



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2012 Rhif 1427 (Cy.177)

2012 No. 1427 (W.177)

ANIFEILIAID, CYMRU

ANIMALS, WALES

ANIFEILIAID DINISTRIOL

DESTRUCTIVE ANIMALS

**Gorchymyn Cadw Mincod
(Gwahardd) (Cymru) 2012**

**The Mink Keeping (Prohibition)
(Wales) Order 2012**

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, drwy arfer y pŵer a roddwyd gan adran 10 o Ddeddf Anifeiliaid Dinistriol a Fewnforir 1932 ("y Ddeddf"), yn gwahardd cadw mincod yng Nghymru.

This Order, in exercise of the power granted by section 10 of the Destructive Imported Animals Act 1932 ("the Act"), prohibits the keeping of mink in Wales.

Mae adran 10 o'r Ddeddf yn darparu, mewn perthynas â Gorchymyn a wneir yn unol â'r adran honno, fod darpariaethau'r Ddeddf yn gymwys fel y maent yn gymwys i fwsglygod, yn ddarostyngedig i'r eithriadau a'r addasiadau hynny a bennir yn y Gorchymyn. Yn y Gorchymyn hwn, gwneir eithriadau mewn perthynas ag adrannau 5(2) a 6(1)(f) o'r Ddeddf. Mae adran 5(2) o'r Ddeddf yn ymwneud â'r ddyletswydd sydd ar feddianwyr tir i roi hysbysiad am bresenoldeb mincod, nad ydynt yn cael eu cadw o dan drwydded, ar eu tir. Mae adran 6(1)(f) o'r Ddeddf yn darparu ar gyfer trosedd pan fo meddiannydd tir yn methu â rhoi hysbysiad o'r fath o dan adran 5(2).

Section 10 of the Act provides that, in relation to an Order made pursuant to that section, the provisions of the Act apply as they apply to musk rats, subject to such exceptions and modifications as may be specified in the Order. In this Order, exceptions are made in relation to sections 5(2) and 6(1)(f) of the Act. Section 5(2) of the Act relates to the duty on occupiers of land to give notice of the presence on their land of mink not kept under a license. Section 6(1)(f) of the Act provides for an offence where an occupier of land fails to give such notice under section 5(2).

Nid oes asesiad effaith rheoleiddiol wedi ei lunio ar gyfer y Gorchymyn hwn, gan na ragwelir y bydd yn effeithio o gwbl ar gostau busnes na'r sector gwirfoddol.

A regulatory impact assessment has not been produced for this Order as no impact on the costs of business or the voluntary sector is foreseen.

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*Cymeradwywyd gan Gynulliad Cenedlaethol
Cymru*

Approved by the National Assembly for Wales

Gwnaed 8 Mai 2012

Made 8 May 2012

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru 8 Mai 2012*

*Laid before the National
Assembly for Wales 8 May 2012*

Yn dod i rym 1 Mehefin 2012

Coming into force 1 June 2012

Mae Gweinidogion Cymru, a hwythau wedi eu bodloni oherwydd arferion dinistriol y rhywogaeth famalaidd anfrodorol sy'n destun y Gorchymyn hwn ei bod yn ddymunol gwahardd neu reoli eu cadw ac i ddifa unrhyw rai a all fod yn rhydd, ac wrth arfer y pwerau a roddwyd gan adran 10(1) o Ddeddf Anifeiliaid Dinistriol a Fewnforir 1932(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, being satisfied that by reason of the destructive habits of the non-indigenous mammalian species which are the subject of this Order it is desirable to prohibit or control the keeping of them and to destroy any which may be at large, and in exercise of the powers conferred by section 10(1) of the Destructive Imported Animals Act 1932(1) and now vested in them(2), make the following Order:

Enwi, cymhwyso a chychwyn

Title, application and commencement

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cadw Mincod (Gwahardd) (Cymru) 2012.

1.—(1) The title of this Order is the Mink Keeping (Prohibition) (Wales) Order 2012.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

(3) Daw'r Gorchymyn hwn i rym ar 1 Mehefin 2012.

(3) This Order comes into force on 1 June 2012.

(1) 1932 p. 12; diwygiwyd adran 11 (dehongli) gan O.S. 1992/3302.

(1) 1932 c. 12; section 11(interpretation) was amended by S.I. 1992/3302.

(2) Trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan adran 10 o'r Ddeddf i'r Gweinidog hwnnw ac i Ysgrifennydd Gwladol Cymru ar y cyd yn rhinwedd Gorchymyn Trosglwyddo Swyddogaethau (Cymru) 1969 (O.S.1969/388). Trosglwyddwyd y swyddogaethau hynny, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, ac fe'u breiniwyd yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p. 32). Mae Gorchymyn 1999 yn darparu ar gyfer eithriad i'r trosglwyddiad swyddogaethau o dan adran 10 o'r Ddeddf pan fo arfer y swyddogaethau yn ymwneud â mewnforio anifeiliaid y mae'r Ddeddf honno'n ymwneud â hwy ond nid yw'r eithriad hwnnw yn berthnasol i'r Gorchymyn hwn.

(2) The functions of the Minister of Agriculture, Fisheries and Food under section 10 of the Act transferred to that Minister and the Secretary of State for Wales jointly by virtue of the Transfer of Functions (Wales) Order 1969 (S.I. 1969/388). Those functions, in so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), and were vested in the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The 1999 Order provides for an exception to the transfer of functions under section 10 of the Act where the exercise of the functions relates to importation of animals to which that Act relates but that exception is not relevant to this Order.

Dehongli

2. Yn y Gorchymyn hwn—

- (a) ystyr "y Ddeddf" ("*the Act*") yw Deddf Anifeiliaid Dinistriol a Fewnforir 1932; a
- (b) ystyr "minc" ("*mink*") yw'r anifail o'r rhywogaeth *mustela vison*.

Gwahardd cadw mincod

3.—(1) Mae cadw mincod wedi ei wahardd.

(2) Wrth gymhwyso'r Ddeddf mewn perthynas â mincod, mae'r canlynol i'w hepgor—

- (a) adran 5(2), a
- (b) adran 6(1), paragraff (f) a'r cyfeiriad at gosb mewn achos o drosedd o dan baragraff (f).

Interpretation

2. In this Order—

- (a) "the Act" ("*y Ddeddf*") means the Destructive Imported Animals Act 1932; and
- (b) "mink" ("*minc*") means the animal of the species *mustela vison*.

Prohibition on the keeping of mink

3.—(1) The keeping of mink is prohibited.

(2) In the application of the Act in relation to mink, the following are to be omitted—

- (a) section 5(2) and,
- (b) section 6(1), paragraph (f) and the reference to a penalty in the case of an offence under paragraph (f).

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weinidogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

8 Mai 2012

8 May 2012

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