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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2010 Rhif 1379 (Cy.122)**

**2010 No. 1379 (W.122)**

**ANIFEILIAID, CYMRU**

**ANIMALS, WALES**

**IECHYD ANIFEILIAID**

**ANIMAL HEALTH**

**Gorchymyn Twbercwlosis (Cymru)  
2010**

**The Tuberculosis (Wales) Order  
2010**

**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, a wnaed o dan Ddeddf Iechyd Anifeiliaid 1981 ("y Ddeddf"), yn rhoi pwerau i Weinidogion Cymru mewn perthynas â thwbercwlosis yng Nghymru.

This Order, made under the Animal Health Act 1981 ("the Act"), confers powers on the Welsh Ministers in relation to tuberculosis in Wales.

Mae Rhan 1 yn gwneud darpariaethau cyffredinol, gan gynnwys enwi, cychwyn a dehongli. Mae erthygl 3 yn darparu ar gyfer dirymu Gorchymyn Twbercwlosis (Cymru) 2006. Mae erthygl 4 yn diwygio Gorchymyn Iawndal Brwselosis a Thwbercwlosis (Cymru a Lloegr) 1978. Mae erthygl 5 yn darparu ar gyfer arbedion a phontio.

Part 1 makes general provisions including title, commencement and interpretation. Article 3 provides for revocation of the Tuberculosis (Wales) Order 2006. Article 4 amends the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978. Article 5 provides for savings and transition.

Yn Rhan 2 gwneir darpariaeth ar gyfer profi a symud anifeiliaid. Mae erthygl 6 yn darparu ar gyfer rhagnodi twbercwlosis yn glefyd at ddibenion adrannau 32 ac 88 o'r Ddeddf. Mae erthygl 7 yn gwneud darpariaeth at ddibenion adran 62E o'r Ddeddf. Mae erthyglau 8 a 9 yn gwneud darpariaeth ynglŷn â hysbysu am glefydau. Mae erthyglau 10 ac 11 yn gwneud darpariaeth ynglŷn ag arolygwyr milfeddygol. Mae erthyglau 12, 13 a 14 yn gwneud darpariaeth ynglŷn â phrofi anifeiliaid. Mae erthyglau 15 i 25 yn gwneud darpariaeth ynglŷn â rheolaethau at y diben o atal clefydau rhag lledaenu.

Part 2 makes provision for testing and movement of animals. Article 6 provides that tuberculosis is prescribed as a disease for the purposes of sections 32 and 88 of the Act. Article 7 makes provision for the purposes of section 62E of the Act. Articles 8 and 9 make provision with respect to the notification of disease. Articles 10 and 11 make provision with respect to veterinary inspectors. Articles 12, 13 and 14 make provision with respect to the testing of animals. Articles 15 to 25 make provision in respect of controls for the purpose of preventing the spread of disease.

Yn Rhan 3 gwneir darpariaeth ynglŷn ag iawndal am anifeiliaid a gigyddir oherwydd twbercwlosis. Mae erthygl 26 yn darparu ar gyfer cyfrifo swm yr iawndal. Yn yr erthygl honno hefyd darperir ar gyfer panel i adolygu'r cyfrifiad o werth anifail.

Part 3 makes provision in respect of compensation for animals slaughtered for tuberculosis. Article 26 provides for the calculation of the amount of compensation. The article also provides for a panel to review the calculation of the value of an animal.

Paratowyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn, a gellir cael copi ohono o Swyddfa Prif Swyddog Milfeddygol Cymru, Llywodraeth Cynullid Cymru, Parc Cathays, Caerdydd CF10 3NQ.

A regulatory impact assessment has been prepared in relation to this Order and a copy may be obtained from the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

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OFFERYNNAU STATUDOL  
CYMRU

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**2010 Rhif 1379 (Cy.122)**

**ANIFEILIAID, CYMRU**

**IECHYD ANIFEILIAID**

**Gorchymyn Twbercwlosis (Cymru)  
2010**

*Gwnaed* 30 Ebrill 2010

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 4 Mai 2010

*Yn dod i rym* 25 Mai 2010

Mae Gweinidogion Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddir gan adrannau 1, 7(1), 8(1), 15(4), 25, 32(2), 34(7), 83(2) ac 88(2) o Ddeddf Iechyd Anifeiliaid 1981(1).

**RHAN 1**

**Cyffredinol**

**Enwi, cychwyn a chymhwyso**

1. Enw'r Gorchymyn hwn yw Gorchymyn Twbercwlosis (Cymru) 2010; mae'n gymwys o ran Cymru ac yn dod i rym ar 25 Mai 2010.

**Dehongli**

2. Yn y Gorchymyn hwn—

ystyr "adweithydd" ("reactor") yw anifail buchol sy'n adweithio i brawf perthnasol mewn modd sy'n gyson â bod twbercwlosis wedi effeithio arno;

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 1379 (W.122)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

**The Tuberculosis (Wales) Order  
2010**

*Made* 30 April 2010

*Laid before the National  
Assembly for Wales* 4 May 2010

*Coming into force* 25 May 2010

The Welsh Ministers make the following Order in exercise of powers conferred by sections 1, 7(1), 8(1), 15(4), 25, 32(2), 34(7), 83(2) and 88(2) of the Animal Health Act 1981(1).

**PART 1**

**General**

**Title, commencement and application**

1. The title of this Order is the Tuberculosis (Wales) Order 2010; it applies in relation to Wales and comes into force on 25 May 2010.

**Interpretation**

2. In this Order—

"the Act" ("y Ddeddf") means the Animal Health Act 1981;

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(1 ) 1981 p. 22. Rhoddir ystyr "the Minister" yn adran 86(1). Mae swyddogaethau o dan y Ddeddf yn arferadwy (o ran Cymru) gan Weinidogion Cymru, yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2004 (O.S. 2004/3044) ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32). a pharagraff 30 of Atodlen 11 i'r Ddeddf honno.

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(1) 1981 c.22. The meaning of "the Minister" is given by section 86(1). Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

ystyr "anifail a amheuir" ("*suspected animal*") yw anifail buchol yr amheuir yr effeithiwyd arno gan dwbercwlosis, ac y mae'n cynnwys anifail a fu mewn cysylltiad agos ag anifail o'r fath;

ystyr "anifail buchol" ("*bovine animal*") yw gwartheg domestig o'r genws Bos, byfflo neu fual;

ystyr "anifail yr effeithiwyd arno" ("*affected animal*") yw anifail buchol yr effeithiwyd arno gan dwbercwlosis y pwrw neu sy'n rhoi llaeth twbercylaidd, neu yr effeithiwyd arno gan deneuo twbercylaidd, neu sy'n ysgarthu neu'n gollwng deunydd twbercylaidd, neu yr effeithiwyd arno gan beswch cronig, neu sy'n dangos unrhyw symptom clinigol arall o dwbercwlosis;

ystyr "ceidwad" ("*keeper*") yw unrhyw berson sy'n berchen neu sy'n gyfrifol am anifail buchol, pa un ai ar sail barhaol neu dros dro, ond nid yw'n cynnwys person sy'n gyfrifol am anifail buchol oherwydd, yn unig, bod y person hwnnw'n ei gludo;

ystyr "diheintydd cymeradwy" ("*approved disinfectant*") yw diheintydd a gymeradwywyd i'w ddefnyddio yn erbyn twbercwlosis buchol yn unol â Gorchymyn Clefydau Anifeiliaid (Diheintyddion a Gymeradwywyd) (Cymru) 2007(1);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd Anifeiliaid 1981;

mae "mangre" ("*premises*") yn cynnwys—

- (a) tir neu adeiladau; a
- (b) ac unrhyw le arall gan gynnwys, yn benodol, cerbyd, llong, awyren, neu babell neu adeiledd symudol arall;

ystyr "prawf croen" ("*skin test*") yw prawf twbercwlin serfigol cymharol intradermol sengl;

ystyr "prawf perthnasol" ("*relevant test*") yw prawf croen neu brawf diagnostig arall ar gyfer twbercwlosis; ac

ystyr "twbercwlosis" ("*tuberculosis*") yw heintiad â *Mycobacterium bovis* (M. bovis).

## Dirymiaidau

3. Dirymir Gorchymyn Twbercwlosis (Cymru) 2006(2).

"affected animal" ("*anifail yr effeithiwyd arno*") means a bovine animal which is affected with tuberculosis of the udder or is giving tuberculous milk, or which is affected with tuberculosis emaciation, or is excreting or discharging tuberculous material, or is affected with a chronic cough, or shows any other clinical signs of tuberculosis;

"approved disinfectant" ("*diheintydd cymeradwy*") means a disinfectant that is approved for use against bovine tuberculosis in accordance with the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007(1);

"bovine animal" ("*anifail buchol*") means domestic cattle of the genus Bos, buffalo or bison;

"keeper" ("*ceidwad*") means any person who owns or is responsible for a bovine animal whether on a permanent or temporary basis, but it does not include a person responsible for a bovine animal solely because the person is transporting it;

"premises" ("*mangre*") includes—

- (a) land or buildings; and
- (b) any other place including, in particular, a vehicle, a vessel, an aircraft, or a tent or other moveable structure;

"reactor" ("*adweithydd*") means a bovine animal that gives rise to a reaction to a relevant test which is consistent with its being affected with tuberculosis;

"relevant test" ("*prawf perthnasol*") means a skin test or other diagnostic test for tuberculosis;

"skin test" ("*prawf croen*") means a single intradermal comparative cervical tuberculin test for tuberculosis;

"suspected animal" ("*anifail a amheuir*") means a bovine animal which is suspected of being affected with tuberculosis and includes an animal that has been in close contact with such an animal; and

"tuberculosis" ("*twbercwlosis*") means infection with *Mycobacterium bovis* (M. bovis).

## Revocation

3. The Tuberculosis (Wales) Order 2006(2) is revoked.

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(1) O.S. 2007/2803 (Cy.236).

(2) S.I. 2006/1053 (Cy. 109).

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(1) S.I. 2007/2803 (W.236).

(2) S.I. 2006/1053 (W.109).

## **Diwygio Gorchymyn Iawndal Brwselosis a Thwbercwlosis (Cymru a Lloegr) 1978**

4.–(1) Diwygir Gorchymyn Iawndal Brwselosis a Thwbercwlosis (Cymru a Lloegr) 1978(1) fel a ganlyn.

(2) Yn erthygl 2(1) (dehongli)–

(a) yn y diffiniad o "affected animal"–

(i) yn is-baragraff (a)–

(aa)hepgorer y geiriau "in relation to brucellosis,"; a

(bb)hepgorer "and"; a

(ii) hepgorer is-baragraff (b); ac

(b) yn y diffiniad o "reactor", hepgorer "or tuberculosis".

(3) Yn erthygl 3 (iawndal am, a phenderfynu gwerth, anifeiliaid buchol a gigyddir oherwydd brwselosis neu dwbercwlosis)–

(a) yn y pennawd, hepgorer "or tuberculosis";

(b) ym mharagraff (1), hepgorer "or tuberculosis"; ac

(c) hepgorer paragraff (2A).

(4) Yn erthygl 4(1) (iawndal am "anifeiliaid rheolydd") hepgorer "or tuberculosis".

## **Arbedion a phontio**

5.–(1) Bydd unrhyw hysbysiad neu drwydded a ddyroddwyd, neu gymeradwyaeth neu ganiatâd a roddwyd, o dan Orchymyn Twbercwlosis (Cymru a Lloegr) 1984(2) neu Orchymyn Twbercwlosis (Cymru) 2006 ac sy'n effeithiol pan ddaw'r Gorchymyn hwn i rym, yn parhau mewn grym, fel pe bai'n hysbysiad neu drwydded a ddyroddwyd, neu'n gymeradwyaeth neu ganiatâd a roddwyd, o dan y Gorchymyn hwn.

(2) Mae'r Gorchymyn hwn yn gymwys mewn perthynas â hysbysiad a gyflwynir o dan Orchymyn Twbercwlosis (Cymru a Lloegr) 1984 neu Orchymyn Twbercwlosis (Cymru) 2006 fel y mae'n gymwys i hysbysiad a gyflwynir o dan y Gorchymyn hwn.

(3) Nid ddiwygir Gorchymyn Iawndal Brwselosis a Thwbercwlosis (Cymru a Lloegr) o ran twbercwlosis gan erthygl 4, ac y mae'r Gorchymyn hwnnw'n parhau'n gymwys, yn achos unrhyw anifail buchol a gigyddir oherwydd twbercwlosis–

(a) yn dilyn hysbysiad a gyflwynwyd cyn 25 Mai 2010 o dan erthygl 8 o Orchymyn Twbercwlosis (Cymru) 2006;

(b) o ganlyniad i brawf croen positif neu amhendant a ddarllenwyd cyn 25 Mai 2010; neu

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(1) O.S.1978/1483. Mewnosodwyd paragraff (2A) o erthygl 3 gan O.S. 1998/2073, erthygl 2. Dirymwyd y Gorchymyn o ran Lloegr gan O.S. 2006/168.

(2) O.S. 1984/1943.

## **Amendment of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978**

4.–(1) The Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978(1) is amended as follows.

(2) In article 2(1) (interpretation)–

(a) in the definition of "affected animal"–

(i) in sub-paragraph (a)–

(aa)omit "in relation to brucellosis,"; and

(bb)omit "and"; and

(ii) omit sub-paragraph (b); and

(b) in the definition of "reactor", omit "or tuberculosis".

(3) In article 3 (compensation for, and ascertainment of value of, bovine animals slaughtered for brucellosis or tuberculosis)–

(a) in the title, omit "or tuberculosis";

(b) in paragraph (1) , omit "or tuberculosis"; and

(c) omit paragraph (2A).

(4) In article 4(1) (compensation for "control animals") omit "or tuberculosis".

## **Savings and transition**

5.–(1) Any notice or licence issued, or approval or consent granted, under the Tuberculosis (England and Wales) Order 1984(2) or the Tuberculosis (Wales) Order 2006 and which has effect at the coming into force of this Order remains in force as if it were a notice or licence issued, or approval or consent granted, under this Order.

(2) This Order applies in relation to a notice served under the Tuberculosis (England and Wales) Order 1984 or the Tuberculosis (Wales) Order 2006 as it applies to a notice served under this Order.

(3) The Brucellosis and Tuberculosis (England and Wales) Compensation Order relating to tuberculosis is not amended by article 4 and continues to apply to any bovine animal that is slaughtered for tuberculosis–

(a) following a notice served before 25 May 2010 under article 8 of the Tuberculosis (Wales) Order 2006;

(b) as a result of a positive or inconclusive skin test read before 25 May 2010; or

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(1) S.I.1978/1483. Paragraph (2A) of article 3 was inserted by S.I. 1998/2073, article 2. The Order is revoked in relation to England, by S.I. 2006/168.

(2) S.I. 1984/1943.

- (c) o ganlyniad i unrhyw brawf perthnasol arall ar gyfer twbercwlosis, y cymerwyd y sampl clinigol ar ei gyfer cyn 25 Mai 2010.

- (c) as a result of any other relevant test for tuberculosis, the clinical sample for which was taken before 25 May 2010.

## **RHAN 2**

### **Profi a Symud**

#### **Diffinio "disease"**

6.–(1) At ddibenion y Ddeddf, estynnir y diffiniad o "disease" yn adran 88(1) o'r Ddeddf (ystyr "disease") i gynnwys twbercwlosis.

(2) Mae adran 32 o'r Ddeddf (cigydda oherwydd clefydau eraill) yn gymwys i dwbercwlosis.

#### **Profion a samplau: gwarantau**

7. At ddibenion adran 62E(4)(b) o'r Ddeddf (profion a samplau: gwarantau)–

- (a) caiff yr arolygydd wneud cais am ganiatâd i fynd i mewn i'r fangre cyn y diwrnod y ceisir caniatâd ar ei gyfer; a
- (b) mae'r amod a grybwyllir yn y ddarpariaeth honno wedi ei fodloni os nad yw'r meddiannydd yn dynodi, erbyn dyddiad a bennir yn y cais, bod y meddiannydd yn rhoi caniatâd mewn perthynas â'r cais hwnnw.

#### **Hysbysu am glefyd mewn anifeiliaid buchol**

8.–(1) Rhaid i unrhyw berson–

- (a) sydd ag unrhyw anifail buchol yn ei feddiant neu dan ei ofal, a'r person hwnnw'n amau bod yr anifail, neu y gallai fod, yn anifail yr effeithiwyd arno;
- (b) sydd, yng nghwrs ymarfer y person hwnnw fel milfeddyg, yn archwilio anifail buchol y mae'r person hwnnw'n amau ei fod, neu y gallai fod, yn anifail yr effeithiwyd arno; neu
- (c) sydd, yng nghwrs dyletswyddau'r person hwnnw, yn archwilio, at unrhyw ddiben, anifail buchol y mae'r person hwnnw'n amau ei fod, neu y gallai fod, yn anifail yr effeithiwyd arno,

hysbysu Gweinidogion Cymru ar unwaith.

(2) Rhaid i unrhyw berson sydd ag unrhyw anifail buchol yn ei feddiant neu dan ei ofal, a'r person hwnnw'n amau bod, neu y gallai fod, yr anifail yn anifail yr effeithiwyd arno, tra'n aros am gasgliad yr ymchwiliad milfeddygol o dan erthygl 10 ac am gyflwyno unrhyw hysbysiad o dan yr erthygl honno, weithredu ar unwaith i–

- (a) cadw'r anifail hwnnw yn y fangre lle y mae ar y pryd;

## **PART 2**

### **Testing and Movement**

#### **Definition of "disease"**

6.–(1) For the purposes of the Act, the definition of "disease" in section 88(1) of the Act (meaning of "disease") is extended so as to include tuberculosis.

(2) Section 32 of the Act (slaughter in other diseases) applies to tuberculosis.

#### **Tests and samples: warrants**

7. For the purposes of section 62E(4)(b) of the Act (tests and samples: warrants)–

- (a) the inspector may request permission to enter the premises in advance of the day for which permission is requested; and
- (b) the condition mentioned in that provision is satisfied if the occupier does not indicate, by a date specified in the request, that the occupier gives permission in respect of that request.

#### **Notification of disease in bovine animals**

8.–(1) Any person who–

- (a) has possession or charge of any bovine animal which the person suspects is or may be an affected animal;
- (b) in the course of the person's practice as a veterinary surgeon examines a bovine animal which the person suspects is or may be an affected animal; or
- (c) in the course of the person's duties inspects, for any purpose, a bovine animal which the person suspects is or may be an affected animal,

must notify the Welsh Ministers immediately.

(2) Any person who has possession or charge of any bovine animal which the person suspects is or may be an affected animal must, pending conclusion of the veterinary inquiry under article 10 and the service of any notice under that article, immediately–

- (a) detain that animal on the premises where it then is;



- (b) ei ynysu oddi wrth anifeiliaid buchol eraill, i'r graddau y bo hynny'n ymarferol; a
- (c) mabwysiadu rhagofalon mewn perthynas â llaeth a gynhyrchir gan yr anifail hwnnw, fel pe bai hysbysiad o dan erthygl 10 eisoes wedi ei gyflwyno.

### **Hysbysu ynglŷn â chlefyd mewn carcassau**

9.-(1) Rhaid i unrhyw berson—

- (a) sydd â charcas yn ei feddiant neu dan ei ofal, ac yr effeithiwyd, neu yr amheuir yr effeithiwyd, ar y carcass hwnnw gan dwbercwlosis;
- (b) sydd, yng nghwrs ymarfer y person hwnnw fel milfeddyg, yn archwilio carcass yr effeithiwyd arno, neu yr amheuir yr effeithiwyd arno gan dwbercwlosis; neu
- (c) sydd, yng nghwrs dyletswyddau'r person hwnnw, yn archwilio, at unrhyw ddiben, carcass yr effeithiwyd arno, neu yr amheuir yr effeithiwyd arno gan dwbercwlosis,

hysbysu Gweinidogion Cymru ar unwaith.

(2) Rhaid berson sydd â charcas fel a grybwyllir ym mharagraff (1) yn ei feddiant neu dan ei ofal gadw'r carcass hwnnw yn y fangre lle y mae ar y pryd, hyd nes bydd wedi ei archwilio gan arolygydd milfeddygol.

### **Ymchwiliad milfeddygol i bresenoldeb clefyd**

10.-(1) Pan fo arolygydd milfeddygol o'r farn yn rhesymol bod anifail yr effeithiwyd arno neu anifail a amheuir (ac eithrio adweithydd), neu garcas anifail buchol yr effeithiwyd arno neu yr amheuir yr effeithiwyd arno, gan dwbercwlosis, yn bresennol mewn unrhyw fangre, rhaid i'r arolygydd milfeddygol, mor fuan ag y bo'n ymarferol, gymryd pa gamau bynnag sy'n angenrheidiol i ganfod a yw'r anifail neu'r carcass mewn gwirionedd yn un yr effeithiwyd arno neu a amheuir.

(2) Caiff arolygydd milfeddygol, at ddibenion yr erthygl hon, archwilio unrhyw anifail buchol neu garcas anifail buchol sydd yn y fangre a chymryd pa bynnag samplau o unrhyw anifail neu garcas o'r fath, neu gyflawni pa bynnag brofion sy'n ofynnol at y diben o wneud diagnosis.

(3) Pan fo arolygydd milfeddygol wedi archwilio anifail buchol, ac o'r farn ei fod yn anifail yr effeithiwyd arno neu'n anifail a amheuir, rhaid iddo gyflwyno hysbysiad i geidwad yr anifail buchol hwnnw, sy'n gwneud yn ofynnol bod y ceidwad—

- (a) yn cadw'r anifail hwnnw yn unol â gofynion yr hysbysiad a'i gadw wedi'i ynysu oddi wrth anifeiliaid buchol eraill;
- (b) pan fo'n briodol, yn cymryd camau i sicrhau na chymysgir y llaeth a gynhyrchir gan yr anifail â llaeth arall, bod llaeth yr anifail yn cael ei

- (b) isolate it as far as practicable from other bovine animals; and
- (c) adopt precautions with respect to milk produced by that animal as if a notice under article 10 had already been served.

### **Notification of disease in carcasses**

9.-(1) Any person who—

- (a) has possession or charge of any carcass that is affected with or suspected of being affected with tuberculosis;
- (b) in the course of the person's practice as a veterinary surgeon, examines a carcass that is affected with or suspected of being affected with tuberculosis; or
- (c) in the course of the person's duties inspects, for any purpose, a carcass that is affected with or suspected of being affected with tuberculosis,

must notify the Welsh Ministers immediately.

(2) A person who has possession or charge of a carcass mentioned in paragraph (1) must detain it on the premises where it then is until it has been examined by a veterinary inspector.

### **Veterinary inquiry as to the existence of disease**

10.-(1) Where a veterinary inspector reasonably believes an affected animal or a suspected animal (other than a reactor) or a carcass of a bovine animal that is affected with or suspected of being affected with tuberculosis is present on any premises, the veterinary inspector must, with all practicable speed, take such steps as may be necessary to establish whether it is in fact an affected or suspected animal or carcass.

(2) A veterinary inspector may, for the purposes of this article, examine any bovine animal or carcass of a bovine animal on the premises and take such samples from any such animal or carcass or carry out such tests as may be required for the purpose of diagnosis.

(3) Where a veterinary inspector has examined a bovine animal and is of the opinion that it is an affected animal or suspected animal, the veterinary inspector must serve a notice on the keeper of that bovine animal requiring the keeper to—

- (a) detain that animal in accordance with the requirements of the notice and keep it isolated from other bovine animals;
- (b) where appropriate, take steps to ensure that the milk produced by the animal is not mixed with other milk and is boiled or otherwise sterilised

ferwi neu'i sterileiddio rywfodd arall, a bod unrhyw declyn y bu'r llaeth hwnnw mewn cysylltiad ag ef cyn ei drin felly yn cael ei lanhau'n drwyadl a'i sgaldio â stêm neu ddŵr berwedig cyn defnyddio'r teclyn hwnnw drachefn; ac

- (c) yn sicrhau na symudir unrhyw anifail buchol i'r fangre neu ba bynnag ran o'r fangre a bennir yn yr hysbysiad, nac oddi arni, ac eithrio dan awdurdod trwydded a ddyroddwyd gan arolygydd.

### Hysbysiad gwella milfeddygol

11.–(1) Caiff arolygydd milfeddygol gyflwyno hysbysiad ("hysbysiad gwella milfeddygol") ("veterinary improvement notice") i geidwad anifail buchol, sy'n gwneud yn ofynnol bod y ceidwad, erbyn dyddiad a bennir yn yr hysbysiad, yn gwneud pethau neu ymatal rhag gwneud pethau, at y diben o atal clefyd rhag lledaenu ac, yn benodol, caiff osod y gofynion a grybwyllir ym mharagraff (2).

(2) Mae'r gofynion y ceir eu gosod drwy gyfrwng hysbysiad gwella milfeddygol yn cynnwys—

- (a) codi ffensys (gan gynnwys clwydi a chamfeydd);
- (b) mabwysiadu dulliau effeithiol o allgáu grwpiau o anifeiliaid o rannau penodedig o'r fangre;
- (c) diogelu silwair, storfeydd bwydydd anifeiliaid a mannau bwydo rhag bywyd gwyllt, gan gynnwys adar;
- (ch) cymryd camau rhesymol i sicrhau bod y bobl sy'n mynd ar dir y ceidwad yn gweithredu rhagofalon rhesymol rhag lledaenu clefyd.

### Profi ar gyfer twbercwlosis

12.–(1) Caiff Gweinidogion Cymru gyflwyno hysbysiad ("hysbysiad prawf") ("test notice") i geidwad anifail buchol, sy'n gwneud yn ofynnol bod y ceidwad yn sicrhau y profir unrhyw anifail o'r fath ar gyfer twbercwlosis drwy gyfrwng prawf perthnasol erbyn dyddiad a bennir yn yr hysbysiad.

(2) Rhaid i geidwad anifail buchol gydymffurfio â holl ofynion rhesymol arolygydd er mwyn hwyluso—

- (a) adnabod ac archwilio'r anifail hwnnw gan yr arolygydd;
- (b) cyflawni, neu ddarllen, unrhyw rhyw brawf perthnasol ar yr anifail;
- (c) priso'r anifail mewn achos pan fo Gweinidogion Cymru yn bwriadu peri ei gigydda o dan adran 32 o'r Ddeddf fel y'i cymhwysir i dwbercwlosis; neu
- (ch) symud yr anifail ar gyfer ei gigydda,

and that any utensil with which such milk has been in contact before it is so treated is thoroughly cleansed and scalded with steam or boiling water before the utensil is used again; and

- (c) ensure that no bovine animal is moved on to or off the premises or such part of the premises as is specified in the notice except under the authority of a licence issued by an inspector.

### Veterinary improvement notice

11.–(1) A veterinary inspector may serve a notice (a "veterinary improvement notice") ("hysbysiad gwella milfeddygol") on the keeper of a bovine animal requiring the keeper, by a date specified in the notice, to do things or to refrain from doing things for the purpose of preventing the spread of disease and, in particular, may impose the requirements mentioned in paragraph (2).

(2) The requirements that may be imposed by means of a veterinary improvement notice include—

- (a) erecting fences (including gates and stiles);
- (b) adopting effective methods of excluding groups of animals from specified parts of the premises;
- (c) protecting silage, feed storage and feeding areas from wildlife including birds;
- (d) taking reasonable steps to ensure that people who enter the keeper's land take reasonable precautions against the spread of disease.

### Tuberculosis testing

12.–(1) The Welsh Ministers may serve on the keeper of a bovine animal a notice (a "test notice") requiring the keeper to have any such animal tested for tuberculosis with a relevant test by a date specified in the notice.

(2) The keeper of any bovine animal must comply with all reasonable requirements of an inspector with a view to facilitating—

- (a) the identification and examination of that animal by that inspector;
- (b) the application to it, or the reading, of any relevant test;
- (c) the valuation of it in a case where the Welsh Ministers intend to cause it to be slaughtered under section 32 of the Act in its application to tuberculosis; or
- (d) the removal of that animal for slaughter,

ac yn benodol, rhaid i'r ceidwad drefnu, ar gost y ceidwad ei hunan, i gasglu, corlannu a diogelu unrhyw anifail o'r fath os gofynnir iddo.

(3) Pan fo prawf perthnasol wedi'i wneud ar anifail buchol, ni chaiff unrhyw berson symud yr anifail hwnnw o'r fangre lle y'i cedwir, ac eithrio—

- (a) pan symudir yr anifail dan awdurdod trwydded a ddyroddwyd gan arolygydd milfeddygol; neu
- (b) pan fo canlyniadau'r prawf wedi eu darllen gan arolygydd a'r canlyniadau hynny'n negyddol.

(4) Heb leihau effaith erthygl 16, os yw'r ceidwad wedi methu â chael profi anifail yn unol â gofyniad hysbysiad prawf, caiff Gweinidogion Cymru, mewn perthynas â'r fangre lle cedwir yr anifail, drwy gyflwyno hysbysiad i'r ceidwad, wahardd symud anifeiliaid buchol, neu'r cyfryw anifeiliaid buchol a bennir yn yr hysbysiad, i'r fangre honno neu oddi arni, neu unrhyw ran o'r fangre honno fel a bennir yn yr hysbysiad, yn ddarostyngedig i unrhyw symud a ganiateir o dan awdurdod trwydded a ddyroddir gan arolygydd.

(5) Heb ragfarnu unrhyw achos ynglŷn â thramgwydd o dan adran 73 o'r Ddeddf yn rhinwedd y Gorchymyn hwn, pan fo ceidwad wedi methu â chael profi anifail yn unol â gofyniad hysbysiad prawf, caiff Gweinidogion Cymru gymryd, neu beri cymryd, pob un o'r camau a fydd hwyrach yn angenrheidiol i hwyluso archwilio, profi, prisio a symud yr anifail hwnnw, a chaiff Gweinidogion Cymru adennill oddi wrth y ceidwad swm unrhyw dreuliau a achosir iddynt yn rhesymol.

(6) Pan fo—

- (a) y ceidwad wedi methu â chael profi anifail yn unol â gofyniad hysbysiad prawf; ac
- (b) am y rhesymau a bennir ym mharagraff (7), yr anifail heb ei brofi yn unol â pharagraff (5),

rhaid trin yr anifail at ddibenion adran 32 o'r Ddeddf fel anifail yr effeithiwyd arno gan dwbercwlosis.

(7) Y rhesymau a grybwyllir ym mharagraff (6) yw rhesymau ymarferoldeb, gan gynnwys anawsterau o ran casglu'r anifail yn ddiogel, oherwydd ei wylltineb, neu oherwydd natur y dirwedd lle cedwir yr anifail.

### Profion cyn symud

**13.**—(1) Ni chaiff unrhyw berson symud anifail buchol o unrhyw fangre oni fydd—

- (a) prawf croen wedi ei gyflawni arno, ddim mwy na 60 diwrnod cyn dyddiad y symud; a
- (b) bod canlyniadau'r prawf wedi eu darllen gan arolygydd, a'r canlyniadau hynny'n negyddol.

(2) Nid yw paragraff (1) yn gymwys i'r canlynol—

and in particular must arrange at the keeper's own expense for the collection, penning and securing of any such animal if so required.

(3) Where a relevant test has been applied to a bovine animal, no person may move that animal from the premises or the part of the premises on which it is kept unless—

- (a) the movement is under the authority of a licence issued by a veterinary inspector; or
- (b) the results of the test have been read by an inspector and are negative.

(4) Without prejudice to article 16, where the keeper has failed to have an animal tested as required by a test notice, the Welsh Ministers may, in relation to the premises where the animal is kept, by notice served on the keeper, prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off the premises, or any part of those premises, as are specified in the notice, subject to movement that is allowed under the authority of a licence issued by an inspector.

(5) Without prejudice to any proceedings for an offence under section 73 of the Act by virtue of this Order, where the keeper has failed to have an animal tested as required by a test notice, the Welsh Ministers may take or cause to be taken all the steps that may be necessary to facilitate the examination, testing, valuation and removal of that animal and the Welsh Ministers may recover the amount of any expenses that are reasonably incurred by them from the keeper.

(6) Where—

- (a) the keeper has failed to have an animal tested as required by a test notice; and
- (b) for the reasons set out in paragraph (7) the animal has not been tested in accordance with paragraph (5),

the animal must be treated as being affected with tuberculosis for the purposes of section 32 of the Act.

(7) The reasons mentioned in paragraph (6) are those of practicability and include difficulties in gathering the animal safely due to its wildness or the nature of the terrain on which it is kept.

### Pre-Movement Testing

**13.**—(1) No person may move a bovine animal from any premises unless—

- (a) a skin test has been applied to it no more than 60 days before the date of movement; and
- (b) the results of the test have been read by an inspector and are negative.

(2) Paragraph (1) does not apply to—



- (a) anifeiliaid buchol sydd o dan 6 wythnos oed ar ddyddiad y symud;
- (b) symud anifail buchol i le ar gyfer triniaeth filfeddygol, ar yr amod y'i dychwelir yn uniongyrchol i'w fangre wreiddiol ar ôl y driniaeth, neu y'i lleddir neu y'i hanfonir yn syth i'w gigydda;
- (c) unrhyw symudiadau a bennir mewn cyfarwyddyd a ddyroddir gan Weinidogion Cymru; ac
- (ch) unrhyw symudiad a gymeradwyir gan Weinidogion Cymru.

(3) At ddibenion paragraff (1)(a), mae'r cyfnod o 60 diwrnod yn cychwyn gyda'r diwrnod ar ôl y dyddiad y rhoddir pigiad gyda thwbercwlin i'r anifail

### **Cofnodion o brofion ar gyfer twbercwlosis**

14.–(1) Pan fo prawf croen wedi ei gyflawni ar anifail buchol, rhaid i Weinidogion Cymru, cyn gynted ag y bo'n ymarferol wedi i arolygydd ddarllen canlyniadau'r prawf, roi i geidwad yr anifail gofnod ysgrifenedig o'r canlyniadau.

(2) Nid yw paragraff (1) yn gymwys i anifeiliaid y gwaharddir eu symud, neu y parheir i wahardd eu symud, o dan y Gorchymyn hwn yn dilyn y prawf.

(3) Rhaid i'r ceidwad–

- (a) ddal gafael ar y cofnod o ganlyniadau'r prawf am gyfnod o 3 blynedd a 60 diwrnod, sy'n cychwyn gyda'r diwrnod ar ôl y dyddiad y rhoddir y pigiad gyda thwbercwlin; a
- (b) dangos y cofnod hwnnw pan fo arolygydd yn gofyn am ei weld.

### **Gwaharddiadau**

15.–(1) Ni chaiff unrhyw berson frechu anifail buchol yn erbyn twbercwlosis heb ganiatâd ysgrifenedig Gweinidogion Cymru.

(2) Ni chaiff unrhyw berson roi triniaeth ar gyfer twbercwlosis i anifail buchol heb ganiatâd ysgrifenedig Gweinidogion Cymru.

(3) Ni chaiff unrhyw berson brofi anifail buchol ar gyfer twbercwlosis ac eithrio gyda chaniatâd ysgrifenedig Gweinidogion Cymru, a rhaid i berson y rhoddir caniatâd o'r fath iddo adrodd y canlyniadau ar unwaith wrth Weinidogion Cymru.

(4) Ni chaiff unrhyw berson ymyrryd â, neu rwystro, cyflawni neu ddarllen prawf perthnasol.

### **Ynysu a gwahardd symud anifeiliaid**

16. Caiff arolygydd, at y diben o reoli neu atal lledaeniad twbercwlosis, drwy gyflwyno hysbysiad i geidwad anifeiliaid buchol a gedwir yn y cyfryw

- (a) bovine animals that are less than 6 weeks old at the date of the movement;
- (b) the movement of a bovine animal to a place for veterinary treatment provided that it is returned direct to its premises of origin after the treatment, or is killed or goes direct to slaughter;
- (c) any movements specified in a direction issued by the Welsh Ministers; and
- (d) any movement that is approved by the Welsh Ministers.

(3) For the purposes of paragraph (1)(a), the 60 day period begins on the day after tuberculin is injected into the animal.

### **Tuberculosis test records**

14.–(1) Where a skin test has been applied to a bovine animal, the Welsh Ministers must, as soon as practicable after the results of the test have been read by an inspector, give the keeper of that animal a written record of the results.

(2) Paragraph (1) does not apply to animals in respect of which movement is, or remains, prohibited under this Order following the test.

(3) The keeper must–

- (a) retain the record of the results of the test for a period of 3 years and 60 days beginning with the day following the date of injection of tuberculin; and
- (b) produce such record when requested to do so by an inspector.

### **Prohibitions**

15.–(1) No person may vaccinate a bovine animal against tuberculosis without the written consent of the Welsh Ministers.

(2) No person may treat a bovine animal for tuberculosis without the written consent of the Welsh Ministers.

(3) No person may perform a test for tuberculosis on a bovine animal except with the written consent of the Welsh Ministers and a person to whom any such consent is given must report the results immediately to the Welsh Ministers.

(4) No person may interfere with or obstruct the application or the reading of a relevant test.

### **Isolation and prohibition on movement of animals**

16. An inspector may, for the purpose of controlling or preventing the spread of tuberculosis, by notice served on the keeper of bovine animals kept on such

fangreodd a bennir yn yr hysbysiad—

- (a) gwneud yn ofynnol bod y cyfryw anifeiliaid buchol a bennir yn yr hysbysiad yn cael eu hynysu oddi wrth anifeiliaid eraill i'r graddau a bennir yn yr hysbysiad; a
- (b) gwahardd symud anifeiliaid buchol, neu'r cyfryw anifeiliaid buchol a bennir yn yr hysbysiad, i'r mangreodd hynny neu oddi arnynt, ac eithrio dan awdurdod trwydded a ddyroddir gan arolygydd.

### **Hysbysu'r bwriad i gigydda anifeiliaid**

17.—(1) Pan fo Gweinidogion Cymru yn bwriadu peri i anifail buchol gael ei gigydda o dan adran 32 o'r Ddeddf fel y'i cymhwysir i dwbercwlosis, rhaid i arolygydd gyflwyno hysbysiad i geidwad yr anifail, i roi gwybod iddo am y bwriad i gigydda, ac i wneud yn ofynnol bod y ceidwad yn cadw'r anifail, hyd nes y cigydda hwnnw, neu symudir ef i'w gigydda, ar y cyfryw ran o'r fangre a bennir yn yr hysbysiad, ac i'w ynysu i'r graddau y bo'n ymarferol oddi wrth ba bynnag anifeiliaid eraill a bennir felly.

(2) Pan fo hysbysiad wedi ei gyflwyno o dan baragraff (1), ni chaiff unrhyw berson symud yr anifail ac eithrio i'w gigydda, ac eithrio dan awdurdod trwydded a ddyroddir gan arolygydd.

### **Rhagofalon rhag lledaenu haint**

18.—(1) Pan fo arolygydd milfeddygol wedi'i fodloni bod unrhyw anifail buchol a gedwir mewn unrhyw fangre'n anifail yr effeithiwyd arno neu'n anifail a amheuir, caiff yr arolygydd milfeddygol, drwy gyflwyno hysbysiad i geidwad unrhyw anifail o'r fath, wneud yn ofynnol bod y ceidwad —

- (a) yn trin ac yn storio tail neu slyri o unrhyw le a ddefnyddiwyd gan unrhyw anifail o'r fath yn unol â gofynion yr hysbysiad;
- (b) yn ymatal rhag gwasgaru unrhyw dail neu chwistrellu neu wasgaru unrhyw slyri o unrhyw le a ddefnyddiwyd gan unrhyw anifail o'r fath, ac eithrio yn unol â gofynion yr hysbysiad;
- (c) yn ymatal rhag symud unrhyw dail, slyri neu unrhyw wastraff anifail arall o'r fangre, ac eithrio dan awdurdod trwydded a ddyroddir gan arolygydd;
- (ch) yn cymryd pa bynnag gamau sy'n rhesymol ymarferol i rwystro unrhyw anifail buchol yn y fangre rhag heintio unrhyw anifail buchol a gedwir mewn unrhyw fangre gyffiniol;
- (d) yn trefnu ar gyfer ynysu unrhyw anifeiliaid buchol a bennir yn yr hysbysiad, ym mha bynnag ran neu rannau o'r fangre a bennir;
- (dd) yn sicrhau na chaiff unrhyw ran neu rannau o'r fangre a bennir yn yr hysbysiad, eu defnyddio

premises as are specified in the notice—

- (a) require such bovine animals as are specified in the notice to be isolated from other animals to the extent specified in the notice; and
- (b) prohibit the movement of bovine animals, or of such bovine animals as are specified in the notice, on to or off such premises, except under the authority of a licence issued by an inspector.

### **Notification of intended slaughter of animals**

17.—(1) Where the Welsh Ministers intend to cause a bovine animal to be slaughtered under section 32 of the Act in its application to tuberculosis, an inspector must serve a notice on the keeper of the animal informing the keeper of the intended slaughter and requiring the keeper to detain the animal pending such slaughter, or its removal for such slaughter, on such part of the premises as is specified in the notice and to isolate it as far as practicable from such other animals as are so specified.

(2) Where a notice has been served under paragraph (1), no person may move the animal, other than to slaughter, except under the authority of a licence issued by an inspector.

### **Precautions against spread of infection**

18.—(1) Where a veterinary inspector is satisfied that any bovine animal kept on any premises is an affected animal or a suspected animal, the veterinary inspector may, by notice served on the keeper of any such animal, require the keeper—

- (a) to treat and store manure or slurry from any place which has been used by any such animal in accordance with the requirements of the notice;
- (b) not to spread any manure or to spray or spread any slurry from any place which has been used by any such animal otherwise than in accordance with the requirements of the notice;
- (c) not to remove manure, slurry or other animal waste from the premises except under the authority of a licence issued by an inspector;
- (d) to take such steps as may be reasonably practicable to prevent any bovine animal kept on the premises from infecting any bovine animal kept on any adjoining premises;
- (e) to arrange for the isolation of any bovine animals which may be specified in the notice on any specified part or parts of the premises;
- (f) to ensure that any part or parts of the premises specified in the notice are not used by any

gan unrhyw anifail buchol sydd yn y fangre, neu gan ba bynnag anifail neu anifeiliaid a bennir yn yr hysbysiad;

- (e) yn glanhau a diheintio, gyda diheintydd cymeradwy, y cyfryw ran neu rannau o'r fangre, o fewn y cyfryw amser ac yn y cyfryw fodd a bennir yn yr hysbysiad;
- (f) yn glanhau a diheintio, gyda diheintydd cymeradwy, pob teclyn a phob eitem arall a ddefnyddiwyd ar gyfer ac o gwmpas anifail y mae'r hysbysiad yn ymwneud ag ef, o fewn y cyfryw amser ac yn y cyfryw fodd a bennir yn yr hysbysiad; ac
- (ff) cymryd pa bynnag gamau eraill a ystyrir yn briodol gan yr arolygydd milfeddygol.

(2) Os yw'r ceidwad yn methu â chydymffurfio â'r hysbysiad, caiff Gweinidogion Cymru, heb ragfarnu unrhyw achos a allai ddeillio o'r methiant hwnnw, gyflawni neu beri cyflawni gofynion yr hysbysiad, a chânt adennill, oddi wrth y ceidwad, swm unrhyw dreuliau a achosir iddynt yn rhesymol.

#### **Anifeiliaid a amheuir mewn marchnadoedd, sioeau etc**

**19.**—(1) Pan fo arolygydd milfeddygol o'r farn yn rhesymol bod anifail buchol, mewn unrhyw fangre lle y cynhelir sioe, arddangosfa, marchnad, arwerthiant neu ffair, yn anifail yr effeithiwyd arno, yn anifail a amheuir, neu'n un a fu'n agored i'w heintio â thwbercwlosis, caiff yr arolygydd—

- (a) drwy gyflwyno hysbysiad i geidwad yr anifail, wneud yn ofynnol symud yr anifail hwnnw o'r fangre honno, a mynd ag ef—
  - (i) i ladd-dy i'w gigydda ar unwaith; neu
  - (ii) yn ôl i'r fangre yr aed â'r anifail ohoni i'r sioe, arddangosfa, marchnad, arwerthiant neu ffair; neu
  - (iii) i ba bynnag fangre arall a gymeradwyir gan yr arolygydd milfeddygol at y diben hwnnw; a
- (b) drwy gyflwyno hysbysiad i'r person sy'n gyfrifol am y fangre—
  - (i) gwneud yn ofynnol bod y person hwnnw'n sicrhau na ddefnyddir unrhyw ran neu rannau o'r fangre, a bennir yn yr hysbysiad, gan unrhyw anifail buchol arall am ba bynnag gyfnod a bennir yn yr hysbysiad; a
  - (ii) gwneud yn ofynnol bod y person hwnnw, o fewn y cyfryw amser ac yn y cyfryw fodd a bennir yn yr hysbysiad—
    - (aa) yn glanhau a diheintio, gyda diheintydd cymeradwy, pa bynnag ran neu rannau o'r fangre a bennir yn yr hysbysiad; a

bovine animal on the premises, or by such other animal or animals as may be specified;

- (g) to cleanse and disinfect with an approved disinfectant such part or parts of the premises, within such time and in such manner, as may be specified in the notice;
- (h) to cleanse and disinfect with an approved disinfectant all utensils and other articles used for or about an animal to which the notice relates within such time and in such manner as may be specified in the notice; and
- (i) to take such other action as the veterinary inspector considers appropriate.

(2) Where the keeper fails to comply with the requirements of the notice, the Welsh Ministers may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by them is recoverable from the keeper.

#### **Suspected animals in markets, shows etc**

**19.**—(1) Where a veterinary inspector reasonably believes that a bovine animal on any premises at which a show, exhibition, market, sale or fair is being held is an affected animal, a suspected animal or has been exposed to infection by tuberculosis, the veterinary inspector may—

- (a) by notice served on the keeper of the animal require that animal to be removed from those premises and taken—
  - (i) to a slaughterhouse for immediate slaughter; or
  - (ii) back to the premises from which the animal was brought to the show, exhibition, market, sale or fair; or
  - (iii) to such other premises as may be approved by the veterinary inspector for the purpose; and
- (b) by notice served on the person in charge of the premises—
  - (i) require that person to ensure that any part or parts of the premises specified in the notice are not used by any other bovine animal for such period as may be specified in the notice; and
  - (ii) require that person within such time and in such manner as may be specified in the notice—
    - (aa) to cleanse and disinfect with an approved disinfectant such part or parts of the premises as may be specified in the notice; and

(bb) yn cael gwared ag unrhyw dail, slyri neu wastraff anifeiliaid arall, gwellt, sarn neu ddeunydd arall a fu mewn cysylltiad, neu a allai fod wedi dod i gysylltiad ag anifail o'r fath.

(2) Pan symudir anifail buchol yn unol â pharagraff (1)(a)(ii) neu (iii), rhaid i geidwad yr anifail ei ynysu ar unwaith, a phedio â'i symud o'r fangre drachefn, ac eithrio dan awdurdod trwydded a ddyroddwyd gan arolygydd.

(3) Os yw person y cyflwynwyd hysbysiad iddo o dan baragraff (1)(b) y methu â chydymffurfio â'r hysbysiad, caiff Gweinidogion Cymru, heb ragfarnu unrhyw achos a allai ddeillio o'r methiant hwnnw, gyflawni neu beri cyflawni gofynion yr hysbysiad, a chânt adennill swm unrhyw dreuliau a achosir iddynt yn rhesymol, oddi wrth y person a fethodd â chydymffurfio.

### **Rheoli heintio oddi wrth anifeiliaid eraill**

**20.**—(1) Pan fo arolygydd milfeddygol o'r farn yn rhesymol bod, neu y gallai fod, anifail a gedwir mewn unrhyw fangre, yn un yr effeithiwyd arno gan dwbercwlosis, caiff yr arolygydd milfeddygol, drwy gyflwyno hysbysiad i feddiannydd mangre o'r fath—

- (a) gwneud yn ofynnol bod y meddiannydd yn cadw'r anifail dan reolaeth ym mha bynnag fodd a bennir yn yr hysbysiad, neu'n ei gyfyngu i ba bynnag ran o'r fangre a bennir; a
- (b) gwahardd symud anifeiliaid i'r fangre honno neu oddi arni, ac eithrio dan awdurdod trwydded a ddyroddwyd gan arolygydd.

(2) Ym mharagraff (1), ystyr "anifail" ("*animal*") yw unrhyw fath o famal ac eithrio anifail buchol neu ddyn.

### **Marcio anifeiliaid buchol**

**21.**—(1) Os cyfarwyddir ef i wneud hynny gan arolygydd, rhaid i geidwad anifeiliaid buchol farcio anifeiliaid o'r fath yn y modd a fydd yn ofynnol gan yr arolygydd.

(2) Caiff yr arolygydd farcio anifeiliaid buchol.

(3) Ni chaiff neb newid neu ymyrryd ag unrhyw farc a roddir o dan yr erthygl hon.

### **Adnabod *M. bovis* mewn labordy**

**22.**—(1) Yn ystod archwiliad mewn labordy, pan ganfyddir bod yr organeb *M. bovis* yn bresennol mewn sampl a gymerwyd o unrhyw famal (heblaw dyn) neu o garcas, cynhyrchion neu amgylchoedd unrhyw famal o'r fath, rhaid i'r person sy'n gyfrifol am y labordy hwnnw hysbysu'r Asiantaeth Labordai Milfeddygol ar unwaith.

(2) Fodd bynnag, nid oes dyletswydd hysbysu o'r

(bb) to dispose of any manure, slurry or other animal waste, straw, litter or other matter that has, or might have, come into contact with such animal.

(2) Where a bovine animal is moved in accordance with paragraph (1)(a)(ii) or (iii) the keeper must immediately put it into isolation and must not move it from the premises again except under the authority of a licence issued by an inspector.

(3) If any person on whom a notice is served under paragraph (1)(b) fails to comply with the requirements of the notice, the Welsh Ministers may, without prejudice to any proceedings arising out of such default, carry out or cause to be carried out the requirements of the notice, and the amount of any expenses reasonably incurred by them is recoverable by them from the person in default.

### **Control of infection from other animals**

**20.**—(1) Where a veterinary inspector reasonably believes that an animal kept on any premises is or may be affected with tuberculosis, the veterinary inspector may by notice served on the occupier of such premises—

- (a) require the occupier to keep the animal under control in such manner as may be specified in the notice or to confine it to such part of the premises as may be specified; and
- (b) prohibit the movement of animals on to or off such premises, except under the authority of a licence issued by an inspector.

(2) In paragraph (1), "animal" ("*anifail*") means any kind of mammal except a bovine animal or man.

### **Marking of bovine animals**

**21.**—(1) If directed to do so by an inspector, the keeper of bovine animals must mark such animals in the manner required by the inspector.

(2) The inspector may mark bovine animals.

(3) No person may change or interfere with any mark that has been applied under this article.

### **Isolation of *M. bovis* in a laboratory**

**22.**—(1) Where the presence of the organism *M. bovis* is identified by a laboratory examination of a sample taken from any mammal (except man) or from the carcass, products or surroundings of any such mammal, the person in charge of that laboratory must immediately notify the Veterinary Laboratories Agency.

(2) But there is no such duty to notify where *M.*

fath os yw'r M. bovis yn bresennol yn y sampl oherwydd ei osod yno'n fwriadol, yn rhan o waith ymchwil sy'n defnyddio'r organeb honno.

### **Darpariaethau cyffredinol ynglŷn â hysbysiadau, trwyddedau a chymeradwyaethau**

**23.**—(1) Rhaid i unrhyw hysbysiad, trwydded neu gymeradwyaeth a ddyroddir neu a ganiateir o dan y Gorchymyn hwn fod yn ysgrifenedig.

(2) Caiff unrhyw drwydded a ddyroddir o dan y Gorchymyn hwn fod yn gyffredinol neu'n benodol, a cheir ei gwneud yn ddarostyngedig i amodau.

(3) Ceir rhoi unrhyw gymeradwyaeth a ganiateir o dan y Gorchymyn hwn yn ddarostyngedig i amodau.

(4) Ceir diwygio, atal dros dro neu ddirymu unrhyw hysbysiad, trwydded neu gymeradwyaeth a ddyroddir neu a ganiateir o dan y Gorchymyn hwn mewn ysgrifen ar unrhyw adeg.

(5) Rhaid i unrhyw berson, y mae unrhyw ofyniad neu amod mewn hysbysiad, trwydded neu gymeradwyaeth a ddyroddir neu a ganiateir o dan y Gorchymyn hwn yn gymwys iddo, gydymffurfio â'r gofyniad neu'r amod hwnnw.

### **Dangos trwyddedau**

**24.** Pan symudir anifail buchol o dan awdurdod trwydded (ac eithrio trwydded gyffredinol) a roddwyd o dan y Gorchymyn hwn, rhaid i'r person sy'n gyfrifol am yr anifail a symudir, pan ofynnir hynny gan arolygydd o dan y Gorchymyn hwn, roi ei enw a'i gyfeiriad, a rhaid iddo ddangos y drwydded a chaniatáu gwneud copi ohoni.

### **Gorfodi**

**25.**—(1) Rhaid gorfodi'r Gorchymyn hwn gan yr awdurdod lleol.

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

## **RHAN 3**

### **Iawndal**

#### **Iawndal am anifeiliaid buchol a gigyddir oherwydd twbercwlosis**

**26.**—(1) Pan fo—

- (a) Gweinidogion Cymru yn peri cigyddu anifail buchol, o dan bwerau a roddir gan adran 32(1) o'r Ddeddf (cigyddu oherwydd clefydau eraill)

bovis is present in the sample as a result of its deliberate introduction as part of research involving the use of that organism.

### **General provisions as to notices, licences and approvals**

**23.**—(1) Any notice, licence or approval issued or granted under this Order must be in writing.

(2) Any licence issued under this Order may be general or specific and may be made subject to conditions.

(3) Any approval granted under this Order may be made subject to conditions.

(4) A notice, licence or approval issued or granted under this Order may be amended, suspended or revoked in writing at any time.

(5) Any person to whom any requirement or condition in a notice, licence or approval issued or granted under this Order applies must comply with the requirement or condition.

### **Production of licences**

**24.** Where a bovine animal is moved under the authority of a licence (other than a general licence) issued under this Order, the person in charge of the animal being moved must, on demand made under this Order by an inspector, give the person's name and address and must produce the licence and allow a copy of it to be taken.

### **Enforcement**

**25.**—(1) This Order must be enforced by the local authority.

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

## **PART 3**

### **Compensation**

#### **Compensation for bovine animals slaughtered for tuberculosis**

**26.**—(1) Where—

- (a) the Welsh Ministers cause a bovine animal to be slaughtered under the powers conferred by section 32(1) of the Act (slaughter in other



fel y'i cymhwysir i dwbercwlosis; a

- (b) yr anifail hwnnw'n un a adwaenir drwy gyfrwng tagiau clust a phasbort gwartheg yn unol â gofynion Rheoliadau Adnabod Gwartheg (Cymru) 2007(1),

yr iawndal taladwy o dan adran 32(3) mewn perthynas â'r anifail hwnnw fydd ei werth fel y'i cyfrifir yn unol â'r Atodlen.

(2) Mae rheoliad 3 o Reoliadau Cynlluniau Cymorthdaliadau a Grantiau Amaethyddol (Apelau) (Cymru) 2006(2) (darparu gweithdrefn apelio) yn gymwys ar gyfer penderfynu'r ffigur priodol, fel pe bai'r penderfyniad hwnnw'n benderfyniad perthnasol.

(3) Ym mharagraff (2) ystyr "ffigur priodol" ("*appropriate figure*") yw'r ffigur a ddarperir ar gyfer "B" gan un o'r paragraffau 3 i 6 o'r Atodlen.

diseases) in its application to tuberculosis; and

- (b) that animal is identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification (Wales) Regulations 2007(1),

the compensation payable under section 32(3) in respect of that animal is to be its value as calculated in accordance with the Schedule.

(2) Regulation 3 of the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(2) (provision of appeals procedure) applies to the determination of the appropriate figure as if it was a relevant determination.

(3) In paragraph (2) the "appropriate figure" ("*ffigur priodol*") is the figure provided in respect of "B" by one of paragraphs 3 to 6 of the Schedule.

*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

30 Ebrill 2010

Minister for Rural Affairs, one of the Welsh Ministers

30 April 2010

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(1) O.S. 2007/842 (Cy. 74).

(2) O.S. 2006/3342 (Cy.303).

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(1) S.I. 2007/842 (W. 74).

(2) S.I. 2006/3342 (W.303).

## Erthygl 26

## Article 26

Cyfrifo gwerth anifail buchol a gigyddir  
oherwydd twbercwlosisCalculation of the value of a bovine animal  
slaughtered for tuberculosis

## Cyfrifiad

1. Rhaid cyfrifo gwerth anifail buchol a gigyddir oherwydd twbercwlosis gan ddefnyddio'r fformiwla ganlynol—

$$A \times B = C$$

Yn y fformiwla hon—

A yw gwerth yr anifail ar y farchnad, sydd i'w benderfynu yn unol â pharagraff 2;

B yw'r ffigur a ddarperir gan baragraffau 3 i 6; ac

C yw gwerth yr anifail at ddibenion erthygl 26.

## Calculation

1. The value of a bovine animal slaughtered for tuberculosis is to be calculated using the following formula—

$$A \times B = C$$

Where—

A is the market value of the animal established in accordance with paragraph 2;

B is the figure provided by paragraphs 3 to 6; and

C is the value of the animal for the purposes of article 26.

## Gwerth ar y farchnad

2.—(1) Er gwaethaf darpariaethau erthygl 3 o Orchymyn Clefydau Anifeiliaid (Penderfynu Iawndal) 1959(1), rhaid penderfynu gwerth ar y farchnad unrhyw anifail y perir ei gigydda gan Weinidogion Cymru—

- (a) drwy gytundeb rhwng Gweinidogion Cymru a pherchennog yr anifail;
- (b) gan un prisiwr a benodir ar y cyd gan Weinidogion Cymru a'r perchennog; neu
- (c) os methir â chytuno felly, neu os methir â chytuno a phenodi felly, gan brisiwr sydd â'i enw ar restr a gynhelir gan Weinidogion Cymru ac a enwebir gan Lywydd Sefydliad Brenhinol y Syrfewyr Siartredig, neu gan Lywydd Cymdeithas Ganolog y Prisiwyr Amaethyddol, yn ôl fel y penderfynir gan Weinidogion Cymru, mewn unrhyw achos penodol neu ddosbarth penodol o achosion.

(2) Rhaid i brisiwr a benodir neu a enwebir o dan is-baragraff (1)(b) neu (c) gael ei dalu gan Weinidogion Cymru, a rhaid iddo hysbysu Gweinidogion Cymru o'r gwerth ar y farchnad mewn ysgrifen.

(3) Yn y paragraff hwn, mae cyfeiriad at brisiwr yn gyfeiriad at unigolyn, ac nid at gwmni neu ffyrm nac at ddau neu ragor o bersonau ar y cyd.

(4) At ddibenion y paragraff hwn, gwerth anifail ar y farchnad yw'r pris y gellid yn rhesymol ddisgwyl bod wedi ei gael amdano gan brynwr yn y farchnad agored ar adeg y prisio, pe na bai'n anifail yr effeithiwyd arno neu'n anifail a amheuir.

## Market value

2.—(1) Notwithstanding the provisions of article 3 of the Diseases of Animals (Ascertainment of Compensation) Order 1959(1), the market value of a bovine animal which the Welsh Ministers cause to be slaughtered must be determined—

- (a) by agreement between the Welsh Ministers and the owner of the animal;
- (b) by one valuer appointed jointly by the Welsh Ministers and the owner; or
- (c) failing such agreement, or failing such agreement and appointment, by a valuer, named on a list maintained by the Welsh Ministers, nominated by the President of the Royal Institution of Chartered Surveyors or the President of the Central Association of Agricultural Valuers as the Welsh Ministers may decide in any particular case or class of case.

(2) A valuer appointed or nominated under sub-paragraph (1)(b) or (c) must be paid by the Welsh Ministers and must inform, in writing, the Welsh Ministers and the owner of the market value.

(3) In this paragraph a reference to a valuer is a reference to an individual and not to a company or firm or to two or more persons jointly.

(4) For the purposes of this paragraph, the market value of an animal is the price that might reasonably be expected would have been obtained for it from a purchaser in the open market at the time of valuation if the animal were not an affected animal or a suspected animal.

(1) O.S. 1959/1335.

(1) S.I. 1959/1335.

## **Hysbysiad gwella milfeddygol**

3.–(1) Mae'r paragraff hwn yn gymwys pan fo hysbysiad gwella milfeddygol o dan erthygl 11 (hysbysiad gwella milfeddygol) wedi ei gyflwyno i geidwad anifail buchol, a'r ceidwad hwnnw'n methu â chydymffurfio ag un neu ragor o ofynion yr hysbysiad.

(2) Pan fo—

- (a) y ceidwad wedi methu â chydymffurfio ag un gofyniad yn yr hysbysiad gwella milfeddygol;
- (b) anifail wedi ei brofi o dan erthygl 12 (profi ar gyfer twbercwlosis);
- (c) yr anifail hwnnw wedi ei gigydda, yn dilyn y prawf hwnnw; ac
- (ch) y prawf wedi ei gyflawni ar y fuches sy'n cynnwys yr anifail hwnnw (ar ôl cyflwyno'r hysbysiad gwella milfeddygol i'r ceidwad)—
  - (i) am y tro cyntaf, bydd "B" yn 0.75;
  - (ii) am yr ail dro, bydd "B" yn 0.5; neu
  - (iii) ar ôl yr ail dro, bydd "B" yn 0.05.

(3) Pan fo—

- (a) y ceidwad wedi methu â chydymffurfio â mwy nag un gofyniad yn yr hysbysiad gwella milfeddygol;
- (b) anifail wedi ei brofi o dan erthygl 12;
- (c) yr anifail hwnnw wedi ei gigydda, yn dilyn y prawf hwnnw; ac
- (ch) y prawf wedi ei gyflawni ar y fuches sy'n cynnwys yr anifail hwnnw (ar ôl cyflwyno'r hysbysiad gwella milfeddygol i'r ceidwad)—
  - (i) am y tro cyntaf, bydd "B" yn 0.5; neu
  - (ii) ar ôl y tro cyntaf, bydd "B" yn 0.05.

## **Methiant i brofi anifeiliaid yn unol ag erthygl 12(1)**

4.–(1) Yn ddarostyngedig i is-baragraff (4), mae'r paragraff hwn yn gymwys pan fo—

- (a) hysbysiad dan erthygl 12(1) (profi ar gyfer twbercwlosis) wedi ei gyflwyno i geidwad anifail buchol;
- (b) y ceidwad wedi methu a chyflawni'r prawf hwnnw erbyn y dyddiad a bennwyd yn yr hysbysiad (y "dyddiad penodedig");
- (c) y prawf wedi ei gyflawni ar ddyddiad diweddarach; ac
- (ch) yr anifail wedi ei gigydda, yn dilyn y prawf.

(2) Os cyflawnwyd y prawf yn unol â gofynion hysbysiad o dan erthygl 12(1) ar ddyddiad diweddarach na'r dyddiad penodedig, a'r cyfnod rhwng y dyddiad penodedig ar prawf—

## **Veterinary improvement notice**

3.–(1) This paragraph applies where the keeper of a bovine animal has been served with a veterinary improvement notice under article 11 (veterinary improvement notice) and fails to comply with one or more of its requirements.

(2) Where—

- (a) the keeper fails to comply with one requirement in the veterinary improvement notice;
- (b) an animal has been tested under article 12 (tuberculosis testing);
- (c) that animal has been slaughtered following that test; and
- (d) that test was applied to the herd that includes that animal (after the keeper was served with the veterinary improvement notice)—
  - (i) for the first time, "B" is 0.75;
  - (ii) for the second time, "B" is 0.5; or
  - (iii) subsequently, "B" is 0.05.

(3) Where—

- (a) the keeper fails to comply with more than one requirement in the veterinary improvement notice;
- (b) an animal has been tested under article 12;
- (c) that animal has been slaughtered following that test; and
- (d) that test was applied to the herd that includes that animal, (after the keeper was served with the veterinary improvement notice)—
  - (i) for the first time, "B" is 0.5; or
  - (ii) subsequently, "B" is 0.05.

## **Failure to test animals in accordance with article 12(1)**

4.–(1) Subject to sub-paragraph (4), this paragraph applies where—

- (a) the keeper of a bovine animal has been served with a notice under article 12(1) (tuberculosis testing);
- (b) the keeper has failed to carry out that test by the date specified in the notice (the "specified date");
- (c) the test has been carried out at a later date; and
- (d) the animal has been slaughtered following the test.

(2) Where the test was carried out as required by a notice under article 12(1) at a date later than the specified date and the interval between the specified date and the test is—

- (a) yn fwy na 60 diwrnod ond nid yn fwy na 90 diwrnod, bydd "B" yn 0.75;
- (b) yn fwy na 90 diwrnod ond nid yn fwy na 180 diwrnod, bydd "B" yn 0.5; ac
- (c) yn fwy na 180 diwrnod, bydd "B" yn 0.05.

(3) Os cyflawnwyd y prawf o dan erthygl 12(5), bydd "B" yn 0.05.

(4) Os cigyddwyd yr anifail yn rhinwedd darpariaethau erthygl 12(6), bydd "B" yn 0.05.

### **Torri rhwymedigaethau**

5.–(1) Mae'r paragraff yn gymwys pan fo—

- (a) Gweinidogion Cymru wedi eu bodloni, y tu hwnt i amheuaeth resymol, bod ceidwad anifail buchol wedi cyflawni tramgwydd o dan adran 73 (tramgwyddau cyffredinol) yn rhinwedd y Gorchymyn hwn;
- (b) y prawf perthnasol wedi ei gyflawni ar anifail; ac
- (c) yr anifail hwnnw wedi ei gigydda, yn dilyn prawf hwnnw.

(2) Mae'r paragraff hwn yn gymwys mewn perthynas â chigydda anifeiliaid ar ôl cyflawni'r prawf perthnasol—

- (a) o fewn 6 mis ar ôl bodloni is-baragraff (1)(a); a
- (b) o dan erthygl 12 am y tro cyntaf ar ôl bodloni is-baragraff (1)(a).

(3) Pan fo'r paragraff hwn yn gymwys a phan fo is-baragraff (1)(a) wedi ei fodloni—

- (a) ar un achlysur, bydd "B" yn 0.5; a
- (b) ar fwy nag un achlysur, bydd "B" yn 0.05.

(4) Nid yw'r paragraff hwn yn gymwys o ran methiant i gydymffurfio â hysbysiadau a gyflwynir o dan erthygl 11(1) neu 12(1).

### **Achosion eraill**

6. Pan nad yw paragraffau 3, 4 a 5 yn gymwys, bydd "B" yn 1.

- (a) more than 60 but not more than 90 days, "B" is 0.75;
- (b) more than 90 but not more than 180 days, "B" is 0.5; and
- (c) more than 180 days, "B" is 0.05.

(3) Where the test was carried out under article 12(5), "B" is 0.05.

(4) Where the animal was slaughtered by virtue of the provisions of article 12(6), "B" is 0.05.

### **Breach of obligations**

5.–(1) This paragraph applies where—

- (a) the Welsh Ministers are satisfied beyond reasonable doubt that the keeper of a bovine animal has committed an offence under section 73 of the Act (general offences) by virtue of this Order;
- (b) the relevant test has been applied to an animal; and
- (c) that animal has been slaughtered following that test.

(2) This paragraph applies in relation to the slaughter of animals carried out following the application of the relevant test—

- (a) within 6 months of sub-paragraph (1)(a) being satisfied; and
- (b) under article 12 for the first time since sub-paragraph (1)(a) was satisfied.

(3) Where this paragraph applies and where sub-paragraph (1)(a) is satisfied on—

- (a) one occasion, "B" is 0.5; and
- (b) more than one occasion, "B" is 0.05.

(4) This paragraph does not apply to a failure to comply with notices served under article 11(1) or 12(1).

### **Other cases**

6. Where paragraphs 3, 4 and 5 do not apply, "B" is 1.

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OFFERYNNAU STATUDOL  
CYMRU

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**2010 Rhif 1379 (Cy.122)**

**ANIFEILIAID, CYMRU**

**IECHYD ANIFEILIAID**

Gorchymyn Twbercwlosis (Cymru)  
2010

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WELSH STATUTORY  
INSTRUMENTS

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**2010 No. 1379 (W.122)**

**ANIMALS, WALES**

**ANIMAL HEALTH**

The Tuberculosis (Wales) Order  
2010