 ac O.S. 2001/3510, ac mewn perthynas â Chymru gan O.S. 2001/3669 (Cy.300).

""Pre basic Seed" means seed of a generation prior to Basic Seed which —

(a) other than in relation to a component used in the production of a hybrid variety of sunflower, swede rape or turnip rape —

(i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and

(ii) is intended to be used for the production of more Pre basic Seed, Basic Seed, or with the breeder's written authority —

(aa) in the case of black mustard, brown mustard, sunflower, swede rape, turnip rape or white mustard, Certified Seed;

(bb) in the case of flax, linseed or soya bean, Certified Seed of the First Generation;

(cc) in the case of flax, linseed or soya bean, Certified Seed of the Second Generation; or

(dd) in the case of flax, Certified Seed of the Third Generation; or

(b) in relation to a component of a hybrid variety of sunflower, swede rape or turnip rape, seed that is intended to be used for the production—

(i) more Pre basic seed of the component;

(ii) Basic Seed; or

(iii) with the breeder's written authority, Certified Seed of a hybrid variety,

and which satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which —

(aaA) an official certificate has been issued in accordance with Schedule 2; or

(aaB) a breeder's confirmation has been issued in accordance with Schedule 2A;".

(b) yn lle'r diffiniad o "Basic Seed" rhodder —

""Basic Seed" means —

(a) in relation to black mustard, brown mustard, flax, linseed, soya bean, sunflower, swede rape, turnip rape and white mustard, other than a hybrid of sunflower, swede rape or turnip rape seed which—

(i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and

(ii) is intended to be used for the production of —

(aa) in the case of black mustard, brown mustard, sunflower, swede rape, turnip rape or white mustard, Certified Seed;

(bb) in the case of flax, linseed or soya bean, Certified Seed of the First Generation;

(cc) in the case of flax, linseed or soya bean, Certified Seed of the Second Generation; or

(dd) in the case of flax, Certified Seed of the Third Generation; or

(b) in relation to a component of a hybrid variety of swede rape or turnip rape, or an inbred line of sunflower which is a component of a hybrid variety, seed which is intended to be used for the production of Certified Seed of a hybrid variety; or

(c) in relation to a simple hybrid which is a component of a hybrid variety of sunflower, seed which is intended to be used for the production of Certified Seed of a double or three way cross hybrid variety,

and which satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which —

(aaA)an official certificate has been issued in accordance with Schedule 2; or

(aaB)a breeder's confirmation has been issued in accordance with Schedule 2A;".

(c) yn lle'r diffiniad o "Certified Seed" rhodder —

""Certified Seed" means seed which, in relation to black mustard, brown mustard, sunflower, swede rape, turnip rape and white mustard, including hybrids of sunflower, swede rape and turnip rape —

(a) has been produced directly from officially certified Basic Seed or, with the breeder's written authority, from officially certified Pre basic Seed;

(b) is intended for purposes other than the production of oil and fibre plant seed; and

(c) satisfies the requirements for Basic Seed set out in Schedule 4 and in respect of which —

(i) an official certificate has been issued in accordance with Schedule 2; or

(ii) a breeder's confirmation has been issued in accordance with Schedule 2A;".

(3) Yn rheoliad 5(**4**) (marchnata hadau) ar ôl paragraff (2E) rhodder —

"(2F) The prohibitions in paragraph (1) above shall not apply to the marketing of a varietal association of seeds —

(a) to which these Regulations apply; and

(b) the female and male components of which have —

(i) been dressed using a different coloured dressing; and

(ii) been mechanically combined in proportions notified to the National Assembly jointly determined by the persons responsible for the maintenance of these components.

(2G) Subject to paragraph (2H) below, the person responsible for the maintenance of the pollinator dependent hybrid and pollinator within a varietal association may notify the National Assembly of the proportions of the pollinator dependent hybrid and pollinator within the varietal association.

(2H) In a case where different persons are responsible for the maintenance of the pollinator dependent hybrid and pollinator within a varietal association, those persons may notify the National Assembly of the proportions of the pollinator dependent hybrid and pollinator agreed by them within the varietal association.

(2I) A notification given under paragraph (2G) or (2H) above shall be made in such form and manner as the National Assembly may require and be accompanied by such information and other documents as it may require.

(2J) The National Assembly shall acknowledge the receipt of each notification that it receives under paragraph (2G) or (2H) above.

(2K) In this regulation —

(**4**) Diwygiwyd Rheoliad 5 gan O.S. 1999/1862, ac O.S. 2001/3510, ac mewn perthynas â Chymru gan O.S. 2001/3669 (Cy.300).

"pollinator dependent hybrid" means a male sterile component within a varietal association;

"pollinator" means a component shedding pollen within a varietal association; and

"varietal association" means an association of Certified Seed of a specified pollinator dependent hybrid entered in the National List or the Common Catalogue with Certified Seed of one or more specified pollinators similarly entered.".

(4) Yn rheoliad 8 (selio pecynnau), ym mharagraff (1), ar ôl "Third Generation" rhodder ", a varietal association of seeds to which regulation 5 applies".

(5) Yn rheoliad 9(**5**) (labelu pecynnau) —

(a) ym mharagraff (2) a (4) ar ôl "Third Generation" rhodder ", a varietal association of seeds to which regulation 5 applies"; a

(b) ym mharagraff (4A) ar ôl "Third Generation" rhodder ", or a varietal association of seeds to which regulation 5 applies".

(6) Yn Atodlen 4(**6**) (gofynion ar gyfer Had Sylfaenol, Had Ardystiedig, Had Ardystiedig y Genhedlaeth Gyntaf, yr Ail Genhedlaeth a'r Drydedd Genhedlaeth a Had Masnachol) —

(a) yn Rhan I (amgylchiadau sy'n ymwneud â chnydau y ceir hadau heblaw Hadau Masnachol oddi wrthynt) —

(i) ar ôl paragraff (3) rhodder —

"(3A) At least three field inspections shall be carried out in the case of a hybrid of swede rape or turnip rape and shall be carried out as follows:—

(i) the first inspection shall be carried out before the flowering stage;

(ii) the second inspection shall be carried out at the early flowering stage; and

(iii) the third inspection shall be carried out at the end of the flowering stage.";

(ii) ar ôl paragraff 5 (cnydio blaenorol) rhodder —

"(5A) In the case of a hybrid of swede rape or turnip rape the crop shall be raised in a production ground where not less than five years have elapsed since plants of cruciferae were last grown.";

(iii) ym mharagraff 7 ar ôl is-baragraff (c) rhodder —

"(d) crops to produce —

(i) Basic Seed of hybrids of swede rape and turnip rape, 500 metres;

(ii) Certified Seed of hybrids of swede rape and turnip rape, 300 metres,";

(iv) ym mharagraff 8 (safonau ar gyfer purdeb amrywogaethol)

(aa) yn lle is-baragraff (a) rhodder —

"(a) in the case of seed of —

(i) a hybrid variety of swede rape or turnip rape, the requirement for sufficient identity and purity shall also apply to the varietal characteristics of its components including restoration of male sterility or fertility (as the case may be);

(**5**) Diwygiwyd Rheoliad 9 gan O.S. 1999/1862 a chan O.S. 2001/3669 (Cy.300).
(**6**) Diwygiwyd Atodlen 4 gan O.S. 1999/1862.