OFFERYNNAU STATUDOL CYMRU

2013 Rhif 545 (Cy.58)

BWYD, CYMRU

Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn gwneud diwygiad pellach i reoliad 50(15) o Reoliadau Labelu Bwyd 1996 (O.S. 1996/1499), i'r graddau y maent yn gymwys o ran Cymru, er mwyn cywiro gwall mewn offeryn diwygio blaenorol (O.S. 2011/465 (Cy.70)).

2. Yn ogystal, mae'r Rheoliadau hyn yn dirymu, i'r graddau y maent yn gymwys o ran Cymru —

(a) Rheoliadau Arsenig mewn Bwyd 1959 (O.S. 1959/831) a'u hofferynnau diwygio;

(b) Rheoliadau Clorofform mewn Bwyd 1980 (O.S. 1980/36); ac

(c) Rheoliadau Wyau heb eu Graddio (Hylendid) 1990 (O.S. 1990/1323).

3. Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol gwneud asesiad effaith rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2013 No. 545 (W.58)

FOOD, WALES

The Food (Miscellaneous Amendment and Revocation) (Wales) Regulations 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make a further amendment to regulation 50(15) of the Food Labelling Regulations 1996 (S.I. 1996/1499), in so far as they apply in relation to Wales, in order to correct an error in a previous amending instrument (S.I. 2011/465 (W.70)).

2. In addition, these Regulations revoke, in so far as they apply in relation to Wales —

(a) the Arsenic In Food Regulations 1959 (S.I. 1959/831) and their amending instruments;

(b) the Chloroform in Food Regulations 1980 (S.I. 1980/36); and

(c) the Ungraded Eggs (Hygiene) Regulations 1990 (S.I. 1990/1323).

3. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2013 Rhif 545 (Cy.58)

BWYD, CYMRU

Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013

Gwnaed	*6 Mawrth 2013*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*11 Mawrth 2013*
Yn dod i rym	*6 Ebrill 2013*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 16(1) a (3), 17(1), 26(1) a (3) a 48(1) (c) a (4) o Ddeddf Diogelwch Bwyd 1990(**1**) ac a freiniwyd bellach ynddynt hwy(**2**).

Yn unol ag adran 48(4A) o'r Ddeddf honno, maent wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu'r gweithdrefnau o ran materion diogelwch bwyd(**3**), cafwyd ymgynghoriad cyhoeddus agored a thryloyw yn ystod cyfnod llunio a gwerthuso'r Rheoliadau hyn.

(**1**) 1990 p.16.

(**2**) Trosglwyddwyd swyddogaethau "the Ministers" i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28), a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 c.32).

(**3**) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau sy'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r Cytuniad i Benderfyniad y Cyngor 1999/468/EC o ran y weithdrefn reoleiddiol gyda chraffu: Addasiad i'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L 188, 18.7.2009, t.14).

WELSH STATUTORY INSTRUMENTS

2013 No. 545 (W.58)

FOOD, WALES

The Food (Miscellaneous Amendment and Revocation) (Wales) Regulations 2013

Made	*6 March 2013*
Laid before the National Assembly for Wales	*11 March 2013*
Coming into force	*6 April 2013*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1) and (3), 17(1), 26(1) and (3) and 48(1)(c) and (4) of the Food Safety Act 1990(**1**) and now vested in them(**2**).

In accordance with section 48(4A) of that Act, they have had regard to relevant advice given by the Food Standards Agency.

As 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(**3**) there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

(**1**) 1990 c.16.

(**2**) Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c.28), and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

(**3**) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L 188, 18.7.2009, p.14).

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Bwyd (Diwygio Amrywiol a Dirymu) (Cymru) 2013, maent yn gymwys o ran Cymru a deuant i rym ar 6 Ebrill 2013.

Diwygio Rheoliadau Labelu Bwyd 1996

2.—(1) Mae Rheoliadau Labelu Bwyd 1996(**1**) wedi eu diwygio yn unol â pharagraff (2).

(2) Yn rheoliad 50 (darpariaeth drosiannol), yn lle is-baragraff (b) o baragraff (15) rhodder y canlynol—

"(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by paragraphs (1) to (5) and (7) of regulation 2 of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2008(**2**) had not been in operation when the food was sold.".

Dirymu

3. Mae'r Rheoliadau a ganlyn wedi eu dirymu —

(a) Rheoliadau Arsenig mewn Bwyd 1959(**3**);

(b) Rheoliadau Arsenig mewn Bwyd (Diwygio) 1960(**4**);

(c) Rheoliadau Arsenig mewn Bwyd (Diwygio) 1973(**5**);

(d) Rheoliadau Clorofform mewn Bwyd 1980(**6**); ac

(e) Rheoliadau Wyau heb eu Graddio (Hylendid) 1990(**7**).

(**1**) O.S. 1996/1499, a'r offerynnau diwygio perthnasol yw O.S. 2008/1268 (Cy.128); O.S. 2009/2880 (Cy.253) ac O.S. 2011/465 (Cy.70).

(**2**) O.S. 2008/1268 (Cy.128).

(**3**) O.S. 1959/831.

(**4**) O.S. 1960/2261.

(**5**) O.S. 1973/1052.

(**6**) O.S. 1980/36.

(**7**) O.S. 1990/1323.

Title application and commencement

1. The title of these Regulations is the Food (Miscellaneous Amendment and Revocation) (Wales) Regulations 2013, they apply in relation to Wales and come into force on 6 April 2013.

Amendment of the Food Labelling Regulations 1996

2.—(1) The Food Labelling Regulations 1996(**1**) are amended in accordance with paragraph (2).

(2) In regulation 50 (transitional provision), for subparagraph (b) of paragraph (15) substitute the following —

"(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by paragraphs (1) to (5) and (7) of regulation 2 of the Food Labelling (Declaration of Allergens) (Wales) Regulations 2008(**2**) had not been in operation when the food was sold.".

Revocation

3. The following Regulations are revoked —

(a) The Arsenic In Food Regulations 1959(**3**);

(b) The Arsenic In Food (Amendment) Regulations 1960(**4**);

(c) The Arsenic In Food (Amendment) Regulations 1973(**5**);

(d) The Chloroform in Food Regulations 1980(**6**); and

(e) The Ungraded Eggs (Hygiene) Regulations 1990(**7**).

(**1**) S.I. 1996/1499, to which the relevant amending instruments are S.I.2008/1268 (W.128); S.I. 2009/2880 (W. 253) and S.I. 2011/465 (W.70).

(**2**) S.I. 2008/1268 (W.128).

(**3**) S.I. 1959/831.

(**4**) S.I. 1960/2261.

(**5**) S.I. 1973/1052.

(**6**) S.I. 1980/36.

(**7**) S.I. 1990/1323.

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

The Minister for Health and Social Services, one of the Welsh Ministers

6 Mawrth 2013

6 March 2013

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