CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 31 (Cy.5)

BWYD, CYMRU

Rheoliadau Hylendid Bwyd (Cymru) 2006

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn dirymu ac yn ailddeddfu gyda newidiadau Reoliadau Hylendid Bwyd (Cymru) 2005 (O.S. 2005/3292 (Cy.252)).

2. Yr oedd Rheoliadau Hylendid Bwyd (Cymru) 2005 yn darparu ar gyfer gweithredu a gorfodi o ran Cymru offerynnau penodol y Gymuned, y cyfeirir atynt yn y Rheoliadau hyn fel "Rheoliadau'r Gymuned". Offerynnau'r Gymuned sydd o dan sylw yw'r rheini a bennir yn is-baragraffau (a) i (c) o baragraff 4 isod. Drwy estyn y diffiniad o'r ymadrodd "Rheoliadau'r Gymuned" yn y Rheoliadau hyn i gynnwys offerynnau'r Gymuned a bennir yn is-baragraffau (ch) a (d) o baragraff 4 isod, mae'r Rheoliadau hyn yn darparu ar gyfer gweithredu a gorfodi o ran Cymru holl offerynnau'r Gymuned a bennir yn y paragraff hwnnw.

3. Diffinnir offerynnau'r Gymuned a bennir ym mharagraff 4 isod yn Atodlen 1. Mae'r Rheoliadau hyn yn diweddaru'r diffiniadau o offerynnau'r Gymuned a bennir yn is-baragraffau (a) i (c) o baragraff 4 isod er mwyn cymryd i ystyriaeth Reoliadau penodol y Comisiwn sydd yn dod i rym ac yn dod yn gymwys ar 11 Ionawr 2006. Mae Rheoliadau'r Comisiwn yn diwygio offerynnau hynny y Gymuned neu yn ôl y digwydd yn effeithio ar y dull y darllenir hwy.

4. Dyma Offerynnau'r Gymuned-

(a) Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ar hylendid bwydydd (OJ Rhif L139, 30.4.2004, t.1); mae testun diwygiedig y

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 31 (W.5)

FOOD, WALES

The Food Hygiene (Wales) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations revoke and re-enact with changes the Food Hygiene (Wales) Regulations 2005 (S.I. 2005/3292 (W.252)).

2. The Food Hygiene (Wales) Regulations 2005 provided for the execution and enforcement in relation to Wales of certain Community instruments, referred to in those Regulations as "the Community Regulations". The Community instruments in question are those specified in sub-paragraphs (a) to (c) of paragraph 4 below. By extending the definition of the phrase "the Community Regulations" in these Regulations to include the Community instruments specified in sub-paragraphs (d) and (e) of paragraph 4 below, these Regulations provide for the execution and enforcement in relation to Wales of all the Community instruments specified in that paragraph.

3. The Community instruments specified in paragraph 4 below are defined in Schedule 1. These Regulations update the definitions of the Community instruments specified in sub-paragraphs (a) to (c) of paragraph 4 below to take account of certain Commission Regulations that both enter into force on and apply from 11 January 2006. The Commission Regulations amend those Community instruments or as the case may be affect the way that they are to be read.

4. The Community Instruments are-

(a) Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs (OJ No. L139,

Rheoliad hwn wedi'i osod bellach mewn Corigendwm, OJ Rhif L226, 25.6.2004, t.3);

(b) Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor yn gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid (OJ Rhif L139, 30.4.2004, t.55; mae testun diwygiedig y Rheoliad hwn wedi'i osod bellach mewn Corigendwm OJ Rhif L226, 25.6.2004, t.22);

(c) Rheoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor yn gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n dod o anifeiliaid ac a fwriedir ar gyfer eu bwyta gan bobl (OJ Rhif L155, 30.4.2004, t.206; mae testun diwygiedig y Rheoliad hwn wedi'i osod bellach mewn Corigendwm, OJ Rhif L226, 25.6.2004, t.83);

(ch) Rheoliad y Comisiwn (EC) Rhif 2073/2005 ar feini prawf microbioloegol ar gyfer bwydydd (OJ Rhif L338, 22.12.2005, t.1); a

(d) Rheoliad y Comisiwn (EC) Rhif 2075/2005 sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer *Trichinella* mewn cig (OJ Rhif L338, 22.12.2005, t.60).

5. Y prif newidiau eraill a wneir gan y Rheoliadau hyn yw-

(a) bod y trefniadau gorfodi blaenorol yn cael eu newid; a

(b) bod rychwant Atodlen 5 (y modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm) yn cael ei hymestyn yng ngoleuni Erthygl 3 o Reoliad y Comisiwn (EC) Rhif 2076/2005 sy'n gosod trefniadau trosiannol ar gyfer gweithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004 ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac sy'n diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004 (OJ Rhif L338, 22.12.2005, t.83).

6. Mae'r Rheoliadau hyn-

(a) yn creu rhagdybiaethau penodol y bwriedir bwyd penodedig, at ddibenion y Rheoliadau hyn, ar gyfer ei fwyta gan bobl (rheoliad 3);

(b) yn darparu mai'r Asiantaeth Safonau Bwyd yw'r awdurdod cymwys at ddibenion Rheoliadau'r Gymuned ac eithrio pan fo ganddi gymwyseddau dirprwyedig (rheoliad 4);

(c) yn gwneud darpariaeth ar gyfer gorfodi a gweithredu'r Rheoliadau hyn a Rheoliadau'r Gymuned (rheoliad 5);

(ch) yn darparu bod y mesurau gorfodi canlynol ar gael mewn perthynas â gweithredydd busnes bwyd -

30.4.2004, p.1; the revised text of this Regulation is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.3);

(b) Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (OJ No. L139, 30.4.2004, p.55; the revised text of this Regulation is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.22);

(c) Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ No. L155, 30.4.2004, p.206; the revised text of this Regulation is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.83);

(d) Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs (OJ No. L338, 22.12.2005, p.1); and

(e) Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for Trichinella in meat (OJ No. L338, 22.12.2005, p.60).

5. The other major changes made by these Regulations are that-

(a) the previous enforcement arrangements are altered; and

(b) the scope of Schedule 5 (direct supply by the producer of small quantities of meat from poultry or lagomorphs slaughtered on the farm) is extended in the light of Article 3 of Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004 (OJ No. L338, 22.12.2005, p.83).

6. These Regulations-

(a) create certain presumptions that, for the purposes thereof, specified food is intended for human consumption (regulation 3);

(b) provide that the Food Standards Agency is the competent authority for the purposes of the Community Regulations except where it has delegated competences as provided for in the Community Regulations (regulation 4);

(c) make provision for the enforcement and execution of these Regulations and of the Community Regulations (regulation 5);

(d) provide for the following enforcement measures to be available in respect of a food business operator -

(i) hysbysiadau gwella hylendid (rheoliad 6);

(ii) gorchmynion gwahardd at ddibenion hylendid (rheoliad 7);

(iii) hysbysiadau a gorchmynion gwahardd brys at ddibenion hylendid (rheoliad 8); a

(iv) hysbysiadau camau cywiro a hysbysiadau cadw (rheoliad 9);

(d) yn darparu, pan fo tramgwydd o dan y Rheoliadau hyn wedi'i gyflawni oherwydd gweithred neu ddiffyg gweithred rhyw berson arall, fod y person arall hwnnw'n euog o'r tramgwydd (rheoliad 10);

(dd) yn darparu ei bod yn amddiffyniad mewn achos cyfreithiol am dramgwydd o dan y Rheoliadau hyn i'r sawl a gyhuddir brofi ei fod wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd (rheoliad 11);

(e) yn darparu ar gyfer caffael a dadansoddi samplau (rheoliadau 12 a 13 yn y drefn honno);

(f) yn darparu pwerau mynediad i swyddogion awdurdodedig awdurdod gorfodi; (rheoliad 14);

(ff) yn darparu ar gyfer tramgwydd o rwystro swyddog (rheoliad 15);

(g) yn darparu terfyn amser ar gyfer dwyn erlyniadau (rheoliad 16);

(ng) yn darparu y bydd person sy'n mynd yn groes i ddarpariaethau penodedig Rheoliad 852/2004 neu Reoliad 853/2004 neu'n methu â chydymffurfio â hwy yn euog o dramgwydd (rheoliad 17(1));

(h) yn darparu cosbau am dramgwyddau (rheoliad 17(2) a (3));

(i) yn darparu na fernir bod person wedi mynd yn groes i ddarpariaeth benodedig yn Rheoliad (EC) 852/2004, neu wedi methu â chydymffurfio â hi, (gofyniad bod swmp-ddeunyddiau bwyd ar ffurf hylif, gronynnau neu bowdr i'w cludo mewn daliedyddion a/neu gynwysyddion/tanceri sydd wedi'u neilltuo ar gyfer cludo deunyddiau bwyd) ar yr amod bod gofynion Atodlen 3 yn cael eu bodloni (rheoliad 17 (4));

(j) yn darparu, os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan gorff corfforaethol wedi'i gyflawni gyda chydsyniad neu ymoddefiad swyddog i'r corff corfforaethol, neu berson a oedd yn honni ei fod yn gweithredu yn rhinwedd swydd o'r fath, neu os gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran y swyddog neu'r person hwnnw, y bydd y swyddog neu'r person hwnnw, yn ogystal â'r corff corfforaethol, yn cael ei gyfrif yn euog o'r tramgwydd hwnnw ac

(i) hygiene improvement notices (regulation 6),

(ii) hygiene prohibition orders (regulation 7),

(iii) hygiene emergency prohibition notices and orders (regulation 8), and

(iv) remedial action notices and detention notices (regulation 9);

(e) provide that where the commission of an offence under these Regulations is due to the act or default of some other person that other person is guilty of the offence (regulation 10);

(f) provide that in proceedings for an offence under these Regulations it is a defence for the accused to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence (regulation 11);

(g) provide for the procurement and analysis of samples (regulations 12 and 13);

(h) provide powers of entry for authorised officers of an enforcement authority (regulation 14);

(i) create the offence of obstructing an officer (regulation 15);

(j) provide a time limit for bringing prosecutions (regulation 16);

(k) provide that a person who contravenes or fails to comply with specified provisions of Regulation (EC) No. 852/2004 or Regulation (EC) No. 853/2004 is guilty of an offence (regulation 17(1));

(l) provide penalties for offences (regulation 17(2) and (3));

(m) provide that a person is considered not to have contravened or failed to comply with a specified provision of Regulation (EC) No. 852/2004 (requirement for bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/ tankers reserved for the transport of foodstuffs) provided the requirements of Schedule 3 are complied with (regulation 17(4));

(n) provide that where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate or a person purporting to act as such that officer or person as well as the body corporate is deemed to be guilty of that offence and may be proceeded against and punished accordingly (regulation 18);

y caniateir i achos cyfreithiol gael ei ddwyn yn ei erbyn ac iddo gael ei gosbi yn unol â hynny (rheoliad 18);

(l) os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan bartneriaeth Albanaidd wedi'i gyflawni gyda chydsyniad neu ymoddefiad partner, neu os gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran y partner hwnnw, y bydd y partner hwnnw, yn ogystal â'r bartneriaeth, yn cael ei gyfrif yn euog o'r tramgwydd hwnnw ac y caniateir i achos cyfreithiol gael ei ddwyn yn ei erbyn ac iddo gael ei gosbi yn unol â hynny (rheoliad 19);

(ll) yn darparu hawl i apelio ynglŷn â-

(i) cyflwyno hysbysiad gwella hylendid neu hysbysiad cymryd camau adfer,

(ii) gwrthodiad gan awdurdod gorfodi i ddyroddi tystysgrif o dan ddarpariaethau penodol i'r perwyl ei fod wedi'i fodloni bod gweithredydd busnes bwyd wedi cymryd camau i sicrhau nad yw'r amod o risg iechyd bellach wedi'i gyflawni o ran y busnes bwyd sydd o dan sylw, a

(iii) gwneud gorchymyn gwahardd hylendid neu orchymyn gwahardd hylendid brys (rheoliadau 20 i 22);

(m) yn darparu ar gyfer cymhwyso adran 9 o Ddeddf Diogelwch Bwyd 1990 (1990 p. 16) (rheoliad 23);

(n) yn darparu bod Cynulliad Cenedlaethol Cymru yn dyroddi i awdurdodau bwyd godau arferion a argymhellir (rheoliad 24);

(o) yn darparu ar gyfer diogelu swyddogion sy'n gweithredu'n ddidwyll (rheoliad 25);

(p) yn darparu ar gyfer dirymu neu atal dros dro ddynodiad neu, yn ôl y digwydd, penodiad swyddogion penodedig (rheoliad 26);

(ph) yn darparu bod rhaid i unrhyw fwyd y mae swyddog awdurdodedig i awdurdod gorfodi wedi ardystio nad yw'r bwyd hwnnw wedi'i gynhyrchu, wedi'i brosesu nac wedi'i ddosbarthu yn unol â'r Rheoliadau Hylendid, gael ei drin at ddibenion adran 9 o Ddeddf Diogelwch Bwyd 1990 fel bwyd sy'n methu â chydymffurfio â gofynion diogelwch bwyd (rheoliad 27);

(r) yn darparu ar gyfer cyflwyno dogfennau (rheoliad 28);

(rh) yn darparu bod y gofynion a nodir yn yr Atodlenni canlynol yn effeithiol-

(i) Atodlen 3 (swmpgludo olewau hylifol neu frasterau hylifol ar longau mordwyol a swmpgludo siwgr crai dros y môr) (rheoliad 29);

(o) provide that where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner that partner as well as the partnership is deemed to be guilty of that offence and may be proceeded against and punished accordingly (regulation 19);

(p) provide a right of appeal in respect of-

(i) the service of a hygiene improvement notice or a remedial action notice,

(ii) the refusal of an enforcement authority to issue a certificate under specified provisions to the effect that they are satisfied that a food business operator has taken measures to secure that the health risk condition is no longer fulfilled with respect to the food business concerned, and

(iii) the making of a hygiene prohibition order or a hygiene emergency prohibition order (regulations 20 to 22);

(q) provide for the application, for the purposes thereof, of section 9 of the Food Safety Act 1990 (1990 c. 16), but with a specified modification (regulation 23);

(r) provide for the issue to food authorities by the National Assembly for Wales of codes of recommended practice (regulation 24);

(s) provide for the protection of officers acting in good faith (regulation 25);

(t) provide for the revocation or suspension of the designation or as the case may be appointment of specified officials (regulation 26);

(u) provide that when an authorised officer of an enforcement authority has certified that any food has not been produced, processed or distributed in compliance with these Regulations and the Community Regulations, it must be treated for the purposes of section 9 of the Food Safety Act 1990 as failing to comply with food safety requirements (regulation 27);

(v) provide for the service of documents (regulation 28);

(w) provide that the requirements set out in the following Schedules have effect-

(i) Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar) (regulation 29),

(ii) Atodlen 4 (gofynion rheoli tymheredd) (rheoliad 30);

(iii) Atodlen 5 (y modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm) (rheoliad 31); a

(iv) Atodlen 6 (cyfyngiadau ar werthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl (rheoliad 32);

(s) yn gwneud diwygiadau canlyniadol i offerynnau penodedig (rheoliad 33); a

(t) yn dirymu Rheoliadau Hylendid Bwyd (Cymru) 2005 (rheoliad 34).

7. Mae Arfarniad Rheoliadol llawn am yr effaith a gaiff y Rheoliadau hyn ar gostau busnes wedi'i baratoi a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau ohono oddi wrth yr Asiantaeth Safonau Bwyd, Southgate House, Wood Street, Caerdydd CF10 1EW.

(ii) Schedule 4 (temperature control requirements) (regulation 30),

(iii) Schedule 5 (direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm) (regulation 31), and

(iv) Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption (regulation 32);

(x) make consequential amendments to specified instruments (regulation 33); and

(y) revoke the Food Hygiene (Wales) Regulations 2005 (regulation 34).

7. A full Regulatory Appraisal on the effect that these Regulations will have on the costs of business has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, Southgate House, Wood Street, Cardiff CF10 1EW.

OFFERYNNAU STATUDOL

2006 Rhif 31 (Cy.5)

BWYD, CYMRU

Rheoliadau Hylendid Bwyd (Cymru) 2006

Wedi'u gwneud	*10 Ionawr 2006*
Yn dod i rym	*11 Ionawr 2006*

TREFN Y RHEOLIADAU

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5. Gorfodi.

RHAN II
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6. Hysbysiadau gwella hylendid.
7. Gorchmynion gwahardd at ddibenion hylendid.
8. Hysbysiadau a gorchmynion gwahardd brys at ddibenion hylendid.
9. Hysbysiadau camau cywiro a hysbysiadau cadw.
10. Tramgwyddau oherwydd bai person arall.
11. Amddiffyniad diwydrwydd dyladwy.

RHAN III
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12. Caffael samplau.
13. Dadansoddi etc. samplau.
14. Pwerau mynediad.
15. Rhwystro etc. swyddogion.
16. Y terfyn amser ar gyfer erlyniadau.
17. Tramgwyddau a chosbau.
18. Tramgwyddau gan gyrff corfforaethol.

STATUTORY INSTRUMENTS

2006 No. 31 (W.5)

FOOD, WALES

The Food Hygiene (Wales) Regulations 2006

Made	*10 January 2006*
Coming into force	*11 January 2006*

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9. Remedial action notices and detention notices.
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17. Offences and penalties.
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20. Yr hawl i apelio.
21. Apelau i Lys y Goron.
22. Apelau yn erbyn hysbysiadau gwella hylendid a hysbysiadau camau cywiro.
23. Cymhwyso adran 9 o Ddeddf Diogelwch Bwyd 1990.

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25. Amddiffyn swyddogion sy'n gweithredu'n ddidwyll.
26. Dirymu dynodiadau a phenodiadau a'u hatal dros dro.
27. Bwyd nad yw wedi'i gynhyrchu, wedi'i brosesu nac wedi'i ddosbarthu yn unol â'r Rheoliadau Hylendid.
28. Cyflwyno dogfennau.
29. Swmpgludo olewau hylifol neu frasterau hylifol ar longau mordwyol a swmpgludo siwgr crai dros y môr
30. Gofynion rheoli tymheredd.
31. Y modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm.
32. Cyfyngiadau ar werthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl a diwygiadau i Reoliadau Labelu Bwyd 1996.
33. Diwygiadau Canlyniadol.
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ATODLEN 3 — SWMPGLUDO OLEWAU HYLIFOL NEU FRASTERAU HYLIFOL AR LONGAU MORDWYOL A SWMPGLUDO SIWGR CRAI DROS Y MÔR.
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ATODLEN 6 — CYFYNGIADAU AR WERTHU LLAETH CRAI A FWRIEDIR AR GYFER EI YFED YN UNIONGYRCHOL GAN BOBL.

ATODLEN 7 — DIWYGIADAU CANLYNIADOL.

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(**1**) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**2**) o ran mesurau sy'n ymwneud â bwyd (gan gynnwys diod), gan gynnwys cynhyrchu sylfaenol o ran bwyd, drwy arfer y pwerau a roddwyd gan yr adran honno, a thrwy arfer y pwerau a roddwyd gan adrannau 16(1)(e) o Ddeddf Diogelwch Bwyd 1990(**3**) ac sydd bellach wedi'u breinio ynddo(**4**), ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf Diogelwch Bwyd i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar Ùl ymgynghori cyhoeddus agored a thryloyw fel sy'n ofynnol o dan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**5**), yn gwneud y Rheoliadau a ganlyn:

RHAN I

MATERION RHAGARWEINIOL

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Hylendid Bwyd (Cymru) 2006, deuant i rym ar 11 Ionawr 2006 ac maent yn gymwys o ran Cymru.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

ystyr "yr Asiantaeth" *("the Agency")* yw'r Asiantaeth Safonau Bwyd;

mae i "awdurdod bwyd" yr ystyr y mae *"food authority"* yn ei ddwyn yn rhinwedd adran 5(1A) o'r Ddeddf;

SCHEDULE 6 — RESTRICTIONS ON THE SALE OF RAW MILK INTENDED FOR DIRECT HUMAN CONSUMPTION.

SCHEDULE 7 — CONSEQUENTIAL AMENDMENTS.

The National Assembly for Wales, being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to food (including drink), including the primary production of food, in exercise of the powers conferred by that section, and in exercise of the powers conferred by sections 16(1)(e) of the Food Safety Act 1990(**3**) and now vested in it(**4**), having had regard in accordance with section 48(4A) of the Food Safety Act to relevant advice given by the Food Standards Agency and after open and transparent public consultation both 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(**5**), makes the following Regulations:

PART 1

PRELIMINARY

Title, commencement and application

1. The title of these Regulations is the Food Hygiene (Wales) Regulations 2006, they come into force on 11 January 2006, and apply in relation to Wales.

Interpretation

2.-(1) In these Regulations-

"the Act" *("y Ddeddf")* means the Food Safety Act 1990(**6**);

"the Agency" *("yr Asiantaeth")* means the Food Standards Agency;

(**1**) O.S. 2005/1971.

(**2**) 1972 p.68.

(**3**) 1990 p.16.

(**4**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, 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'r Ddeddf Safonau Bwyd.

(**5**) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor (OJ Rhif L245, 29.9.2003, t.4).

(**1**) S.I. 2005/1971.

(**2**) 1972 c.68.

(**3**) 1990 c.16.

(**4**) Functions of the Secretary of State under the Food Safety Act 1990, 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.

(**5**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (OJ No. L245, 29.9.2003, p.4).

(**6**) 1990 c. 16.

ystyr "awdurdod gorfodi" *("enforcement authority")* yw'r awdurdod sy'n gyfrifol, yn rhinwedd rheoliad 5, dros orfodi a gweithredu'r Rheoliadau Hylendid;

ystyr "darpariaeth Gymunedol benodedig" *("specified Community provision")* yw unrhyw ddarpariaeth yn Rheoliadau'r Gymuned a bennir yng ngholofn 1 o Atodlen 2 ac y mae pwnc y ddarpariaeth honno wedi'i ddisgrifio yng ngholofn 2 o'r Atodlen honno;

ystyr "y Ddeddf" *("the Act")* yw Deddf Diogelwch Bwyd 1990(**1**);

mae "mangre" *("premises")* yn cynnwys unrhyw sefydliad, unrhyw le, cerbyd, stondin neu adeiladwaith symudol ac unrhyw long neu awyren;

mae i "Rheoliad 178/2002" *("Regulation 178/2002")*, "Rheoliad 852/2004" *("Regulation 852/2004")*, "Rheoliad 853/2004" *("Regulation 853/2004")*, "Rheoliad 854/2004" *("Regulation 854/2004")*, "Cyfarwyddeb 2004/41" *("Directive 2004/41")*, "Rheoliad 882/2004" *("Regulation 882/2004")*, "Rheoliad 1688/2005" *("Regulation 1688/2005")*, "Rheoliad 2073/2005" *("Regulation 2073/2005")*, "Rheoliad 2074/2005" *("Regulation 2074/2005")*, "Rheoliad 2075/2005" *("Regulation 2075/2005")* a "Rheoliad 2076/2005" *("Regulation 2076/2005")* yr ystyr a roddir iddynt yn Ùl eu trefn yn Atodlen 1;

ystyr "y Rheoliadau Hylendid" *("the Hygiene Regulations")* yw'r Rheoliadau hyn a Rheoliadau'r Gymuned;

ystyr "Rheoliadau'r Gymuned" *("the Community Regulations")* yw Rheoliad 852/2004, Rheoliad 853/2004, Rheoliad 854/2004, Rheoliad 2073/2005 a Rheoliad 2075/2005; ac

ystyr "swyddog awdurdodedig" *("authorised officer")*, o ran awdurdod gorfodi, yw unrhyw berson (boed yn swyddog i'r awdurdod neu beidio) sydd wedi'i awdurdodi'n ysgrifenedig gan yr awdurdod hwnnw, naill ai'n gyffredinol neu'n arbennig, i weithredu mewn materion sy'n codi o dan y Rheoliadau Hylendid.

(2) Yn ddarostyngedig i baragraff (3), mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn, ac eithrio'r un a ddiffinnir ym mharagraff (1), ac y defnyddir yr ymadrodd Saesneg cyfatebol yn y Ddeddf, yr ystyr a roddir i'r ymadrodd Saesneg cyfatebol hwnnw yn y Ddeddf.

"authorised officer" *("swyddog awdurdodedig")*, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by them in writing, either generally or specially, to act in matters arising under the Hygiene Regulations;

"the Community Regulations" *("Rheoliadau'r Gymuned")* means Regulation 852/2004, Regulation 853/2004, Regulation 854/2004, Regulation 2073/2005 and Regulation 2075/2005;

"enforcement authority" *("awdurdod gorfodi")* means the authority which, by virtue of regulation 5, is responsible for enforcing and executing the Hygiene Regulations;

"food authority" *("awdurdod bwyd")* has the meaning that it bears by virtue of section 5(1A) of the Act;

"the Hygiene Regulations" *("y Rheoliadau Hylendid")* means these Regulations and the Community Regulations;

"premises" *("mangre")* includes any establishment, any place, vehicle, stall or moveable structure and any ship or aircraft;

"Regulation 178/2002" *("Rheoliad 178/2002")*, "Regulation 852/2004" *("Rheoliad 852/2004")*, "Regulation 853/2004" *("Rheoliad 853/2004")*, "Regulation 854/2004" *("Rheoliad 854/2004")*, "Directive 2004/41" *("Cyfarwyddeb 2004/41")*, "Regulation 882/2004" *("Rheoliad 882/2004")*, "Regulation 1688/2005" *("Rheoliad 1688/2004")*, "Regulation 2073/2005" *("Rheoliad 2073/2005")*, "Regulation 2074/2005" *("Rheoliad 2074/2005")*, "Regulation 2075/2005" *("Rheoliad 2075/2005")* and "Regulation 2076/2005" *("Rheoliad 2076/2005")* have the meanings respectively given to them in Schedule 1; and

"specified Community provision" ("darpariaeth Gymunedol benodedig") means any provision of the Community Regulations that is specified in column 1 of Schedule 2 and whose subject-matter is described in column 2 of that Schedule.

(2) Subject to paragraph (3), any expression other than one defined in paragraph (1) that is used both in these Regulations and in the Act has the meaning it bears in the Act.

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

(3) Onid yw'r cyd-destun yn mynnu fel arall, mae i unrhyw ymadrodd a ddefnyddir yn y Rheoliadau hyn ac y defnyddir yr ymadrodd Saesneg cyfatebol yn Rheoliad 178/2002 neu Reoliadau'r Gymuned yr ystyr a roddir i'r ymadrodd Saesneg cyfatebol hwnnw yn Rheoliad 178/2002 neu Reoliadau'r Gymuned yn ôl y digwydd.

(4) Pan gaiff unrhyw swyddogaethau o dan y Ddeddf eu haseinio-

(a) drwy orchymyn o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Haint) 1984(**1**), i awdurdod iechyd porthladd neu

(b) drwy orchymyn o dan adran 6 o Ddeddf Iechyd y Cyhoedd 1936(**2**), i gyd-bwyllgor dros ranbarth unedig;

dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at awdurdod bwyd, i'r graddau y mae'n ymwneud â'r swyddogaethau hynny, fel cyfeiriad at yr awdurdod yr aseiniwyd hwy iddo.

(5) Pan fyddai unrhyw gyfnod o lai na saith niwrnod a bennir yn y Rheoliadau hyn, ar wahân i'r paragraff hwn, yn cynnwys unrhyw ddiwrnod sydd-

(a) yn ddydd Sadwrn, yn ddydd Sul, yn ddydd Nadolig neu'n ddydd Gwener y Groglith; neu

(b) yn ddiwrnod sy'n ŵyl y banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971(**3**),

hepgorir y diwrnod hwnnw o'r cyfnod.

Rhagdybiaethau y bwriedir bwyd ar gyfer ei fwyta gan bobl

3.-(1) Mae'r paragraffau canlynol yn gymwys at ddibenion y Rheoliadau hyn.

(2) Rhaid rhagdybio, hyd nes y profir y gwrthwyneb, fod unrhyw fwyd a ddefnyddir yn gyffredin ar gyfer ei fwyta gan bobl, os yw wedi'i roi ar y farchnad neu wedi'i gynnig, wedi'i arddangos neu wedi'i gadw i'w roi ar y farchnad, wedi cael ei roi ar y farchnad neu, yn ôl y digwydd, y bwriadwyd neu y bwriedir ei roi ar y farchnad ar gyfer ei fwyta gan bobl.

(3) Rhagdybir, hyd nes y profir y gwrthwyneb, y bwriedir y canlynol, sef-

(a) unrhyw fwyd a ddefnyddir yn gyffredin ar gyfer ei fwyta gan bobl ac a geir ar fangre a ddefnyddir ar gyfer paratoi neu storio'r bwyd hwnnw neu ar gyfer ei roi ar y farchnad; a

(b) unrhyw eitem neu sylwedd a ddefnyddir yn gyffredin i weithgynhyrchu bwyd ar gyfer ei fwyta gan bobl ac a geir ar fangre a ddefnyddir ar gyfer paratoi neu storio'r bwyd hwnnw neu ar gyfer ei roi ar y farchnad

(**1**) 1984 p.22; amnewidiwyd adran 7(3)(d) gan baragraff 27 o Atodlen 3 i Ddeddf Diogelwch Bwyd (1990 p.16).

(**2**) 1936 p.49; mae adran 6 i'w darllen gyda pharagraff 1 o Atodlen 3 i Ddeddf Diogelwch Bwyd 1990.

(**3**) 1971 p.80.

(3) Unless the context otherwise requires, any expression used both in these Regulations and in Regulation 178/2002 or the Community Regulations has the meaning it bears in Regulation 178/2002 or the Community Regulations, as the case may be.

(4) Where any functions under the Act are assigned-

(a) by an order under section 2 of the Public Health (Control of Disease) Act 1984(**1**), to a port health authority; or

(b) by an order under section 6 of the Public Health Act 1936(**2**), to a joint board for a united district,

any reference in these Regulations to a food authority shall be construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

(5) Where, apart from this paragraph, any period of less than seven days which is specified in these Regulations would include any day which is-

(a) a Saturday, a Sunday, Christmas Day or Good Friday; or

(b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**3**),

that day will be excluded from the period.

Presumptions that food is intended for human consumption

3.-(1) The following paragraphs apply for the purposes of these Regulations.

(2) Any food commonly used for human consumption will, if placed on the market or offered, exposed or kept for placing on the market, be presumed, until the contrary is proved, to have been placed on the market or, as the case may be, to have been or to be intended for placing on the market for human consumption.

(3) The following, namely-

(a) any food commonly used for human consumption which is found on premises used for the preparation, storage, or placing on the market of that food; and

(b) any article or substance commonly used in the manufacture of food for human consumption which is found on premises used for the preparation, storage or placing on the market of that food,

(**1**) 1984 c.22; section 7(3)(d) was substituted by paragraph 27 of Schedule 3 to the Food Safety Act 1990 (1990 c.16).

(**2**) 1936 c.49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

(**3**) 1971 c.80.

ar gyfer ei roi ar y farchnad, neu ar gyfer gweithgynhyrchu bwyd i'w roi ar y farchnad, ar gyfer ei fwyta gan bobl.

(4) Rhagdybir, hyd nes y profir y gwrthwyneb, y bwriedir unrhyw eitem neu sylwedd y mae modd ei defnyddio neu ei ddefnyddio i fod yn gyfansoddyn unrhyw fwyd neu i baratoi unrhyw fwyd a ddefnyddir yn gyffredin ar gyfer ei fwyta gan bobl ac a geir ar fangre lle mae'r bwyd hwnnw'n cael ei baratoi, ar gyfer defnydd o'r fath.

Yr awdurdod cymwys

4. Yr Asiantaeth yw'r awdurdod cymwys at ddibenion Rheoliadau'r Gymuned ac eithrio pan fo wedi dirprwyo cymwyseddau fel y darperir ar ei gyfer yn y Rheoliadau hynny.

Gorfodi

5.-(1) O ran unrhyw weithredydd busnes bwyd y mae Rheoliad 852/2004 yn gymwys i'w weithrediadau ond nad yw Rheoliad 853/2004 yn gymwys iddynt-

(a) rhaid i'r Asiantaeth neu'r awdurdod bwyd y mae'r gweithredydd busnes bwyd yn cyflawni ei weithrediadau yn ei ardal orfodi a gweithredu'r Rheoliadau Hylendid i'r graddau y mae'r gweithredydd o dan sylw yn cyflawni gwaith cynhyrchu sylfaenol a'r gweithrediadau cysylltiedig hynny a restrir ym mharagraff 1 o Ran AI o Atodiad I i Reoliad 852/2004 heblaw'r gweithrediadau cysylltiedig a ddisgrifir yn is-baragraffau (a) ac (c) o'r paragraff hwnnw i'r graddau y maent yn ymwneud ag anifeiliaid hela gwyllt; a

(b) rhaid i'r awdurdod bwyd y mae'r gweithredydd busnes bwyd yn cyflawni ei weithrediadau yn ardal yr awdurdod bwyd hwnnw orfodi a gweithredu'r Rheoliadau Hylendid i'r graddau y mae'r gweithredydd o dan sylw yn cyflawni gwaith cynhyrchu sylfaenol a'r gweithrediadau nad ydynt yn cael eu gorfodi a'u gweithredu gan yr Asiantaeth yn unol ag is-baragraff (a).

(2) O ran unrhyw weithredydd busnes bwyd y mae Rheoliad 852/2004 a Rheoliad 853/2004 ill dau yn gymwys i'w weithrediadau-

(a) rhaid i'r Asiantaeth orfodi a gweithredu'r Rheoliadau Hylendid i'r graddau y mae'r gweithredydd o dan sylw yn cyflawni gweithrediadau mewn perthynas â'r sefydliadau a'r gweithgareddau canlynol-

(i) lladd-dai,

(ii) sefydliadau sy'n trin anifeiliaid hela, neu

(iii) safleoedd torri sy'n rhoi cig ffres ar y farchnad, a

will be presumed, until the contrary is proved, to be intended for placing on the market, or for manufacturing food for placing on the market, for human consumption.

(4) Any article or substance capable of being used in the composition or preparation of any food commonly used for human consumption which is found on premises on which that food is prepared will, until the contrary is proved, be presumed to be intended for such use.

Competent authority

4. The competent authority for the purposes of the Community Regulations is the Agency except where it has delegated competencies as provided for in those Regulations.

Enforcement

5.-(1) In respect of any food business operator to whose operations Regulation 852/2004 applies but Regulation 853/2004 does not apply-

(a) the Agency or the food authority in whose area the food business operator carries out his or her operations must enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out primary production and those associated operations listed in paragraph 1 of Part AI of Annex I to Regulation 852/2004 other than the associated operations described in sub-paragraphs (a) and (c) of that paragraph to the extent that they concern wild game; and

(b) the food authority in whose area the food business operator carries out his or her operations must enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations which are not executed and enforced by the Agency or the food authority as provided for in sub-paragraph (a).

(2) In respect of any food business operator to whose operations both Regulation 852/2004 and Regulation 853/2004 apply-

(a) the Agency must enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to-

(i) a slaughterhouse,

(ii) a game handling establishment, or

(iii) a cutting plant; and

(b) rhaid i'r Asiantaeth neu'r awdurdod bwyd y mae'r gweithredydd busnes bwyd yn cyflawni ei weithrediadau yn ardal yr awdurdod bwyd hwnnw orfodi a gweithredu'r Rheoliadau Hylendid i'r graddau y mae'r gweithredydd o dan sylw yn cyflawni gwaith cynhyrchu sylfaenol a'r gweithrediadau nad ydynt yn cael eu gorfod a'u gweithredu gan yr Asiantaeth yn unol ag is-baragraff (a).

(b) the Agency or the food authority in whose area the food business operator carries out his or her operations must enforce and execute the Hygiene Regulations in so far as the operator concerned is carrying out operations in relation to any establishment that is not specified in sub-paragraph (a).

(3) O ran-

(a) canolfannau casglu a thanerdai sy'n cyflenwi deunyddiau crai ar gyfer cynhyrchu gelatin a fwriedir ar gyfer ei fwyta gan bobl yn unol â, pharagraff 5 o Bennod I Adran XIV o Atodiad III i Reoliad 853/2004; a

(b) canolfannau casglu a thanerdai sy'n cyflenwi deunyddiau crai ar gyfer cynhyrchu colagen a fwriedir ar gyfer ei fwyta gan bobl yn unol â, pharagraff 5 o Bennod I Adran XV o Atodiad III i Reoliad 853/2004,

(3) In respect of -

(a) collection centres and tanneries supplying raw material for the production of gelatine intended for human consumption pursuant to paragraph 5 of Chapter I of Section XIV of Annex III to Regulation 853/2004; and

(b) collection centres and tanneries supplying raw material for the production of collagen intended for human consumption pursuant to paragraph 5 of Chapter I of Section XV of Annex III to Regulation 853/2004,

rhaid i'r awdurdod bwyd y lleolir y ganolfan gasglu neu'r tanerdy o dan sylw yn ei ardal orfodi a gweithredu'r Rheoliadau hyn.

the food authority in whose area the collection centre or tannery concerned is situated must enforce and execute the Hygiene Regulations.

(4) Rhaid i bob awdurdod bwyd orfodi a gweithredu'r Rheoliadau hyn yn ei ardal mewn perthynas â'r materion a reoleiddir gan-

(a) Atodlenni 3 i 5; a

(b) Atodlen 6 i'r graddau y mae'n gymwys mewn perthynas â llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl ac eithrio llaeth buchod crai.

(4) Each food authority must enforce and execute these Regulations in its area in relation to the matters regulated by-

(a) Schedules 3 to 5; and

(b) Schedule 6 in so far as it applies in relation to raw milk intended for direct human consumption other than raw cows' milk.

(5) Rhaid i'r Asiantaeth orfodi a gweithredu'r Rheoliadau hyn mewn perthynas â'r materion a reoleiddir gan Atodlen 6 i'r graddau y mae'n gymwys mewn perthynas â llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl.

(5) The Agency must enforce and execute these Regulations in relation to the matters regulated by Schedule 6 in so far as it applies in relation to raw cows' milk intended for direct human consumption.

(6) Yn y rheoliad hwn-

ystyr "safle torri" (*"cutting plant"*) yw sefydliad a ddefnyddir ar gyfer tynnu esgyrn a/neu dorri cig ffres er mwyn ei roi ar y farchnad ac-

(a) sydd wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31(2) o Reoliad 882/2004; neu

(b) a oedd (er ei fod heb y gymeradwyaeth neu'r gymeradwyaeth amodol y mae ei hangen arno o dan erthygl 4(3) o Reoliad 853/2004) yn gweithredu ar 31 Rhagfyr 2005 fel mangre dorri drwyddedig o dan Reoliadau Cig Ffres

(6) In this regulation-

"cutting plant" *("safle torri")* means an establishment which is used for boning and/or cutting up fresh meat for placing on the market and which-

(a) is approved or conditionally approved under Article 31(2) of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31 December 2005, operating as licensed cutting premises under the Fresh Meat (Hygiene and Inspection)

(Hylendid ac Arolygu) 1995(**1**) neu Reoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995(**2**);

ystyr "sefydliad trin anifeiliaid hela" (*"game-handling establishment"*) yw unrhyw sefydliad lle caiff anifeiliaid hela a chig anifeiliaid hela a geir ar ôl hela eu paratoi i'w rhoi ar y farchnad ac-

(a) sydd wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31(2) o Reoliad 882/2004; neu

(b) (er nad oes ganddo'r gymeradwyaeth neu'r gymeradwyaeth amodol sy'n ofynnol o dan Erthygl 4(3) o Reoliad 853/2004) a oedd, ar 31 Rhagfyr 2005, yn gweithredu fel cyfleuster prosesu anifeiliaid hela gwyllt trwyddedig o dan Reoliadau Cig Ffres (Hylendid ac Arolygu 1995(**3**); ac

ystyr "lladd-dy" *("slaughterhouse")* yw sefydliad a ddefnyddir i gigydda a thrin anifeiliaid, y mae eu cig wedi'i fwriadu i'w fwyta gan bobl ac-

(a) sydd wedi'i gymeradwyo neu wedi'i gymeradwyo'n amodol o dan Erthygl 31(2) o Reoliad 882/2004; neu

(b) (er nad oes ganddo'r gymeradwyaeth neu'r gymeradwyaeth amodol sy'n ofynnol o dan Erthygl 4(3) o Reoliad 853/2004) a oedd, ar 31 Rhagfyr 2005, yn gweithredu fel lladd-dy trwyddedig o dan Reoliadau Cig Ffres (Hylendid ac Arolygu) 1995 neu Reoliadau Cig Dofednod, Cig Adar Hela a Ffermir a Chig Cwningod (Hylendid ac Arolygu) 1995.

RHAN II

Y PRIF DDARPARIAETHAU

Hysbysiadau gwella hylendid

6.–(1) Os bydd gan swyddog awdurdodedig i awdurdod gorfodi seiliau rhesymol dros gredu bod gweithredydd busnes bwyd yn methu â chydymffurfio â'r Rheoliadau Hylendid, caiff y swyddog drwy hysbysiad a gyflwynir i'r person hwnnw (hysbysiad y cyfeirir ato yn y Rheoliadau hyn fel "hysbysiad gwella hylendid")-

(a) datgan seiliau'r swyddog dros gredu bod y gweithredydd busnes bwyd yn methu, chydymffurfio â'r Rheoliadau Hylendid;

(b) pennu'r materion sy'n golygu bod y gweithredydd busnes bwyd wedi methu, chydymffurfio â'r Rheoliadau Hylendid;

(c) pennu'r mesurau y mae'n rhaid i'r gweithredydd busnes bwyd eu cymryd, ym

(**1**) O.S. 1995/539, a ddirymir gan y Rheoliadau hyn.

(**2**) O.S. 1995/540, a ddirymir gan y Rheoliadau hyn.

(**3**) O.S. 1995/2148, a ddirymir gan y Rheoliadau hyn.

Regulations 1995(**1**) or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995(**2**);

"game-handling establishment" *("sefydliad trin anifeiliaid hela")* means any establishment in which game and game meat obtained after hunting are prepared for placing on the market and which-

(a) is approved or conditionally approved under Article 31(2) of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31 December 2005, operating as a licensed wild game processing facility under the Wild Game Meat (Hygiene and Inspection) Regulations 1995(**3**); and

"slaughterhouse" *("lladd-dy")* means an establishment used for slaughtering and dressing animals, the meat of which is intended for human consumption and which-

(a) is approved or conditionally approved under Article 31(2) of Regulation 882/2004; or

(b) (although lacking the approval or conditional approval that it requires under Article 4(3) of Regulation 853/2004) was, on 31 December 2005, operating as a licensed slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995 or the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995.

PART 2

MAIN PROVISIONS

Hygiene improvement notices

6.-(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a food business operator is failing to comply with the Hygiene Regulations, the officer may by a notice served on that person (in these Regulations referred to as a "hygiene improvement notice")-

(a) state the officer's grounds for believing that the food business operator is failing to comply with the Hygiene Regulations;

(b) specify the matters which constitute the food business operator's failure to comply;

(c) specify the measures which, in the officer's opinion, the food business operator must take

(**1**) S.I. 1995/539, revoked by these Regulations.

(**2**) S.I. 1995/540, revoked by these Regulations.

(**3**) S.I. 1995/2148, revoked by these Regulations.

marn y swyddog, i sicrhau ei fod yn cydymffurfio; ac

(ch) ei gwneud yn ofynnol i'r gweithredydd busnes bwyd gymryd y mesurau hynny, neu'r mesurau sydd o leiaf yn gyfwerth â hwy, o fewn unrhyw gyfnod (heb fod yn llai na 14 diwrnod) a bennir yn yr hysbysiad.

(2) Bydd unrhyw berson sy'n methu, chydymffurfio â hysbysiad gwella hylendid yn euog o dramgwydd.

in order to secure compliance; and

(d) require the food business operator to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(2) Any person who fails to comply with a hygiene improvement notice will be guilty of an offence.

Gorchmynion gwahardd at ddibenion hylendid

7.–(1) Os-

(a) y caiff gweithredydd busnes bwyd ei gollfarnu o dramgwydd o dan y Rheoliadau hyn; a

(b) y caiff y llys y collfarnwyd y gweithredydd felly ganddo neu ger ei fron ei fodloni bod yr amod ynglŷn â risg iechyd wedi'i fodloni o ran y busnes bwyd o dan sylw,

bydd y llys yn gosod y gwaharddiad priodol drwy orchymyn.

(2) Bodlonir yr amod ynglŷn â risg iechyd mewn perthynas ag unrhyw fusnes bwyd os yw unrhyw un o'r canlynol yn cynnwys risg o niwed i iechyd (gan gynnwys unrhyw nam, boed hwnnw'n barhaol neu dros dro), sef-

(a) defnyddio at ddibenion y busnes unrhyw broses neu driniaeth;

(b) adeiladu unrhyw fangre a ddefnyddir at ddibenion y busnes, neu ddefnyddio at y dibenion hynny unrhyw gyfarpar; ac

(c) sefyllfa neu gyflwr unrhyw fangre neu gyfarpar a ddefnyddir at ddibenion y busnes.

(3) Y gwaharddiad priodol yw-

(a) mewn achos sy'n dod o dan is-baragraff (a) o baragraff (2), gwaharddiad ar ddefnyddio proses neu driniaeth at ddibenion y busnes;

(b) mewn achos sy'n dod o dan is-baragraff (b) o'r paragraff hwnnw, gwaharddiad ar ddefnyddio'r fangre neu'r cyfarpar at ddibenion y busnes neu unrhyw fusnes bwyd arall o'r un dosbarth neu ddisgrifiad; ac

(c) mewn achos sy'n dod o dan is-baragraff (c) o'r paragraff hwnnw, gwaharddiad ar ddefnyddio'r fangre neu'r cyfarpar at ddibenion unrhyw fusnes bwyd.

(4) Os-

(a) y bydd gweithredydd busnes bwyd yn cael ei gollfarnu o dramgwydd o dan y Rheoliadau hyn; a

Hygiene prohibition orders

7.-(1) If-

(a) a food business operator is convicted of an offence under these Regulations; and

(b) the court by or before which the operator is so convicted is satisfied that the health risk condition is fulfilled with respect to the food business concerned,

the court will by an order impose the appropriate prohibition.

(2) The health risk condition is fulfilled with respect to any food business if any of the following involves risk of injury to health (including any impairment, whether permanent or temporary), namely-

(a) the use for the purposes of the business of any process or treatment;

(b) the construction of any premises used for the purposes of the business, or the use for those purposes of any equipment; and

(c) the state or condition of any premises or equipment used for the purposes of the business.

(3) The appropriate prohibition is-

(a) in a case falling within sub-paragraph (a) of paragraph (2), a prohibition on the use of the process or treatment for the purposes of the business;

(b) in a case falling within sub-paragraph (b) of that paragraph, a prohibition on the use of the premises or equipment for the purposes of the business or any other food business of the same class or description; and

(c) in a case falling within sub-paragraph (c) of that paragraph, a prohibition on the use of the premises or equipment for the purposes of any food business.

(4) If-

(a) a food business operator is convicted of an offence under these Regulations; and

(b) y bydd y llys y cafodd y gweithredydd ei gollfarnu felly ganddo neu ger ei fron yn credu ei bod yn briodol gwneud hynny o dan holl amgylchiadau'r achos,

caiff y llys, drwy orchymyn, osod gwaharddiad a fyddai'n atal y gweithredydd busnes bwyd rhag cymryd rhan yng ngwaith rheoli unrhyw fusnes bwyd, neu unrhyw fusnes bwyd o ddosbarth neu ddisgrifiad a bennir yn y gorchymyn.

(5) Cyn gynted ag y bo'n ymarferol ar ôl gwneud gorchymyn o dan baragraff (1) neu (4) (gorchymyn y cyfeirir ato yn y Rheoliadau hyn fel "gorchymyn gwahardd at ddibenion hylendid"), rhaid i'r awdurdod gorfodi-

(a) cyflwyno copi o'r gorchymyn i'r gweithredydd busnes bwyd perthnasol; a

(b) yn achos gorchymyn a wnaed o dan baragraff (1), gosod copi o'r gorchymyn mewn lle amlwg ar unrhyw fangre a ddefnyddir at ddibenion y busnes bwyd ac y mae'n barnu ei bod yn briodol,

a bydd unrhyw berson sy'n mynd yn groes, gan wybod hynny, i orchymyn o'r fath yn euog o dramgwydd.

(6) Bydd gorchymyn gwahardd at ddibenion hylendid yn peidio â bod yn effeithiol-

(a) yn achos gorchymyn a wnaed o dan baragraff (1), pan fydd yr awdurdod gorfodi wedi dyroddi tystysgrif i'r perwyl ei fod wedi'i fodloni bod y gweithredydd busnes bwyd wedi cymryd mesurau digonol i sicrhau nad yw'r amod ynglŷn â risg iechyd yn cael ei fodloni mwyach mewn perthynas â'r busnes bwyd; a

(b) yn achos gorchymyn a wnaed o dan baragraff (4), pan fydd y llys yn rhoi cyfarwyddyd i'r perwyl hwnnw.

(7) Rhaid i'r awdurdod gorfodi ddyroddi tystysgrif o dan is-baragraff (a) o baragraff (6) cyn pen tri diwrnod ar ôl iddo gael ei fodloni yn y modd a grybwyllwyd yn yr is-baragraff hwnnw; ac ar gais gan y gweithredydd busnes bwyd am dystysgrif o'r fath, rhaid i'r awdurdod -

(a) penderfynu, cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 diwrnod, a yw wedi'i fodloni felly neu beidio; a

(b) os bydd yn penderfynu nad yw wedi'i fodloni felly, rhoi hysbysiad i'r gweithredydd busnes bwyd o'r rhesymau dros y penderfyniad hwnnw.

(8) Rhaid i'r llys roi cyfarwyddyd o dan is-baragraff (b) o baragraff (6) os yw'r llys, ar ôl cael cais gan y gweithredydd busnes bwyd, yn credu ei bod yn briodol gwneud hynny gan roi sylw i holl amgylchiadau'r achos, gan gynnwys yn benodol ymddygiad y gweithredydd busnes bwyd ers gwneud y gorchymyn; ond ni fydd unrhyw gais o'r fath yn cael ei ystyried os yw'n cael ei wneud-

(b) the court by or before which the operator is so convicted thinks it proper to do so in all the circumstances of the case,

the court may, by an order, impose a prohibition on the food business operator participating in the management of any food business, or any food business of a class or description specified in the order.

(5) As soon as practicable after the making of an order under paragraph (1) or (4) (in these Regulations referred to as a "hygiene prohibition order"), the enforcement authority must-

(a) serve a copy of the order on the relevant food business operator; and

(b) in the case of an order made under paragraph (1), affix a copy of the order in a conspicuous position on such premises used for the purposes of the food business as they consider appropriate,

and any person who knowingly contravenes such an order will be guilty of an offence.

(6) A hygiene prohibition order will cease to have effect-

(a) in the case of an order made under paragraph (1), on the issue by the enforcement authority of a certificate to the effect that they are satisfied that the food business operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the food business; and

(b) in the case of an order made under paragraph (4), on the giving by the court of a direction to that effect.

(7) The enforcement authority must issue a certificate under sub-paragraph (a) of paragraph (6) within three days of their being satisfied as mentioned in that sub-paragraph; and on an application by the food business operator for such a certificate, the authority must-

(a) determine, as soon as is reasonably practicable and in any event within 14 days, whether or not they are so satisfied; and

(b) if they determine that they are not so satisfied, give notice to the food business operator of the reasons for that determination.

(8) The court must give a direction under sub-paragraph (b) of paragraph (6) if, on an application by the food business operator, the court thinks it proper to do so having regard to all the circumstances of the case, including in particular the conduct of the food business operator since the making of the order; but no such application will be entertained if it is made-

(a) cyn pen chwe mis ar ôl gwneud y gorchymyn gwahardd at ddibenion hylendid; neu

(b) cyn pen tri mis ar ôl i'r gweithredydd busnes bwyd wneud cais blaenorol am gyfarwyddyd o'r fath.

(9) Pan fo llys ynadon yn gwneud gorchymyn o dan baragraff (2) o reoliad 8 mewn perthynas ag unrhyw fusnes bwyd, bydd paragraff (1) yn gymwys fel petai'r gweithredydd busnes bwyd wedi'i gollfarnu gan y llys o dramgwydd o dan y Rheoliadau hyn.

(10) Pan fo'r ffaith bod tramgwydd wedi'i gyflawni gan weithredydd busnes bwyd yn arwain at gollfarnu person arall yn unol â rheoliad 10, bydd paragraff (4) yn gymwys o ran y person arall hwnnw yn yr un modd ag y mae'n gymwys o ran y gweithredydd busnes bwyd a dehonglir unrhyw gyfeiriad ym mharagraff (5) neu (8) at y gweithredydd busnes bwyd yn unol â hynny.

Hysbysiadau a gorchmynion gwahardd brys at ddibenion hylendid

8.-(1) Os yw swyddog awdurdodedig i awdurdod gorfodi wedi'i fodloni bod yr amod ynglŷn â risg iechyd wedi'i fodloni o ran unrhyw fusnes bwyd, caiff y swyddog osod y gwaharddiad priodol drwy hysbysiad a gyflwynir i'r gweithredydd busnes bwyd perthnasol (hysbysiad y cyfeirir ato yn y Rheoliadau hyn fel "hysbysiad gwahardd brys at ddibenion hylendid").

(2) Os yw llys ynadon wedi'i fodloni, ar gais swyddog o'r fath, fod yr amod ynglŷn â risg iechyd wedi'i fodloni o ran unrhyw fusnes bwyd, rhaid i'r llys, drwy orchymyn (y cyfeirir ato yn y Rheoliadau hyn fel "gorchymyn gwahardd brys at ddibenion hylendid"), osod y gwaharddiad priodol.

(3) Ni chaiff swyddog o'r fath wneud cais am orchymyn gwahardd brys at ddibenion hylendid oni bai bod y swyddog, o leiaf un diwrnod cyn dyddiad y cais, wedi cyflwyno hysbysiad i'r gweithredydd busnes bwyd perthnasol o'i fwriad i wneud cais am y gorchymyn.

(4) Bydd paragraffau (2) a (3) o reoliad 7 yn gymwys at ddibenion y rheoliad hwn yn yr un modd ag y maent yn gymwys at ddibenion y rheoliad hwnnw, ond fel petai'r cyfeiriad ym mharagraff (2) at risg o niwed i iechyd yn gyfeiriad at risg agos o niwed.

(5) Cyn gynted ag y bo'n ymarferol ar ôl cyflwyno hysbysiad gwahardd brys at ddibenion hylendid, rhaid i swyddog awdurdodedig i awdurdod gorfodi osod copi o'r hysbysiad mewn lle amlwg ar unrhyw fangre a ddefnyddir at ddibenion y busnes bwyd ag y mae'n barnu ei bod yn briodol; a bydd unrhyw berson sy'n mynd yn groes, gan wybod hynny, i'r hysbysiad hwnnw yn euog o dramgwydd.

(a) within six months of the making of the hygiene prohibition order; or

(b) within three months of the making by the food business operator of a previous application for such a direction.

(9) Where a magistrates' court makes an order under paragraph (2) of regulation 8 with respect to any food business, paragraph (1) will apply as if the food business operator had been convicted by the court of an offence under these Regulations.

(10) Where the commission of an offence by a food business operator leads to the conviction of another person pursuant to regulation 10, paragraph (4) will apply in relation to that other person as it applies in relation to the food business operator and any reference in paragraph (5) or (8) to the food business operator will be construed accordingly.

Hygiene emergency prohibition notices and orders

8.-(1) If an authorised officer of an enforcement authority is satisfied that the health risk condition is fulfilled with respect to any food business the officer may by a notice served on the relevant food business operator (in these Regulations referred to as a "hygiene emergency prohibition notice") impose the appropriate prohibition.

(2) If a magistrates' court is satisfied, on the application of such an officer, that the health risk condition is fulfilled with respect to any food business, the court must, by an order (in these Regulations referred to as a "hygiene emergency prohibition order"), impose the appropriate prohibition.

(3) Such an officer may not apply for a hygiene emergency prohibition order unless, at least one day before the date of the application, the officer has served notice on the relevant food business operator of his or her intention to apply for the order.

(4) Paragraphs (2) and (3) of regulation 7 apply for the purposes of this regulation as they apply for the purposes of that regulation, but as if the reference in paragraph (2) to risk of injury to health were a reference to imminent risk of injury.

(5) As soon as practicable after the service of a hygiene emergency prohibition notice, an authorised officer of an enforcement authority must affix a copy of the notice in a conspicuous position on such premises used for the purposes of the food business as he or she considers appropriate; and any person who knowingly contravenes such a notice will be guilty of an offence.

(6) Cyn gynted ag y bo'n ymarferol ar ôl gwneud gorchymyn gwahardd brys at ddibenion hylendid, rhaid i swyddog awdurdodedig i awdurdod gorfodi-

(a) cyflwyno copi o'r gorchymyn i'r gweithredydd busnes bwyd perthnasol; a

(b) gosod copi o'r gorchymyn mewn lle amlwg ar unrhyw fangre a ddefnyddir at ddibenion y busnes bwyd y mae'r swyddog yn barnu ei bod yn briodol,

a bydd unrhyw berson sy'n mynd yn groes, gan wybod hynny, i'r gorchymyn hwnnw yn euog o dramgwydd.

(7) Bydd hysbysiad gwahardd brys at ddibenion hylendid yn peidio â bod yn effeithiol-

(a) os na wneir unrhyw gais am orchymyn gwahardd brys at ddibenion hylendid o fewn y cyfnod o dri diwrnod gan ddechrau o ddyddiad cyflwyno'r hysbysiad, ar ddiwedd y cyfnod hwnnw; neu

(b) os gwneir cais o'r fath felly, adeg penderfynu neu ollwng y cais.

(8) Bydd hysbysiad gwahardd brys at ddibenion hylendid neu orchymyn gwahardd brys at ddibenion hylendid yn peidio â bod yn effeithiol pan fydd yr awdurdod gorfodi yn dyroddi tystysgrif i'r perwyl ei fod wedi'i fodloni bod y gweithredydd busnes bwyd wedi cymryd mesurau digonol i sicrhau nad yw'r amod ynglŷn â risg iechyd yn cael ei fodloni mwyach o ran y busnes bwyd.

(9) Rhaid i'r awdurdod gorfodi ddyroddi tystysgrif o dan baragraff (8) cyn pen tri diwrnod ar ôl iddo gael ei fodloni yn y modd a grybwyllwyd yn y paragraff hwnnw; a phan fydd y gweithredydd busnes bwyd yn cyflwyno cais am dystysgrif o'r fath, rhaid i'r awdurdod-

(a) penderfynu cyn gynted ag y bo'n rhesymol ymarferol a sut bynnag o fewn 14 diwrnod a yw wedi'i fodloni felly neu beidio; a

(b) os yw'n penderfynu nad yw wedi'i fodloni felly, rhoi hysbysiad i'r gweithredydd busnes bwyd o'r rhesymau dros y penderfyniad hwnnw.

(10) Pan fo hysbysiad gwahardd brys at ddibenion hylendid yn cael ei gyflwyno i weithredydd busnes bwyd, rhaid i'r awdurdod gorfodi ddigolledu'r gweithredydd am unrhyw golled a gafwyd oherwydd y ffaith bod y gweithredydd wedi cydymffurfio â'r hysbysiad-

(a) oni chaiff cais am orchymyn gwahardd brys at ddibenion hylendid ei wneud o fewn y cyfnod o dri diwrnod gan ddechrau ar ddyddiad cyflwyno'r hysbysiad; a

(6) As soon as practicable after the making of a hygiene emergency prohibition order, an authorised officer of an enforcement authority must-

(a) serve a copy of the order on the relevant food business operator; and

(b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the food business as the officer considers appropriate,

and any person who knowingly contravenes such an order will be guilty of an offence.

(7) A hygiene emergency prohibition notice will cease to have effect-

(a) if no application for a hygiene emergency prohibition order is made within the period of three days beginning with the service of the notice, at the end of that period; or

(b) if such an application is so made, on the determination or abandonment of the application.

(8) A hygiene emergency prohibition notice or a hygiene emergency prohibition order will cease to have effect on the issue by the enforcement authority of a certificate to the effect that they are satisfied that the food business operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the food business.

(9) The enforcement authority must issue a certificate under paragraph (8) within three days of their being satisfied as mentioned in that paragraph; and on an application by the food business operator for such a certificate, the authority must-

(a) determine as soon as is reasonably practicable and in any event within 14 days whether or not they are so satisfied; and

(b) if they determine that they are not so satisfied, give notice to the food business operator of the reasons for that determination.

(10) Where a hygiene emergency prohibition notice is served on a food business operator, the enforcement authority must compensate the operator in respect of any loss suffered by reason of the operator's complying with the notice unless-

(a) an application for a hygiene emergency prohibition order is made within the period of three days beginning with the service of the notice; and

(b) oni fydd y llys yn datgan ei fod wedi'i fodloni, ar ôl gwrando'r cais, fod yr amod ynglŷn â risg iechyd wedi'i fodloni mewn perthynas â'r busnes bwyd adeg cyflwyno'r hysbysiad,

a gellir penderfynu drwy gymrodeddu unrhyw gwestiwn dadleuol ynglŷn â'r hawl i gael unrhyw iawndal sy'n daladwy o dan y paragraff hwn neu swm yr iawndal hwnnw.

Hysbysiadau camau cywiro a hysbysiadau cadw

9.-(1) Pan fo'n ymddangos i swyddog awdurdodedig i awdurdod gorfodi mewn perthynas â sefydliad sy'n ddarostyngedig i gymeradwyaeth o dan Erthygl 4(2) o Reoliad 853/2004-

(a) bod unrhyw un o ofynion y Rheoliadau Hylendid yn cael ei dorri; neu

(b) bod arolygiad o dan y Rheoliadau Hylendid yn cael ei lesteirio,

caiff y swyddog, drwy hysbysiad ysgrifenedig a gyflwynir i'r gweithredydd busnes bwyd perthnasol neu'r person a awdurdodwyd yn briodol i gynrychioli'r gweithredydd (hysbysiad y cyfeirir ato yn y Rheoliadau hyn fel "hysbysiad camau cywiro")-

(c) gwahardd defnyddio unrhyw gyfarpar neu unrhyw ran o'r sefydliad a bennir yn yr hysbysiad;

(ch) gosod amodau ar gyflawni unrhyw broses neu wahardd cyflawni unrhyw broses;

(d) ei gwneud yn ofynnol i'r gyfradd weithredu gael ei lleihau i'r graddau a bennir yn yr hysbysiad, neu i gael ei stopio'n gyfan gwbl.

(2) Rhaid cyflwyno hysbysiad camau cywiro cyn gynted ag y bo'n ymarferol gan nodi'r rheswm pam y mae'n cael ei gyflwyno.

(3) Os yw'n cael ei gyflwyno o dan baragraff (1)(a), rhaid iddo enwi'r toriad a'r camau y mae eu hangen i'w gywiro.

(4) Rhaid i swyddog awdurdodedig i'r awdurdod gorfodi y cyflwynodd ei swyddog awdurdodedig yr hysbysiad camau cywiro gwreiddiol, cyn gynted ag y caiff ei fodloni bod y camau hynny wedi'u cymryd, dynnu'r hysbysiad yn ôl drwy hysbysiad ysgrifenedig pellach a gyflwynir i'r gweithredydd busnes bwyd neu'r person a awdurdodwyd yn briodol i gynrychioli'r gweithredydd.

(5) Caiff swyddog awdurdodedig i awdurdod gorfodi, mewn sefydliad sy'n ddarostyngedig i gymeradwyaeth o dan Erthygl 4(2) o Reoliad 853/2004, drwy hysbysiad ysgrifenedig a gyflwynir i'r gweithredydd busnes bwyd perthnasol neu'r person a awdurdodwyd yn briodol i gynrychioli'r gweithredydd hwnnw (hysbysiad y cyfeirir ato yn y rheoliad hyn fel "hysbysiad cadw") ei gwneud yn ofynnol i unrhyw anifail neu fwyd gael ei gadw at ddibenion archwilio (gan gynnwys cymryd samplau).

(b) the court declares itself satisfied, on the hearing of the application, that the health risk condition was fulfilled with respect to the food business at the time when the notice was served,

and any disputed question as to the right to or the amount of any compensation payable under this paragraph is determinable by arbitration.

Remedial action notices and detention notices

9.-(1) Where it appears to an authorised officer of an enforcement authority that in respect of an establishment subject to approval under Article 4(2) of Regulation 853/2004-

(a) any of the requirements of the Hygiene Regulations is being breached; or

(b) inspection under the Hygiene Regulations is being hampered,

the officer may, by a notice in writing served on the relevant food business operator or the operator's duly authorised representative (in these Regulations referred to as a "remedial action notice")-

(c) prohibit the use of any equipment or any part of the establishment specified in the notice;

(d) impose conditions upon or prohibit the carrying out of any process; or

(e) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.

(2) A remedial action notice must be served as soon as practicable stating why it is being served.

(3) If it is served under paragraph (1)(a), it must specify the breach and the action needed to remedy it.

(4) An authorised officer of the enforcement authority whose authorised officer served the original remedial action notice must, as soon as he or she is satisfied that such action has been taken, withdraw the notice by a further notice in writing served on the food business operator or the operator's duly authorised representative.

(5) An authorised officer of an enforcement authority may, at an establishment subject to approval under Article 4(2) of Regulation 853/2004, by a notice in writing served on the relevant food business operator or the operator's duly authorised representative (in this regulation referred to as a "detention notice") require the detention of any animal or food for the purposes of examination (including the taking of samples).

(6) Rhaid i swyddog awdurdodedig i'r awdurdod gorfodi y cyflwynodd ei swyddog yr hysbysiad cadw gwreiddiol, cyn gynted ag y caiff ei fodloni nad oes angen cadw'r anifail neu'r bwyd mwyach, dynnu'r hysbysiad yn ôl drwy hysbysiad ysgrifenedig pellach a gyflwynir i'r gweithredydd busnes bwyd neu'r person a awdurdodwyd yn briodol i gynrychioli'r gweithredydd hwnnw.

(7) Bydd unrhyw berson sy'n methu cydymffurfio, hysbysiad camau cywiro neu hysbysiad cadw yn euog o dramgwydd.

Tramgwyddau oherwydd bai person arall

10. Pan fo tramgwydd o dan y Rheoliadau hyn yn cael ei gyflawni gan unrhyw berson oherwydd gweithred neu ddiffyg gweithred rhyw berson arall, bydd y person arall hwnnw yn euog o'r tramgwydd; a chaniateir i berson gael ei gollfarnu o'r tramgwydd yn rhinwedd y rheoliad hwn p'un a ddygir achos cyfreithiol yn erbyn y person a grybwyllwyd yn gyntaf neu beidio.

Amddiffyniad o ddiwydrwydd dyladwy

11.-(1) Mewn unrhyw achos cyfreithiol am dramgwydd o dan y Rheoliadau hyn, mae'n amddiffyniad, yn ddarostyngedig i baragraff (2), i'r sawl a gyhuddir brofi ei fod wedi cymryd pob rhagofal rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd ei hun neu osgoi iddo gael ei gyflawni gan berson sydd o dan ei reolaeth.

(2) Os yw'r amddiffyniad sy'n cael ei ddarparu gan baragraff (1) mewn unrhyw achos yn cynnwys honni bod y tramgwydd wedi'i gyflawni oherwydd gweithred neu ddiffyg gweithred person arall, neu ddibyniad ar wybodaeth a ddarparwyd gan berson arall, ni fydd gan y sawl a gyhuddir, heb ganiatâd y llys, hawl i ddibynnu ar yr amddiffyniad hwnnw, oni bai bod y sawl a gyhuddir-

(a) o leiaf saith niwrnod clir cyn y gwrandawiad; a

(b) pan fo'r sawl a gyhuddir wedi ymddangos o'r blaen gerbron llys mewn cysylltiad â'r tramgwydd honedig, o fewn un mis i'r ymddangosiad cyntaf hwnnw gan y sawl a gyhuddir,

wedi cyflwyno hysbysiad ysgrifenedig i'r erlynydd yn rhoi unrhyw wybodaeth a fyddai'n fodd i adnabod neu i helpu i adnabod y person arall hwnnw ag a oedd yn ei feddiant bryd hynny.

(6) An authorised officer of the enforcement authority whose officer served the original detention notice must, as soon as he or she is satisfied that the animal or food need no longer be detained, withdraw the notice by a further notice in writing served on the food business operator or the operator's duly authorised representative.

(7) Any person who fails to comply with a remedial action notice or a detention notice will be guilty of an offence.

Offences due to fault of another person

10. Where the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person will be guilty of the offence; and a person may be convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Defence of due diligence

11.-(1) In any proceedings for an offence under these Regulations, it will, subject to paragraph (2), be a defence for the accused to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by the accused or by a person under the accused's control.

(2) If in any case the defence provided by paragraph (1) involves the allegation that the commission of the offence was due to an act or default of another person, or to reliance on information supplied by another person, the accused will not, without leave of the court, be entitled to rely on that defence unless-

(a) at least seven clear days before the hearing; and

(b) where the accused has previously appeared before a court in connection with the alleged offence, within one month of the accused's first such appearance,

the accused has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his or her possession.

RHAN III

GWEINYDDU A GORFODI

Caffael samplau

12. Caiff swyddog awdurdodedig i awdurdod gorfodi-

(a) prynu sampl o unrhyw fwyd, neu unrhyw sylwedd y gellir ei ddefnyddio i baratoi bwyd;

(b) cymryd sampl o unrhyw fwyd, neu unrhyw sylwedd-

(i) sy'n ymddangos i'r swyddog ei fod yn fwyd neu'n sylwedd y bwriedir ei roi ar y farchnad neu y bwriadwyd ei roi ar y farchnad, ar gyfer ei fwyta gan bobl, neu

(ii) a geir gan swyddog ar neu mewn unrhyw fangre y mae'r swyddog wedi'i awdurdodi i fynd i mewn iddi gan neu o dan reoliad 14;

(c) cymryd sampl o unrhyw ffynhonnell fwyd, neu sampl o unrhyw ddeunydd sydd mewn cysylltiad â'r ffynhonnell fwyd, a geir gan y swyddog ar neu mewn unrhyw fangre o'r fath; ac

(ch) cymryd sampl o unrhyw eitem neu sylwedd a geir gan swyddog ar neu mewn unrhyw fangre o'r fath ac y mae gan y swyddog le i gredu y gallai fod angen amdani neu amdano fel tystiolaeth mewn achos cyfreithiol o dan unrhyw un o ddarpariaethau'r Rheoliadau hyn.

Dadansoddi etc samplau

13.-(1) Rhaid i swyddog awdurdodedig i awdurdod gorfodi sydd wedi caffael sampl o dan reoliad 12-

(a) os yw o'r farn y dylai'r sampl gael ei dadansoddi, ei chyflwyno i gael ei dadansoddi-

(i) gan y dadansoddydd cyhoeddus ar gyfer yr ardal y cafodd y sampl ei chaffael ynddi, neu

(ii) gan y dadansoddydd cyhoeddus ar gyfer yr ardal sydd wedi'i ffurfio o ardal yr awdurdod neu sy'n ei chynnwys;

(b) os yw o'r farn y dylai'r sampl gael ei harchwilio, ei chyflwyno i gael ei harchwilio gan archwilydd bwyd.

(2) Caiff person, nad yw'n swyddog o'r fath, ac sydd wedi prynu unrhyw fwyd neu unrhyw sylwedd y gellir ei ddefnyddio i baratoi bwyd, gyflwyno sampl ohono-

(a) i gael ei dadansoddi gan y dadansoddydd cyhoeddus ar gyfer yr ardal y prynwyd y bwyd neu'r sylwedd ynddi; neu

(b) i gael ei harchwilio gan archwilydd bwyd.

PART 3

ADMINISTRATION AND ENFORCEMENT

Procurement of samples

12. An authorised officer of an enforcement authority may-

(a) purchase a sample of any food, or any substance capable of being used in the preparation of food;

(b) take a sample of any food, or any such substance, which-

(i) appears to the officer to be intended for placing on the market or to have been placed on the market, for human consumption, or

(ii) is found by the officer on or in any premises which the officer is authorised to enter by or under regulation 14;

(c) take a sample from any food source, or a sample of any contact material, which is found by the officer on or in any such premises; and

(d) take a sample of any article or substance which is found by the officer on or in any such premises and which the officer has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations.

Analysis etc. of samples

13.-(1) An authorised officer of an enforcement authority who has procured a sample under regulation 12 must-

(a) if he or she considers that the sample should be analysed, submit it to be analysed-

(i) by the public analyst for the area in which the sample was procured, or

(ii) by the public analyst for the area which consists of or includes the area of the authority;

(b) if he or she considers that the sample should be examined, submit it to be examined by a food examiner.

(2) A person, other than such an officer, who has purchased any food, or any substance capable of being used in the preparation of food, may submit a sample of it-

(a) to be analysed by the public analyst for the area in which the purchase was made; or

(b) to be examined by a food examiner.

(3) Mewn unrhyw achos lle bwriedir cyflwyno sampl i'w dadansoddi o dan y rheoliad hwn, os yw swydd y dadansoddydd cyhoeddus ar gyfer yr ardal o dan sylw yn wag, rhaid i'r sampl gael ei chyflwyno i'r dadansoddydd cyhoeddus ar gyfer rhyw ardal arall.

(4) Mewn unrhyw achos lle bwriedir cyflwyno neu lle cyflwynir sampl i'w dadansoddi neu i'w harchwilio o dan y rheoliad hwn, os yw'r dadansoddydd bwyd neu'r archwilydd bwyd yn penderfynu nad yw'n gallu cyflawni'r dadansoddiad neu'r archwiliad am unrhyw reswm, rhaid iddo gyflwyno neu, yn ôl y digwydd, anfon y sampl i unrhyw ddadansoddydd bwyd arall neu archwilydd bwyd arall y bydd yn penderfynu arno.

(5) Rhaid i ddadansoddydd bwyd neu archwilydd bwyd ddadansoddi neu archwilio cyn gynted ag y bo'n ymarferol unrhyw sampl a gyflwynwyd iddo neu a anfonwyd ato o dan y rheoliad hwn, ond ac eithrio-

(a) os ef yw'r dadansoddydd cyhoeddus ar gyfer yr ardal o dan sylw; a

(b) os yw'r sampl wedi'i chyflwyno iddo ar gyfer dadansoddiad gan swyddog awdurdodedig i awdurdod gorfodi,

caiff fynnu ymlaen llaw fod unrhyw ffi resymol y bydd yn gofyn amdani yn cael ei thalu.

(6) Rhaid i unrhyw ddadansoddydd bwyd neu archwilydd bwyd sydd wedi dadansoddi neu wedi archwilio sampl roi i'r person y cafodd ei chyflwyno drwyddo dystysgrif sy'n nodi canlyniad y dadansoddiad neu'r archwiliad.

(7) Rhaid i unrhyw dystysgrif a roddir gan ddadansoddydd bwyd neu archwilydd bwyd o dan baragraff (6) gael ei llofnodi ganddo, ond caniateir i'r dadansoddiad neu'r archwiliad gael ei wneud gan unrhyw berson sy'n gweithredu o dan ei gyfarwyddyd.

(8) Mewn unrhyw achos cyfreithiol o dan y Rheoliadau hyn, bydd y ffaith bod un o'r partïon yn dangos-

(a) dogfen sy'n honni ei bod yn dystysgrif a roddwyd gan ddadansoddydd bwyd neu archwilydd bwyd o dan baragraff (6); neu

(b) dogfen a ddarparwyd iddo gan y parti arall fel un a oedd yn gopi o'r dystysgrif honno,

yn dystiolaeth ddigonol i'r ffeithiau a nodir ynddi oni bai, mewn achos sy'n dod o dan is-baragraff (a), bod y parti arall yn ei gwneud yn ofynnol i'r dadansoddydd bwyd neu'r archwilydd bwyd gael ei alw fel tyst.

(9) Yn y rheoliad hwn, pan fo dau neu ragor o ddadansoddwyr cyhoeddus yn cael eu penodi ar gyfer unrhyw ardal, dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at y dadansoddydd cyhoeddus ar gyfer yr ardal honno fel cyfeiriad at y naill neu'r llall ohonynt neu at unrhyw un ohonynt.

(3) If, in any case where a sample is proposed to be submitted for analysis under this regulation, the office of public analyst for the area in question is vacant, the sample must be submitted to the public analyst for some other area.

(4) If, in any case where a sample is proposed to be or is submitted for analysis or examination under this regulation, the food analyst or examiner determines that he or she is for any reason unable to perform the analysis or examination, the sample must be submitted or, as the case may be, sent by him or her to such other food analyst or examiner as he or she may determine.

(5) A food analyst or examiner must analyse or examine as soon as practicable any sample submitted or sent to him or her under this regulation, but may, except where-

(a) he or she is the public analyst for the area in question; and

(b) the sample is submitted to him or her for analysis by an authorised officer of an enforcement authority,

demand in advance the payment of such reasonable fee as he or she may require.

(6) Any food analyst or examiner who has analysed or examined a sample must give to the person by whom it was submitted a certificate specifying the result of the analysis or examination.

(7) Any certificate given by a food analyst or examiner under paragraph (6) must be signed by him or her, but the analysis or examination may be made by any person acting under his or her direction.

(8) In any proceedings under these Regulations, the production by one of the parties-

(a) of a document purporting to be a certificate given by a food analyst or examiner under paragraph (6); or

(b) of a document supplied to him or her by the other party as being a copy of such a certificate,

will be sufficient evidence of the facts stated in it unless, in a case falling within sub-paragraph (a), the other party requires that the food analyst or examiner be called as a witness.

(9) In this regulation where two or more public analysts are appointed for any area, any reference in this regulation to the public analyst for that area will be construed as a reference to either or any of them.

(10) Mae Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(**1**) yn gymwys o ran sampl a gaffaelir gan swyddog awdurdodedig i awdurdod bwyd o dan reoliad 12 fel pe bai'n sampl a gaffaelwyd gan swyddog awdurdodedig o dan adran 29 o'r Ddeddf.

(11) Rhaid i dystysgrif a roddir gan ddadansoddydd bwyd neu archwilydd bwyd o dan baragraff 6 fod yn y ffurf a bennir yn Atodlen 3 i Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990.

Pwerau mynediad

14.-(1) Mae gan swyddog awdurdodedig i awdurdod bwyd, wedi iddo ddangos, os gofynnir iddo wneud hynny, ryw ddogfen a ddilyswyd yn briodol ac sy'n dangos ei awdurdod, hawl ar bob adeg resymol-

(a) i fynd i mewn i unrhyw fangre o fewn ardal, neu, yn ôl y digwydd, dosbarth yr awdurdod er mwyn darganfod a oes unrhyw un o ddarpariaethau'r Rheoliadau Hylendid yn cael neu wedi cael ei thorri;

(b) i fynd i mewn i unrhyw fangre, boed honno o fewn neu'r tu allan i ardal neu, yn ôl y digwydd, dosbarth yr awdurdod, er mwyn darganfod a oes ar y fangre unrhyw dystiolaeth am unrhyw doriad o'r fath yn yr ardal honno neu'r dosbarth hwnnw; ac

(c) i fynd i mewn i unrhyw fangre er mwyn i'r awdurdod gyflawni ei swyddogaethau o dan y Rheoliadau Hylendid,

ond ni chaniateir i'r swyddog fynnu cael mynediad fel mater o hawl i unrhyw fangre sy'n cael ei defnyddio fel tŷ annedd preifat yn unig oni bai bod 24 awr o rybudd am y bwriad i ddod i mewn i'r fangre wedi'u rhoi i'r meddiannydd.

(2) Mae gan swyddog awdurdodedig i'r Asiantaeth, wedi iddo ddangos, os gofynnir iddo wneud hynny, ryw ddogfen a ddilyswyd yn briodol ac sy'n dangos ei awdurdod, hawl ar bob adeg resymol i fynd i mewn i unrhyw fangre er mwyn-

(a) darganfod a oes unrhyw un o ddarpariaethau'r Rheoliadau Hylendid yn cael neu wedi cael ei thorri;

(b) darganfod a oes ar y fangre unrhyw dystiolaeth am unrhyw doriad o'r fath; ac

(c) i'r Asiantaeth gyflawni ei swyddogaethau o dan y Rheoliadau Hylendid,

ond ni chaniateir i'r swyddog fynnu cael mynediad fel mater o hawl i unrhyw fangre sy'n cael ei defnyddio fel tŷ annedd preifat yn unig oni bai bod 24 awr o rybudd am y bwriad i ddod i mewn i'r fangre wedi'u rhoi i'r meddiannydd.

(10) The Food Safety (Sampling and Qualifications) Regulations 1990(**1**) apply in relation to a sample procured by an authorised officer of a food authority under regulation 12 as if it were a sample procured by an authorised officer under section 29 of the Act.

(11) The certificate given by a food analyst or examiner under paragraph (6) must be in the form set out in Schedule 3 to the Food Safety (Sampling and Qualifications) Regulations 1990.

Powers of entry

14.-(1) An authorised officer of a food authority will, on producing, if so required, some duly authenticated document showing his or her authority, have a right at all reasonable hours-

(a) to enter any premises within the authority's area for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of the Hygiene Regulations;

(b) to enter any premises, whether within or outside the authority's area for the purpose of ascertaining whether there is on the premises any evidence of any such contravention within that area; and

(c) to enter any premises for the purpose of the performance by the authority of their functions under the Hygiene Regulations,

but admission to any premises used only as a private dwelling-house may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(2) An authorised officer of the Agency will, on producing if so required some duly authenticated document showing his or her authority, have a right at all reasonable hours to enter any premises for the purpose of-

(a) ascertaining whether there is or has been on the premises any contravention of the provisions of the Hygiene Regulations;

(b) ascertaining whether there is on the premises any evidence of any such contravention; and

(c) the performance by the Agency of its functions under the Hygiene Regulations,

but admission to any premises used only as a private dwelling-house may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(**1**) O.S. 1990/2463, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) S.I. 1990/2463, to which there are amendments not relevant to these Regulations.

(3) Os yw ynad heddwch, ar ôl cael gwybodaeth ysgrifenedig ar lw, wedi'i fodloni bod sail resymol dros fynd ar unrhyw fangre at unrhyw ddiben a grybwyllwyd ym mharagraff (1) neu (2) a naill ai-

(a) bod mynediad i'r fangre wedi'i wrthod, neu y synhwyrir y caiff ei wrthod, a bod hysbysiad o'r bwriad i wneud cais am warant wedi'i roi i'r meddiannydd; neu

(b) y byddai cais am fynediad, neu roi hysbysiad o'r fath, yn mynd yn groes i'r amcan o fynd i mewn, neu fod yr achos yn achos brys, neu fod y fangre heb ei meddiannu neu fod y meddiannydd yn absennol dros dro,

caiff yr ynad drwy warant a lofnodir ganddo awdurdodi'r swyddog awdurdodedig i fynd i mewn i'r fangre, gan ddefnyddio grym rhesymol os bydd angen.

(4) Bydd pob gwarant a roddir o dan y rheoliad hwn yn parhau mewn grym am gyfnod o un mis.

(5) Caiff swyddog awdurdodedig sy'n mynd i mewn i unrhyw fangre yn rhinwedd y rheoliad hwn, neu warant a ddyroddwyd odano, fynd â'r personau eraill y mae'n barnu eu bod yn angenrheidiol gydag ef, ac wrth ymadael ag unrhyw fangre sydd heb ei meddiannu ac y mae'r swyddog wedi mynd i mewn iddi yn rhinwedd gwarant o'r fath, rhaid iddo ei gadael yn fangre sydd wedi'i diogelu yr un mor effeithiol rhag mynediad diawdurdod ag yr oedd pan aeth yno yn gyntaf.

(6) Caiff swyddog awdurdodedig sy'n mynd i mewn i fangre yn rhinwedd y rheoliad hwn, neu warant a ddyroddwyd odano, arolygu unrhyw gofnodion (ar ba ffurf bynnag y maent yn cael eu cadw) sy'n ymwneud â busnes bwyd, a phan fo'r cofnodion hynny yn cael eu storio ar unrhyw ffurf electronig-

(a) caiff fynd at unrhyw gyfrifiadur ac unrhyw aparatws neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r cofnodion, a'u harolygu a gwirio eu gweithrediad; a

(b) caiff ei gwneud yn ofynnol i unrhyw berson sydd â gofal dros y cyfrifiadur, yr aparatws neu'r deunydd, neu sydd fel arall yn ymwneud â'u gweithredu, roi i'r swyddog unrhyw gymorth y mae arno angen rhesymol amdano.

(7) Caiff unrhyw swyddog sy'n arfer unrhyw bŵer a roddwyd gan baragraff (6)-

(a) cymryd i'w feddiant a chadw unrhyw gofnodion y mae gan y swyddog le i gredu y gallai fod angen amdanynt fel tystiolaeth mewn unrhyw achos cyfreithiol o dan y Rheoliadau hyn; a

(3) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry onto any premises for any such purpose as is mentioned in paragraph (1) or (2) and either-

(a) that admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or

(b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier is temporarily absent,

the justice may by warrant signed by him or her authorise the authorised officer to enter the premises, if need be by reasonable force.

(4) Every warrant granted under this regulation will continue in force for a period of one month.

(5) An authorised officer entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him or her such other persons as he or she considers necessary, and on leaving any unoccupied premises which the officer has entered by virtue of such a warrant must leave them as effectively secured against unauthorised entry as that in which they were found.

(6) An authorised officer entering premises by virtue of this regulation, or of a warrant issued under it, may inspect any records (in whatever form they are held) relating to a food business and, where any such records are stored in any electronic form-

(a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records; and

(b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the officer such assistance as he or she may reasonably require.

(7) Any officer exercising any power conferred by paragraph (6) may-

(a) seize and detain any records which the officer has reason to believe may be required as evidence in proceedings under any of the provisions of these Regulations; and

(b) pan fo'r cofnodion wedi'u storio ar unrhyw ffurf electronig, ei gwneud yn ofynnol i'r cofnodion gael eu darparu ar ffurf a fyddai'n caniatâu mynd â hwy oddi yno.

(8) Os bydd unrhyw berson sy'n mynd i unrhyw fangre yn rhinwedd y rheoliad hwn, neu yn rhinwedd gwarant a roddwyd odano, yn datgelu i unrhyw berson unrhyw wybodaeth y mae wedi'i chael ar y fangre o ran unrhyw gyfrinach fasnachol, bydd yn euog o dramgwydd, oni bai ei fod wedi'i datgelu wrth gyflawni ei ddyletswydd.

(9) Ni fydd dim yn y rheoliad hwn yn awdurdodi unrhyw berson, ac eithrio gyda chaniatâd yr awdurdod lleol o dan Ddeddf Iechyd Anifeiliaid 1981(**1**), i fynd i mewn i unrhyw fangre-

(a) lle cedwir anifail neu aderyn, y mae unrhyw glefyd y mae'r Ddeddf honno yn gymwys iddo, wedi effeithio ar yr anifail neu'r aderyn hwnnw; a

(b) sydd wedi'i leoli mewn man y datganwyd o dan y Ddeddf honno ei fod wedi'i heintio â chlefyd o'r fath.

Rhwystro, etc. swyddogion

15.-(1) Bydd unrhyw berson sydd-

(a) yn fwriadol yn rhwystro unrhyw berson sy'n gweithredu i roi'r Rheoliadau Hylendid ar waith; neu

(b) yn methu, heb achos rhesymol, â rhoi i unrhyw berson sy'n gweithredu i roi'r Rheoliadau Hylendid ar waith unrhyw gymorth neu wybodaeth y gall y person hwnnw ofyn yn rhesymol amdano neu amdani er mwyn cyflawni ei swyddogaethau o dan y Rheoliadau Hylendid,

yn euog o dramgwydd.

(2) Bydd unrhyw berson sydd, gan honni ei fod yn cydymffurfio ag unrhyw ofyniad a grybwyllwyd yn is-baragraff (b) o baragraff (1)-

(a) yn darparu gwybodaeth y mae'n gwybod ei bod yn anwir neu'n gamarweiniol mewn manylyn o bwys; neu

(b) yn ddi-hid yn darparu gwybodaeth sy'n anwir neu'n gamarweiniol mewn manylyn o bwys,

yn euog o dramgwydd.

(3) Nid oes dim ym mharagraff (1)(b) i'w ddehongli fel gofyniad i unrhyw berson ateb unrhyw gwestiwn na rhoi unrhyw wybodaeth os byddai gwneud hynny yn gallu argyhuddo'r person hwnnw.

(b) where the records are stored in any electronic form, require the records to be produced in a form in which they may be taken away.

(8) If any person who enters any premises by virtue of this regulation, or of a warrant issued under it, discloses to any person any information obtained by him or her on the premises with regard to any trade secret, he or she will, unless the disclosure was made in the performance of his or her duty, be guilty of an offence.

(9) Nothing in this regulation authorises any person, except with the permission of the local authority under the Animal Health Act 1981(**1**), to enter any premises-

(a) on which an animal or bird affected with any disease to which that Act applies is kept; and

(b) which is situated in a place declared under that Act to be infected with such a disease.

Obstruction etc. of officers

15.-(1) Any person who-

(a) intentionally obstructs any person acting in the execution of the Hygiene Regulations; or

(b) without reasonable cause, fails to give to any person acting in the execution of the Hygiene Regulations any assistance or information which that person may reasonably require of him or her for the performance of that person's functions under the Hygiene Regulations,

will be guilty of an offence.

(2) Any person who, in purported compliance with any such requirement as is mentioned in sub-paragraph (b) of paragraph (1)-

(a) furnishes information which he or she knows to be false or misleading in a material particular; or

(b) recklessly furnishes information which is false or misleading in a material particular,

will be guilty of an offence.

(3) Nothing in sub-paragraph (b) of paragraph (1) is to be construed as requiring any person to answer any question or give any information if to do so might incriminate him or her.

(**1**) 1981 p.22.

(**1**) 1981 c.22.

Y terfyn amser ar gyfer erlyniadau

16. Ni chaniateir cychwyn unrhyw erlyniad o dan y Rheoliadau hyn am dramgwydd y gellir ei gosbi o dan is-baragraff (2) o reoliad 17 ar ôl i'r naill neu'r llall o'r cyfnodau canlynol ddod i ben-

(a) tair blynedd o ddyddiad cyflawni'r tramgwydd; neu

(b) blwyddyn o ddyddiad ei ddarganfod gan yr erlynydd,

p'un bynnag yw'r cynharaf.

Tramgwyddau a chosbau

17.-(1) Yn ddarostyngedig i baragraff (4), bydd unrhyw berson sy'n mynd yn groes i unrhyw un o'r darpariaethau Cymunedol penodedig neu sy'n methu cydymffurfio ag unrhyw un ohonynt yn euog o dramgwydd.

(2) Yn ddarostyngedig i baragraff (3), bydd person sy'n euog o dramgwydd o dan y Rheoliadau hyn yn agored-

(a) o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na'r uchafswm statudol; neu

(b) o'i gollfarnu ar dditiad, i garchariad am gyfnod nad yw'n hwy na dwy flynedd, i ddirwy neu i'r ddau.

(3) Bydd person sy'n euog o dramgwydd o dan reoliad 15 yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na'r uchafswm statudol neu i garchariad am gyfnod nad yw'n hwy na thri mis, neu i'r ddau.

(4) Ni fernir bod person wedi mynd yn groes i Erthygl 4(2) o Reoliad 852/2004, neu wedi methu â chydymffurfio â hi, o'i darllen gyda pharagraff 4 Pennod IV o Atodiad II i'r Rheoliad hwnnw (swmp-ddeunyddiau bwyd ar ffurf hylif, gronynnau neu bowdr i'w cludo mewn daliedyddion a/neu gynwysyddion/tanceri sydd wedi'u neilltuo ar gyfer cludo deunyddiau bwyd) ar yr amod bod gofynion Atodlen 3 yn cael eu bodloni.

Tramgwyddau gan gyrff corfforaethol

18.-(1) Os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan gorff corfforaethol wedi'i gyflawni gyda chydsyniad neu ymoddefiad unrhyw un o'r canlynol, neu os gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran unrhyw un o'r canlynol, sef-

(a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforaethol; neu

Time limit for prosecutions

16. No prosecution for an offence under these Regulations which is punishable under paragraph (2) of regulation 17 may be begun after the expiry of-

(a) three years from the commission of the offence; or

(b) one year from its discovery by the prosecutor,

whichever is the earlier.

Offences and penalties

17.-(1) Subject to paragraph (4), any person who contravenes or fails to comply with any of the specified Community provisions will be guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations will be liable-

(a) on summary conviction to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 15 will be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) A person will not be considered to have contravened or failed to comply with Article 4(2) of Regulation 852/2004 as read with paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs) provided the requirements of Schedule 3 are complied with.

Offences by bodies corporate

18.-(1) Where an offence under these Regulations which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of-

(a) any director, manager, secretary or other similar officer of the body corporate; or

(b) unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swyddogaeth o'r fath,

bernir bod y person hwnnw, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd hwnnw a bydd yn agored i gael ei erlyn a'i gosbi yn unol â, hynny.

(2) Yn is-baragraff (a) o baragraff (1) ystyr "cyfarwyddwr", mewn perthynas ag unrhyw gorff corfforaethol a sefydlwyd gan neu o dan unrhyw ddeddfiad er mwyn rhedeg o dan berchenogaeth genedlaethol unrhyw ddiwydiant neu ran o ddiwydiant neu ymgymeriad, a hwnnw'n gorff corfforaethol y mae ei faterion yn cael eu rheoli gan ei aelodau, yw aelod o'r corff corfforaethol hwnnw.

Tramgwyddau gan bartneriaethau Albanaidd

19. Os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan bartneriaeth Albanaidd wedi'i gyflawni gyda chydsyniad neu ymoddefiad partner, neu os gellir priodoli'r tramgwydd hwnnw i unrhyw esgeulustod ar ran partner, bernir bod y partner hwnnw, yn ogystal â'r bartneriaeth, yn euog o'r tramgwydd hwnnw a bydd yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

Yr hawl i apelio

20.-(1) Caiff unrhyw berson a dramgwyddir gan-

(a) penderfyniad swyddog awdurdodedig i awdurdod gorfodi i gyflwyno hysbysiad gwella hylendid; neu

(b) penderfyniad awdurdod gorfodi i wrthod dyroddi tystysgrif o dan baragraff (6) o reoliad 7 neu baragraff (8) o Reoliad 8; neu

(c) penderfyniad swyddog awdurdodedig i awdurdod gorfodi i gyflwyno hysbysiad camau cywiro,

apelio i lys ynadon.

(2) Pan wneir apêl i lys ynadon o dan baragraff (1) y weithdrefn fydd ei gwneud ar ffurf achwyniad i gael gorchymyn, a Deddf Llysoedd Ynadon 1980(**1**) fydd yn gymwys i'r achos cyfreithiol.

(3) Y cyfnod y caniateir dwyn apêl ynddo o dan baragraff (1) yw-

(a) un mis o'r dyddiad y cyflwynwyd hysbysiad o'r penderfyniad i'r person a oedd yn dymuno apelio; neu

(b) yn achos apêl yn erbyn penderfyniad i ddyroddi hysbysiad gwella hylendid, y cyfnod a bennir yn is-baragraff (a) neu, os yw'n fyrrach, y cyfnod a bennir yn yr hysbysiad yn unol ag is-baragraff (ch) o baragraff (1) o reoliad 6,

(**1**) 1980 c.43.

(b) any person who was purporting to act in any such capacity,

he or she as well as the body corporate will be deemed to be guilty of that offence and will be liable to be proceeded against and punished accordingly.

(2) In sub-paragraph (a) of paragraph (1) "director", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Offences by Scottish partnerships

19. Where an offence under these Regulations which has been committed by a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner, as well as the partnership will be deemed to be guilty of that offence and liable to be proceeded against and punished accordingly.

Right of appeal

20.-(1) Any person who is aggrieved by-

(a) a decision of an authorised officer of an enforcement authority to serve a hygiene improvement notice;

(b) a decision of an enforcement authority to refuse to issue a certificate under paragraph (6) of regulation 7 or paragraph (8) of regulation 8; or

(c) a decision of an authorised officer of an enforcement authority to serve a remedial action notice,

may appeal to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint for an order, and the Magistrates' Courts Act 1980(**1**) will apply to the proceedings.

(3) The period within which an appeal under paragraph (1) may be brought is-

(a) one month from the date on which notice of the decision was served on the person desiring to appeal; or

(b) in the case of an appeal against a decision to issue a hygiene improvement notice, the period specified in sub-paragraph (a) or, if it is shorter, the period specified in the notice pursuant to sub-paragraph (d) of paragraph (1) of regulation 6,

(**1**) 1980 c.43.

a bernir bod gwneud achwyniad i gael gorchymyn yn gyfystyr â dwyn yr apêl at ddibenion y paragraff hwn.

Apelau i Lys y Goron

21. Caiff berson a dramgwyddir gan-

(a) y ffaith bod llys ynadon wedi gwrthod apêl iddo o dan baragraff (1) o reoliad 20; neu

(b) unrhyw benderfyniad gan y llys hwnnw i wneud gorchymyn gwahardd at ddibenion hylendid neu orchymyn gwahardd brys at ddibenion hylendid,

apelio i Lys y Goron.

Apelau yn erbyn hysbysiadau gwella hylendid a hysbysiadau camau cywiro

22.-(1) Pan apelir yn erbyn hysbysiad gwella hylendid neu hysbysiad camau cywiro, caiff y llys ganslo neu gadarnhau'r hysbysiad, ac os yw'n ei gadarnhau, caiff wneud hynny naill ai ar ei ffurf wreiddiol neu gyda'r addasiadau y mae'r llys yn credu eu bod yn briodol o dan yr amgylchiadau.

(2) Pan fyddai unrhyw gyfnod a bennir mewn hysbysiad gwella hylendid yn unol ag is-baragraff (ch) o baragraff (1) o reoliad 6 yn cynnwys fel arall unrhyw ddiwrnod y mae apêl yn erbyn yr hysbysiad hwnnw yn yr arfaeth, ni fydd y diwrnod hwnnw yn cael ei gynnwys yn y cyfnod hwnnw.

(3) Ystyrir bod unrhyw apêl yn yr arfaeth at ddibenion paragraff (2) hyd nes y penderfynir arni yn derfynol, y tynnir hi'n ôl, neu hyd nes y caiff ei dileu oherwydd diffyg erlyniad.

Cymhwyso adran 9 o Ddeddf Diogelwch Bwyd 1990

23. Mae adran 9 o'r Ddeddf (arolygu bwyd amheus a chymryd meddiant ohono)(**1**) yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad ei bod yn gymwys o ran swyddog awdurdodedig i awdurdod gorfodi yn yr un modd ag y mae'n gymwys o ran swyddog awdurdodedig i awdurdod bwyd.

RHAN IV

DARPARIAETHAU AMRYWIOL AC ATODOL

Pŵer i ddyroddi codau arferion a argymhellir

24.-(1) Caiff Cynulliad Cenedlaethol Cymru ddyroddi codau arferion a argymhellir o ran gweithredu a gorfodi'r Rheoliadau Hylendid i fod yn ganllawiau i awdurdodau bwyd.

(**1**) Diwygiwyd adran 9 gan O.S. 2004/3279 ac amnewidiwyd adran 1(1) a (2) (diffiniad o *"food"*) gan O.S. 2004/2990.

and the making of a complaint for an order will be deemed for the purposes of this paragraph to be the bringing of the appeal.

Appeals to Crown Court

21. A person who is aggrieved by-

(a) the dismissal by a magistrates' court of an appeal to it under paragraph (1) of regulation 20; or

(b) any decision of such a court to make a hygiene prohibition order or a hygiene emergency prohibition order,

may appeal to the Crown Court.

Appeals against hygiene improvement notices and remedial action notices

22.-(1) On an appeal against a hygiene improvement notice or a remedial action notice, the court may cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(2) Where any period specified in a hygiene improvement notice pursuant to sub-paragraph (d) of paragraph (1) of regulation 6 would otherwise include any day on which an appeal against that notice is pending, that day will be excluded from that period.

(3) Any appeal will be regarded as pending for the purposes of paragraph (2) until it is finally disposed of, is withdrawn or is struck out for want of prosecution.

Application of section 9 of the Food Safety Act 1990

23. Section 9 of the Act (inspection and seizure of suspected food)(**1**) applies for the purposes of these Regulations with the modification that it applies in relation to an authorised officer of an enforcement authority as it applies in relation to an authorised officer of a food authority.

PART 4

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Power to issue codes of recommended practice

24.-(1) For the guidance of food authorities, the National Assembly for Wales may issue codes of recommended practice as regards the execution and enforcement of the Hygiene Regulations.

(**1**) Section 9 was amended by S.I. 2004/3279 and section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990.

(2) Caiff yr Asiantaeth, ar ôl ymgynghori â Chynulliad Cenedlaethol Cymru, roi cyfarwyddyd i awdurdod bwyd yn ei gwneud yn ofynnol iddo gymryd unrhyw gamau penodedig er mwyn cydymffurfio â chod a ddyroddir o dan y rheoliad hwn.

(3) Drwy arfer y swyddogaethau a roddwyd iddynt gan neu o dan y Rheoliadau Hylendid, rhaid i bob awdurdod bwyd-

(a) rhoi sylw i unrhyw ddarpariaeth berthnasol mewn unrhyw god o'r fath; a

(b) cydymffurfio ag unrhyw gyfarwyddyd a roddir o dan y rheoliad hwn ac sy'n ei gwneud yn ofynnol iddynt gymryd unrhyw gamau penodedig er mwyn cydymffurfio â'r cod hwnnw.

(4) Bydd unrhyw gyfarwyddyd o dan baragraff (2), ar gais yr Asiantaeth, yn gyfarwyddyd y gellir ei orfodi drwy orchymyn mandadol.

(5) Rhaid i'r Asiantaeth ymgynghori â Chynulliad Cenedlaethol Cymru cyn gwneud cais o dan baragraff (4).

(6) Cyn dyroddi unrhyw god o dan y rheoliad hwn, bydd Cynulliad Cenedlaethol Cymru yn rhoi sylw i unrhyw gyngor perthnasol a roddir gan yr Asiantaeth.

Amddiffyn swyddogion sy'n gweithredu'n ddidwyll

25.-(1) Ni fydd swyddog i awdurdod gorfodi yn atebol yn bersonol am unrhyw weithred a gyflawnir ganddo-

(a) wrth weithredu neu honni ei fod yn gweithredu'r Rheoliadau Hylendid; a

(b) o fewn cwmpas ei gyflogaeth,

os gwnaeth y swyddog y weithred honno gan gredu'n onest fod ei ddyletswydd o dan y Rheoliadau Hylendid yn ei gwneud yn ofynnol iddo wneud hynny neu'n rhoi hawl iddo wneud hynny.

(2) Nid oes dim ym mharagraff (1) i'w ddehongli fel pe bai'n rhyddhau unrhyw awdurdod gorfodi rhag unrhyw rwymedigaeth mewn perthynas â gweithredoedd ei swyddogion awdurdodedig.

(3) Pan fo achos cyfreithiol wedi'i ddwyn yn erbyn swyddog i awdurdod gorfodi mewn perthynas â gweithred a wnaed gan y swyddog hwnnw-

(a) wrth iddo weithredu neu honni ei fod yn gweithredu'r Rheoliadau Hylendid; ond

(b) y tu allan i gwmpas ei gyflogaeth,

caiff yr awdurdod indemnio'r swyddog yn erbyn y cyfan neu ran o unrhyw iawndal y gorchmynnwyd i'r swyddog ei dalu neu unrhyw gostau y gall y swyddog fod wedi'u tynnu, os yw'r awdurdod hwnnw wedi'i fodloni y credodd y swyddog yn onest fod y weithred y cwynir amdani o fewn cwmpas ei gyflogaeth.

(2) The Agency may, after consulting the National Assembly for Wales, give a food authority a direction requiring them to take any specified steps in order to comply with a code issued under this regulation.

(3) In exercise of the functions conferred on them by or under the Hygiene Regulations, every food authority-

(a) must have regard to any relevant provision of any such code; and

(b) must comply with any direction which is given under this regulation and requires them to take any specified steps in order to comply with such a code.

(4) Any direction under paragraph (2) will, on the application of the Agency, be enforceable by mandatory order.

(5) The Agency must consult the National Assembly for Wales before making an application under paragraph (4).

(6) Before issuing any code under this regulation, the National Assembly for Wales will have regard to any relevant advice given by the Agency.

Protection of officers acting in good faith

25.-(1) An officer of an enforcement authority is not personally liable in respect of any act done by him or her-

(a) in the execution or purported execution of the Hygiene Regulations; and

(b) within the scope of his or her employment,

if the officer did that act in the honest belief that his or her duty under the Hygiene Regulations required or entitled him or her to do it.

(2) Nothing in paragraph (1) is to be construed as relieving any enforcement authority of any liability in respect of the acts of their officers.

(3) Where an action has been brought against an officer of an enforcement authority in respect of an act done by him or her-

(a) in the execution or purported execution of the Hygiene Regulations; but

(b) outside the scope of or her employment,

the authority may indemnify the officer against the whole or a part of any damages which the officer has been ordered to pay or any costs which the officer may have incurred if they are satisfied that the officer honestly believed that the act complained of was within the scope of his or her employment.

(4) Ymdrinnir â dadansoddydd cyhoeddus a benodwyd gan awdurdod bwyd at ddibenion y rheoliad hwn fel swyddog i'r awdurdod, p'un a yw penodiad y swyddog yn benodiad amser-cyfan neu beidio.

Dirymu dynodiadau a phenodiadau a'u hatal dros dro

26.-(1) Yn ddarostyngedig i baragraffau (2) a (3), caiff yr Asiantaeth ar unrhyw bryd ddirymu neu atal dros dro-

(a) penodi milfeddyg swyddogol;

(b) dynodi milfeddyg cymeradwy; neu

(c) penodi cynorthwy-ydd swyddogol,

os yw'n ymddangos i'r Asiantaeth fod y person o dan sylw yn anffit i gyflawni unrhyw un o swyddogaethau'r swydd honno o dan y Rheoliadau Hylendid.

(2) Pan fo'r Asiantaeth yn dirymu neu'n atal dros dro ddynodiad neu benodiad o dan baragraff (1), rhaid i'r Asiantaeth, cyn gynted ag y bo'n ymarferol, roi i'r person y mae ei ddynodiad neu ei benodiad wedi'i ddirymu neu wedi'i atal dros dro hysbysiad ysgrifenedig o'r rhesymau dros y dirymiad neu'r ataliad dros dro a rhoi i'r person hwnnw gyfle-

(a) i gyflwyno sylwadau ysgrifenedig i'r Asiantaeth ynglŷn â'r dirymiad neu'r ataliad dros dro; neu

(b) i gael gwrandawiad gan berson a enwir gan yr Asiantaeth at y diben yn unol ag is-baragraff (a) o baragraff (5).

(3) Rhaid i hysbysiad a roddir o dan baragraff (2) roi gwybod i'r person y caiff ei roi iddo-

(a) am ei hawl i gyflwyno sylwadau ysgrifenedig;

(b) ym mha ddull ac o fewn pa amser (heb fod yn llai nag 21 niwrnod o ddyddiad rhoi'r hysbysiad) y caniateir i'r sylwadau hynny gael eu cyflwyno;

(c) am ei hawl i gael gwrandawiad; ac

(ch) ym mha ddull ac o fewn pa amser (heb fod yn llai nag 21 niwrnod o ddyddiad rhoi'r hysbysiad) y caniateir iddo wneud cais am gyfle i gael gwrandawiad.

(4) Os bydd y person y mae ei ddynodiad neu ei benodiad wedi'i ddirymu neu wedi'i atal dros dro yn cyflwyno unrhyw sylwadau (boed ar lafar neu mewn ysgrifen) o dan baragraff (3), rhaid i'r Asiantaeth ailystyried a yw'r person hwnnw'n anffit i gyflawni unrhyw un o swyddogaethau'r swydd y mae'n ei dal o dan y Rheoliadau Hylendid a rhaid iddi ailystyried cyn gynted ag y bo'n ymarferol ei phenderfyniad i ddirymu neu atal dros dro'r dynodiad neu'r penodiad o dan baragraff (1) yng ngoleuni'r sylwadau hynny.

(4) A public analyst appointed by a food authority will be treated for the purposes of this regulation as being an officer of the authority, whether or not the officer's appointment is a whole-time one.

Revocation and suspension of designations and appointments

26.-(1) Subject to paragraphs (2) and (3), the Agency may at any time revoke or suspend-

(a) the appointment of an official veterinarian;

(b) the designation of an approved veterinarian; or

(c) the appointment of an official auxiliary,

if it appears to the Agency that the person in question is unfit to perform any of the functions of that post under the Hygiene Regulations.

(2) Where the Agency revokes or suspends a designation or appointment under paragraph (1), the Agency must, as soon as practicable, give to the person whose designation or appointment has been revoked or suspended a notice in writing of the reasons for the revocation or suspension and afford that person an opportunity of-

(a) making representations in writing to the Agency with regard to the revocation or suspension; or

(b) being heard by a person nominated by the Agency for the purpose pursuant to sub-paragraph (a) of paragraph (5).

(3) A notice given under paragraph (2) must inform the person to whom it is given-

(a) of his or her right to make representations in writing;

(b) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which such representations may be made;

(c) of his or her right to be heard; and

(d) of the manner in which and the time (not being less than 21 days from the giving of the notice) within which he or she may apply for an opportunity to be heard.

(4) In the event of the person whose designation or appointment has been revoked or suspended making any representations (whether orally or in writing) under paragraph (3) the Agency must reconsider whether that person is unfit to perform any of the functions of the post he or she holds under the Hygiene Regulations and must, as soon as practicable, reconsider its decision to revoke or suspend the designation or appointment under paragraph (1) in the light of those representations.

(5) Pan fo person yn gofyn am gyfle i gael gwrandawiad yn unol ag is-baragraff (6) o baragraff (2)-

(a) rhaid i'r Asiantaeth enwi person i benderfynu'r mater o'r rhestr a sefydlwyd o dan baragraff (6);

(b) rhaid i'r person a enwir felly gyflwyno hysbysiad i'r person sy'n gofyn am gyfle i gael gwrandawiad ac i'r Asiantaeth, yn rhoi gwybod iddynt am amser y gwrandawiad (a'r amser hwnnw heb fod yn llai nag 21 niwrnod o ddyddiad rhoi'r hysbysiad); ac

(c) rhaid i'r person a enwir felly hysbysu o fewn 21 niwrnod i'r gwrandawiad y person sy'n gofyn am gyfle i gael gwrandawiad a'r Asiantaeth o'i benderfyniad.

(6) Rhaid i'r Asiantaeth sefydlu a chadw rhestr o bobl y caniateir eu henwi at ddibenion y rheoliad hwn a rhaid iddi ymgynghori â'r cyrff hynny y mae'n ymddangos iddi eu bod yn cynrychioli milfeddygon swyddogol, milfeddygon cymeradwy a chynorthwywyr swyddogol gan gynnwys unrhyw berson ar y rhestr.

(5) Where a person requests the opportunity to be heard pursuant to sub-paragraph (b) of paragraph (2)-

(a) the Agency must nominate a person to determine the matter from the list established under paragraph (6);

(b) the person so nominated must serve a notice on the person requesting the opportunity to be heard and the Agency informing them of the time (not being less than 21 days from the giving of the notice) of the hearing; and

(c) the person so nominated must, within 21 days of the hearing, notify the person requesting the opportunity to be heard and the Agency of his or her decision.

(6) The Agency must establish and maintain a list of people who may be nominated for the purposes of this regulation and must consult those organisations appearing to it to represent official veterinarians, approved veterinarians and official auxiliaries before including any person on the list.

Bwyd nad yw wedi'i gynhyrchu, wedi'i brosesu nac wedi'i ddosbarthu yn unol â'r Rheoliadau Hylendid

27.-(1) Wrth arolygu unrhyw fwyd, caiff swyddog awdurdodedig i awdurdod gorfodi ardystio nad yw wedi'i gynhyrchu, wedi'i brosesu nac wedi'i ddosbarthu yn unol â'r Rheoliadau Hylendid.

(2) Pan fo unrhyw fwyd yn cael ei ardystio fel a grybwyllwyd ym mharagraff (1), ymdrinnir ag ef at ddibenion adran 9 o'r Ddeddf fel bwyd sy'n methu â chydymffurfio â gofynion diogelwch bwyd.

(3) Pan fo unrhyw fwyd a ardystiwyd fel a grybwyllwyd ym mharagraff (1) yn rhan o swp, lot neu lwyth o fwyd o'r un dosbarth neu ddisgrifiad, rhaid i'r holl fwyd yn y swp, y lot neu'r llwyth, hyd nes y profir ei fod wedi'i gynhyrchu, wedi'i brosesu neu wedi'i ddosbarthu yn unol â'r Rheoliadau Hylendid, gael ei drin at ddibenion paragraff (2) fel bwyd sydd wedi'i ardystio felly.

Food which has not been produced, processed or distributed in accordance with the Hygiene Regulations

27.-(1) On an inspection of any food, an authorised officer of an enforcement authority may certify that it has not been produced, processed or distributed in compliance with the Hygiene Regulations.

(2) Where any food is certified as mentioned in paragraph (1) it will be treated for the purposes of section 9 of the Act as failing to comply with food safety requirements.

(3) Where any food certified as mentioned in paragraph (1) is part of a batch, lot or consignment of food of the same class or description, all the food in the batch, lot or consignment must, until it is proved that it has been produced, processed or distributed in compliance with the Hygiene Regulations, be treated for the purposes of paragraph (2) as having been so certified.

Cyflwyno dogfennau

28.-(1) Caniateir i unrhyw ddogfen y mae'n ofynnol neu yr awdurdodir ei chyflwyno o dan y Rheoliadau hyn i weithredydd busnes bwyd gael ei chyflwyno-

(a) drwy ei thraddodi i'r person hwnnw;

(b) yn achos cwmni corfforaethol neu gorff corfforaethol, drwy ei thraddodi i'w ysgrifennydd yn swyddfa gofrestredig neu brif swyddfa y cwmni neu'r corff hwnnw, neu drwy ei hanfon mewn llythyr rhagdaledig a gyfeirir at yr ysgrifennydd yn y swyddfa honno; neu

Service of documents

28.-(1) Any document which is required or authorised under the Hygiene Regulations to be served on a food business operator may be served-

(a) by delivering it to that person;

(b) in the case of an incorporated company or body, by delivering it to their secretary at their registered or principal office, or by sending it in a prepaid letter addressed to the secretary at that office; or

(c) yn achos unrhyw weithredydd busnes bwyd arall, drwy ei gadael neu ei hanfon mewn llythyr rhagdaledig a gyfeirir at y gweithredydd yn ei breswylfan arferol neu ei breswylfan hysbys ddiwethaf.

(2) Pan fo dogfen i'w chyflwyno i weithredydd busnes bwyd o dan y Rheoliadau hyn ac nad yw'n rhesymol ymarferol darganfod enw a chyfeiriad y person y dylid ei chyflwyno iddo, neu pan fo mangre'r gweithredydd busnes bwyd heb ei meddiannu, caniateir i'r ddogfen gael ei chyflwyno drwy ei chyfeirio at y gweithredydd busnes bwyd o dan sylw yn ei swyddogaeth fel meddiannydd y fangre honno (gan ei henwi), ac

(a) drwy ei thraddodi i ryw berson arall yn y fangre; a

(b) os nad oes unrhyw berson arall yn y fangre y gellir ei thraddodi iddo, drwy osod y ddogfen, neu gopi ohoni, ar ryw ran amlwg o'r fangre.

(c) in the case of any other food business operator, by leaving it or sending it in a prepaid letter addressed to the operator at operator's usual or last known residence.

(2) Where a document is to be served on a food business operator under the Hygiene Regulations and it is not reasonably practicable to ascertain the name and address of the person on whom it should be served, or the premises of the food business operator are unoccupied, the document may be served by addressing it to the food business operator concerned in the capacity of occupier of those premises (naming them), and-

(a) by delivering it to some other person at the premises; and

(b) if there is no other person at the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

Swmpgludo olewau hylifol neu frasterau hylifol ar longau mordwyol a swmpgludo siwgr crai dros y môr

29. Mae Atodlen 3 (swmpgludo olewau hylifol neu frasterau hylifol ar longau mordwyol a swmpgludo siwgr crai dros y môr) yn effeithiol.

Bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar

29. Schedule 3 (bulk transport in sea-going vessels of liquid oils or fats and the bulk transport by sea of raw sugar) has effect.

Gofynion rheoli tymheredd

30. Mae Atodlen 4 (gofynion rheoli tymheredd) yn effeithiol.

Temperature control requirements

30. Schedule 4 (temperature control requirements) has effect.

Y modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm

31. Mae Atodlen 5 (y modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm) yn effeithiol.

Direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm

31. Schedule 5 (direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm) has effect.

Cyfyngiadau ar werthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl a diwygiadau i Reoliadau Labelu Bwyd 1996

32.-(1) Mae Atodlen 6 (cyfyngiadau ar werthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl) yn effeithiol.

Restrictions on the sale of raw milk intended for direct human consumption and amendments to the Food Labelling Regulations 1996

32.-(1) Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption) has effect.

(2) Ym mharagraff (1) o reoliad 31 o Reoliadau Labelu Bwyd 1996(**1**) dileer y geiriau "Subject to paragraph (3) of this regulation, and except" a rhoi'r gair "Except" yn eu lle.

(3) Ym mharagraff (2) o reoliad 31 o Reoliadau Labelu Bwyd 1996 dileer y geiriau "Subject to paragraph (3) of this regulation, in" a rhoi'r gair "In" yn eu lle.

(4) Ym mharagraffau (1) a (2) o reoliad 31 o Reoliadau Labelu Bwyd 1996, yn union ar ôl y geiriau "harmful to health." rhodder y geiriau "The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness.".

(5) Dileer paragraff (3) o reoliad 31 o Reoliadau Labelu Bwyd 1996.

Diwygiadau canlyniadol

33.-(1) I'r graddau y maent yn gymwys o ran Cymru, diwygir yr offerynnau a bennir yn Atodlen 7 i'r graddau a bennir yno.

(2) Yn lle Nodyn 3 yn Atodlen 1 i Reoliadau Llaeth Cyddwys a Llaeth Sych (Cymru) 2003(**2**) (cynhyrchion llaeth sydd wedi'u dadhydradu a'u preserfio yn rhannol neu'n llwyr a'u disgrifiadau neilltuedig) rhodder y Nodyn canlynol-

"3. Llwyddir i breserfio'n cynhyrchion dynodedig-

(a) drwy drin â gwres ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 1(a) i (ch) o golofn 1 yn yr Atodlen hon;

(b) drwy ychwanegu swcros ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 1(d) i (e) o golofn 1 yn yr Atodlen hon; a

(c) drwy ddadhydradu ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 2 o'r Atodlen hon.".

Dirymiadau

34.-(1) Dirymir Rheoliadau Hylendid Bwyd (Cymru) 2005.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**3**)

10 Ionawr 2006

(2) In paragraph (1) of regulation 31 of the Food Labelling Regulations 1996(**1**) delete the words "Subject to paragraph (3) of this regulation, and except" and replace with the word "Except".

(3) In paragraph (2)of regulation 31 of the Food Labelling Regulations 1996 delete the words "Subject to paragraph (3) of this regulation, in" and replace with the word "In".

(4) In paragraphs (1) and (2) of regulation 31 of the Food Labelling Regulations 1996 immediately after the words "harmful to health." insert the words "The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness.".

(5) Delete paragraph (3) of regulation 31 of the Food Labelling Regulations 1996.

Consequential amendments

33.-(1) In so far as they apply in relation to Wales, the instruments specified in Schedule 7 are amended to the extent specified there.

(2) For Note 3 to Schedule 1 to the Condensed Milk and Dried Milk (Wales) Regulations 2003(**1**) (partly or wholly dehydrated preserved milk products and their reserved descriptions) there is substituted the following Note-

"3. The preservation of the designated products shall be achieved-

(a) by heat treatment for the products referred to in paragraph 1(a) to (d) of column 1 of this Schedule;

(b) by the addition of sucrose for the products referred to in paragraph 1(e) to (g) of column 1 of this Schedule; and

(c) by dehydration for the products referred to in paragraph 2 of column 1 of this Schedule.".

Revocation

34.-(1) The Food Hygiene (Wales) Regulations 2005 are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

10 January 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) O.S. 1996/1499.

(**2**) O.S. 2003/3053 (Cy.291), a ddiwygiwyd gan O.S. 2004/2731 (Cy.238).

(**3**) 1998 p.38.

(**1**) S.I. 1996/1499.

(**2**) S.I. 2003/3053 (W.291), amended by S.I. 2004/2731 (W.238).

(**3**) 1998 c.38.

YR ATODLENNI

ATODLEN 1

Rheoliad 2(1)

DIFFINIADAU O DDEDDFWRIAETH Y GYMUNED

ystyr "Rheoliad 178/2002" (*"Regulation 178/2002"*) yw Rheoliad (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 gosod gweithdrefnau o ran materion diogelwch bwyd(**1**), fel y diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor yn diwygio Rheoliad (EC) Rhif 178/2002 sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**2**);

ystyr "Rheoliad 1642/2003" (*"Regulation 1642/2003"*) yw Rheoliad (EC) Rhif 1642/2003 Senedd Ewrop a'r Cyngor yn diwygio Rheoliad (EC) Rhif 178/2002 sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**3**);

ystyr "Rheoliad 852/2004" (*"Regulation 852/2004"*) yw Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ar hylendid deunyddiau bwydydd(**4**) fel y'i darllenir gyda Rheoliad 2073/2005;

ystyr "Rheoliad 853/2004" (*"Regulation 853/2004"*) yw Rheoliad (EC) Rhif853/2004 Senedd Ewrop a'r Cyngor sy'n pennu rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid(**5**) fel y diwygiwyd gan Reoliad 2074/2005 a Rheoliad 2076/2005 ac fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 1688/2005, Rheoliad 2074/2005 a Rheoliad 2076/2005;

(**1**) OJ Rhif L31, 1.2.2002, t.1.

(**2**) OJ Rhif L245, 29.9.2003, t.4.

(**3**) OJ Rhif L245, 29.9.2003, t.4.

(**4**) OJ Rhif L139, 30.4.2004, t.1. Mae testun diwygiedig Rheoliad (EC) Rhif852/2004 wedi'i osod bellach mewn Corigendwm (OJ RhifL226, 25.6.2004, t.3).

(**5**) OJ Rhif L139, 30.4.2004, t.55. Mae testun diwygiedig Rheoliad (EC) Rhif 853/2004 wedi'i osod bellach mewn Corigendwm (OJ RhifL226, 25.6.2004, t.22).

SCHEDULES

SCHEDULE 1

Regulation 2(1)

DEFINITIONS OF COMMUNITY LEGISLATION

"Regulation 178/2002" (*"Rheoliad 178/2002"*) means 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(**1**) as last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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(**2**);

"Regulation 1642/2003" (*"Rheoliad 1642/2002"*) means Regulation (EC) No. 1642/2003 of the European Parliament and of the Council amending Regulation (EC) No. 178/2002 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**);

"Regulation 852/2004" (*"Rheoliad 852/2004"*) means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(**4**) as read with Regulation 1688/2005 and Regulation 2073/2005;

"Regulation 853/2004" (*"Rheoliad 853/2004"*) means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**5**) as amended by Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

(**1**) OJ No. L31, 1.2.2002, p.1.

(**2**) OJ No. L245, 29.9.2003, p.4.

(**3**) OJ No. L245, 29.9.2003, p.4.

(**4**) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3).

(**5**) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22).

ystyr "Rheoliad 854/2004" (*"Regulation 854/2004"*) yw Rheoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n dod o anifeiliaid ac a fwriedir i'w bwyta gan bobl(**1**) fel y'i diwygiwyd gan Reoliad 882/2004, Rheoliad 2074/2005 a Rheoliad 2076/2005 ac fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 2074/2005, Rheoliad 2075/2005 a Rheoliad 2076/2005;

"Regulation 854/2004" (*"Rheoliad 854/2004"*) means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption(**1**) as amended by Regulation 882/2004, Regulation 2074/2005 and Regulation 2076/2005 and as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

ystyr "Rheoliad 882/2004" (*"Rheoliad 882/2004"*) yw Rheoliad 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a ddefnyddir i sicrhau bod cydymffurfedd â cyfraith bwyd anifeiliaid a chyfraith bwyd, rheolau iechyd anifeiliaid a rheolau lles anifeiliaid yn cael ei wirio(**2**);

"Regulation 882/2004" (*"Rheoliad 882/2004"*) means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(**2**)as read with Regulation 2074/2005 and Regulation 2076/2005;

ystyr "Cyfarwyddeb 2004/41" (*"Directive 2004/41"*) yw Cyfarwyddeb 2004/41/EC Senedd Ewrop a'r Cyngor sy'n diddymu cyfarwyddebau penodol ynglŷn â hylendid bwyd ac amodau iechyd ar gyfer cynhyrchu a rhoi ar y farchnad gynhyrchion penodol sy'n dod o anifeiliaid ac a fwriedir i'w bwyta gan bobl ac sy'n diwygio Cyfarwyddebau'r Cyngor 89/662/EEC a 92/118/EEC a Phenderfyniad y Cyngor 95/408/EC(**3**).

"Directive 2004/41" (*"Cyfarwyddeb 2004/41"*) means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(**3**).

ystyr "Rheoliad 1688/2005" (*"Regulation 1688/2005"*) yw Rheoliad y Comisiwn (EC) Rhif 1688/2005 yn gweithredu Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor o ran gwarantau arbennig ynghylch salmonela ar gyfer llwythi o gigoedd ac wyau penodol i'r Ffindir ac i Sweden(**4**);

"Regulation 1688/2005" (*"Rheoliad 1688/2005"*) means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(**4**);

ystyr "Rheoliad 2073/2005" (*"Regulation 2073/2005"*) yw Rheoliad y Comisiwn (EC) Rhif 2073/2005 ar feini prawf microbiolegol ar gyfer bwydydd(**5**);

"Regulation 2073/2005" (*"Rheoliad 2073/2005"*) means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(**5**);

ystyr "Rheoliad 2074/2005" (*"Regulation 2074/2005"*) yw Rheoliad y Comisiwn (EC) Rhif 2074//2005 sy'n gosod mesurau gweithredu ar gyfer cynhyrchion penodol o dan Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor ac ar gyfer trefnu rheolaethau swyddogol o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor, rhanddirymiad o Reoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor a diwygio Rheoliadau (EC) Rhif 853/2004 (EC) Rhif 854/2004(**6**);

"Regulation 2074/2005" (*"Rheoliad 2074/2005"*) means Commission Regulation (EC) No. 2074//2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**6**);

(**1**) OJ Rhif L155, 30.4.2004, t.206. Mae testun diwygiedig Rheoliad (EC) Rhif854/2004 wedi'i osod bellach mewn Corigendwm (OJ Rhif L226, 25.6.2004, t.83).

(**2**) OJ Rhif L165, 30.4.2004, t.1. Mae testun diwygiedig Rheoliad (EC) Rhif882/2004 wedi'i osod bellach mewn Corigendwm (OJ Rhif L226, 28.5.2004, t.1).

(**3**) OJ Rhif L157, 30.4.2004, t.33. Mae testun diwygiedig Cyfarwyddeb 2004/41/EC wedi'i osod bellach mewn Corigendwm (OJ RhifL195, 2.6.2004, t.12).

(**4**) OJ Rhif L271, 15.10.2005, t.17.

(**5**) OJ Rhif L338, 22.12.2005, t.1.

(**6**) OJ Rhif L338, 22.12.2005, t.27.

(**1**) OJ No. L155, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83).

(**2**) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1).

(**3**) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(**4**) OJ No. L271, 15.10.2005, p.17.

(**5**) OJ No. L338, 22.12.2005, p.1.

(**6**) OJ No. L338, 22.12.2005, p.27.

ystyr "Rheoliad 2075/2005" (*"Regulation 2075/2005"*) yw Rheoliad y Comisiwn (EC) Rhif 2075/2005 sy'n gosod rheoloau penodedig ar reolaethau swyddogol ar gyfer Trichinella mewn cig(**1**); ac

ystyr "Rheoliad 2076/2005" (*"Regulation 2076/2005"*) yw Rheoliad y Comisiwn (EC) Rhif 2076/2005 sy'n gosod trefniadau trosiannol ar gyfer gweithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004 ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(**2**).

"Regulation 2075/2005" (*"Rheoliad 2075/2005"*) means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for *Trichinella* in meat(**1**); and

"Regulation 2076/2005" (*"Rheoliad 2076/2005"*) means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(**2**).

(**1**) OJ Rhif L338, 22.12.2005, t.60.

(**2**) OJ Rhif L338, 22.12.2005, t.83.

(**1**) OJ No. L338, 22.12.2005, p.60.

(**2**) OJ No. L338, 22.12.2005, p.83.

ATODLEN 2

Rheoliadau 2(1) a 17

DARPARIAETHAU CYMUNEDOL PENODEDIG

1. Y Ddarpariaeth yn Rheoliadau'r ymuned	*2. Y Pwnc*
Erthygl 3 o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau bod pob cam yn y broses o gynhyrchu, prosesu a dosbarthu bwyd sydd o dan eu rheolaeth yn bodloni'r gofynion perthnasol o ran hylendid sydd wedi'u nodi yn Rheoliad 852/2004.
Erthygl 4(1) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd sy'n gwneud gwaith cynhyrchu sylfaenol a gweithrediadau cysylltiedig penodol yn cydymffurfio â'r darpariaethau hylendid cyffredinol a bennir yn Rhan A o Atodiad I i Reoliad 852/2004 ac unrhyw ofynion penodol y darperir ar eu cyfer yn Rheoliad 853/2004.
Erthygl 4(2) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd sy'n cyflawni unrhyw gam yn y broses o gynhyrchu, prosesu a dosbarthu bwyd ar ôl y camau hynny y mae Erthygl 4(1) yn gymwys iddynt yn cydymffurfio â'r gofynion cyffredinol o ran hylendid a nodir yn Atodiad II i Reoliad 852/2004 ac unrhyw ofynion penodol y darperir ar eu cyfer yn Rheoliad 853/2004.
Erthygl 4(3) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd, fel y bo'n briodol, yn mabwysiadu rhai mesurau hylendid penodol.

SCHEDULE 2

Regulations 2(1) and 17

SPECIFIED COMMUNITY PROVISIONS

1. Provision of Community Regulations	*2. Subject matter*
Article 3 of Regulation 852/2004	Requirement that food business operators ensure that all stages of production, processing and distribution of food under their control satisfy the relevant hygiene requirements laid down in Regulation 852/2004.
Article 4(1) of Regulation 852/2004	Requirement that food business operators carrying out primary production and specified associated operations comply with the general hygiene provisions laid down in Part A of Annex I to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(2) of Regulation 852/2004	Requirement that food business operators carrying out any stage of production, processing and distribution of food after those stages to which Article 4(1) applies comply with the general hygiene requirements laid down in Annex II to Regulation 852/2004 and any specific requirements provided for in Regulation 853/2004.
Article 4(3) of Regulation 852/2004	Requirement that food business operators, as appropriate, adopt certain specific hygiene measures.

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*	*1. Provision of Community Regulations*	*2. Subject Matter*
Erthygl 5(1) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn sefydlu, gweithredu a chynnal gweithdrefn neu weithdrefnau parhaol ar sail egwyddorion Dadansoddi Peryglon a Phwynt Rheoli Critigol (HACCP).	Article 5(1) of Regulation 852/2004	Requirement that food business operators put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.
Erthygl 5(2) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd, pan fo unrhyw addasiad yn cael ei wneud i'r cynnyrch, y broses, neu i unrhyw gam yn y broses, yn adolygu'r weithdrefn y cyfeirir ati yn Erthygl 5(1) ac yn gwneud y newidiadau angenrheidiol iddi.	Article 5(2) of Regulation 852/2004	Requirement that when any modification is made in the product, process, or any step, food business operators review the procedure referred to in Article 5(1) and make the necessary changes to it.
Erthygl 5(4)(a) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn darparu i'r awdurdod cymwys dystiolaeth eu bod yn cydymffurfio ag Erthygl 5(1).	Article 5(4)(a) of Regulation 852/2004	Requirement that food business operators provide the competent authority with evidence of their compliance with Article 5(1).
Erthygl 5(4)(b) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau bod unrhyw ddogfennau sy'n disgrifio'r gweithdrefnau a ddatblygwyd yn unol ag Erthygl 5 yn gyfoes.	Article 5(4)(b) of Regulation 852/2004	Requirement that food business operators ensure that any documents describing the procedures developed in accordance with Article 5 are up to date.
Erthygl 5(4)(c) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn dal eu gafael ar ddogfennau a chofnodion am gyfnod priodol.	Article 5(4)(c) of Regulation 852/2004	Requirement that food business operators retain documents and records for an appropriate period.
Erthygl 6(1) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn cydweithredu â'r awdurdodau cymwys yn unol ag unrhyw ddeddfwriaeth arall y Gymuned neu unrhyw gyfraith genedlaethol arall sy'n gymwys.	Article 6(1) of Regulation 852/2004	Requirement that food business operators co-operate with the competent authorities in accordance with other applicable Community legislation or national law.
Erthygl 6(2), paragraff cyntaf Rheoliad	Gofyniad bod gweithredydd busnes bwyd yn hysbysu'r 852/2004 awdurdod cymwys o bob sefydliad o dan ei reolaeth sy'n cyflawni unrhyw un o'r camau yn y broses o gynhyrchu, prosesu a dosbarthu bwyd.	Article 6(2), first paragraph of Regulation 852/2004	Requirement that a food business operator notify the competent authority of each establishment under its control that carries out any of the stages of production, processing and distribution of food.

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*	*1. Provision of Community Regulations*	*2. Subject Matter*
Erthygl 6(2), ail baragraff Rheoliad	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau 852/2004 bod gan yr awdurdod cymwys wybodaeth gyfoes am sefydliadau.	Article 6(2), second paragraph of Regulation 852/2004	Requirement that food business operators ensure that the competent authority has up to date information on establishments.
Erthygl 6(3) o Reoliad 852/2004	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau bod sefydliadau yn cael eu cymeradwyo gan yr awdurdod cymwys pan fo angen cymeradwyaeth.	Article 6(3) of Regulation 852/2004	Requirement that food business operators ensure that establishments are approved by the competent authority when approval is required.
Erthygl 3(1) o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd yn cydymffurfio â darpariaethau perthnasol Atodiadau II a III i Reoliad 853/2004.	Article 3(1) of Regulation 853/2004	Requirement that food business operators comply with the relevant provisions of Annexes II and III to Regulation 853/2004.
Erthygl 3(2) o Reoliad 853/2004	Gofyniad nad yw gweithredwyr busnes bwyd yn defnyddio unrhyw sylwedd heblaw dŵr yfadwy neu, pan fo Rheoliad 852/2004 neu Reoliad 853/2004 yn caniatáu ei ddefnyddio, dŵr glân i dynnu halogiad ar y wyneb oddi ar gynhyrchion sy'n tarddu o anifeiliaid, oni bai bod defnyddio'r sylwedd wedi'i gymeradwyo.	Article 3(2) of Regulation 853/2004	Requirement that food business operators do not use any substance other than potable water or, when Regulation 852/2004 or Regulation 853/2004 permits its use, clean water, to remove surface contamination from products of animal origin unless use of the substance has been approved.
Erthygl 4(1) o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd ddim ond yn rhoi ar y farchnad gynhyrchion sy'n tarddu o anifeiliaid ac sydd wedi'u gweithgynhyrchu yn y Gymuned os ydynt wedi'u paratoi a'u trafod yn y sefydliadau canlynol yn unig- (a) sefydliadau sy'n bodloni gofynion perthnasol Rheoliad 852/2004, rhai perthnasol Atodiadau II a III i Reoliad 853/2004 a gofynion perthnasol eraill cyfraith bwyd; a (b) y mae'r awdurdod cymwys wedi'u cofrestru neu, pan fo'n ofynnol yn unol ag Erthygl 4(2), wedi'u cymeradwyo.	Article 4(1) of Regulation 853/2004	Requirement that food business operators place products of animal origin manufactured in the Community on the market only if they have been prepared and handled exclusively in establishments- (a) that meet the relevant requirements of Regulation 852/2004, those of Annexes II and III of Regulation 853/2004 and other relevant requirements of food law; and (b) that the competent authority has registered or, where required in accordance with Article 4(2), approved.

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*	*1. Provision of Community Regulations*	*2. Subject Matter*
Erthygl 4(2) o Reoliad 853/2004	Gofyniad nad yw sefydliadau sy'n trafod y cynhyrchion hynny sy'n tarddu o anifeiliaid, ac y mae Atodiad III i Reoliad 853/2004 yn gosod gofynion ar eu cyfer, yn gweithredu onid yw'r awdurdod cymwys wedi'u cymeradwyo yn unol ag Erthygl 4(3).	Article 4(2) of Regulation 853/2004	Requirement that establishments handling those products of animal origin for which Annex III to Regulation 853/2004 lays down requirements do not operate unless the competent authority has approved them in accordance with Article 4(3).
Erthygl 4(3) o Reoliad 853/2004	Gofyniad na ddylai sefydliadau sy'n ddarostyngedig i gymeradwyaeth yn unol ag Erthygl 4(2) weithredu oni bai bod yr awdurdod cymwys, yn unol â Rheoliad 854/2004- (a) wedi rhoi cymeradwyaeth i'r sefydliad weithredu yn dilyn ymweliad ar y safle; neu (b) wedi rhoi cymeradwyaeth amodol i'r sefydliad.	Article 4(3) of Regulation 853/2004	Requirement that establishments subject to approval in accordance with Article 4(2) do not operate unless the competent authority has, in accordance the Regulation 854/2004- (a) granted the establishment approval to operate following an on-site visit; or (b) provided the establishment with conditional approval.
Erthygl 4(4) o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd yn cydweithredu â'r awdurdodau cymwys yn unol â Rheoliad 854/2004 gan gynnwys sicrhau bod sefydliad yn peidio â gweithredu os nad yw'n sefydliad cymeradwy mwyach.	Article 4(4) of Regulation 853/2004	Requirement that food business operators co-operate with the competent authorities in accordance with Regulation 854/2004 including ensuring that an establishment ceases to operate if it is no longer approved.
Erthygl 5(1) o Reoliad 853/2004	Gofyniad nad yw gweithredwyr busnes bwyd yn rhoi ar y farchnad gynnyrch sy'n tarddu o anifeiliaid ac sydd wedi'i drafod mewn sefydliad sy'n ddarostyngedig i gymeradwyaeth yn unol ag Erthygl 4(2) oni bai- (a) bod marc iechyd wedi'i ddodi arno yn unol â Rheoliad 854/2004; neu	Article 5(1) of Regulation 853/2004	Requirement that food business operators do not place on the market a product of animal origin handled in an establishment subject to approval in accordance with Article 4(2) unless it has- (a) a health mark applied in accordance with Regulation 854/2004; or

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*
	(b) pan nad yw Rheoliad 854/2004 yn darparu ar gyfer dodi marc iechyd, bod marc adnabod yn cael ei ddodi yn unol ag Adran 1 o Atodiad II Reoliad 853/2004.
Erthygl 5(2) o Reoliad 853/2004	Gofyniad mai dim ond os yw'r cynnyrch wedi'i weithgynhyrchu yn unol â Rheoliad 853/2004 mewn sefydliadau sy'n bodloni gofynion Erthygl 4 y dylai gweithredwyr busnes bwyd ddodi marc adnabod ar gynnyrch sy'n tarddu o anifeiliaid.
Erthygl 5(3) o Reoliad 853/2004	Gofyniad nad yw gweithredwyr busnes bwyd yn dileu marc iechyd a ddodwyd yn unol â Rheoliad 854/2004 oddi ar gig oni bai eu bod yn ei dorri neu'n ei brosesu neu'n gweithio arno mewn modd arall.
Erthygl 6(1) a (2) o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau mai dim ond pan fydd amodau penodol wedi'u bodloni y dylai mewnforio cynhyrchion sy'n tarddu o anifeiliaid ddigwydd.
Erthygl 6(3) o Reoliad 853/2004	Gofyniad bod rhaid i weithredwyr busnes bwyd sy'n mewnforio cynhyrchion sy'n tarddu o anifeiliaid sicrhau- (a) bod cynhyrchion yn cael eu rhoi ar gael i'w rheoli wrth iddynt gael eu mewnforio yn unol â Chyfarwyddeb y Cyngor 97/78/EC(**1**); (b) bod y mewnforio yn cydymffurfio â gofynion Cyfarwyddeb y Cyngor 2002/99/EC(**2**); ac

(**1**) OJ Rhif L24, 30.1.1998, t.9.

(**2**) OJ Rhif L18, 23.1.2003, t.11.

1. Provision of Community Regulations	*2. Subject Matter*
	(b) when Regulation 854/2004 does not provide for the application of a health mark, an identification mark applied in accordance with Section 1 of Annex II to Regulation 853/2004.
Article 5(2) of Regulation 853/2004	Requirement that food business operators apply an identification mark to a product of animal origin only if the product has been manufactured in accordance with Regulation 853/2004 in establishments meeting the requirements of Article 4.
Article 5(3) of Regulation 853/2004	Requirement that food business operators do not remove a health mark applied in accordance with Regulation 854/2004 from meat unless they cut or process it or work upon it in another manner.
Article 6(1) and (2) of Regulation 853/2004	Requirement that food business operators ensure that importation of products of animal origin only takes place where certain conditions are met.
Article 6(3) of Regulation 853/2004	Requirement that food business operators importing products of animal origin shall ensure that- (a) products are made available for control upon importation in accordance with Council Directive 97/78/EC(**1**); (b) importation complies with the requirements of Council Directive 2002/99/EC(**2**); and

(**1**) OJ No. L24, 30.1.1998, p.9.

(**2**) OJ No. L18, 23.1.2003, p.11.

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*	*1. Provision of Community Regulations*	*2. Subject Matter*
	(c) bod gweithrediadau o dan eu rheolaeth sy'n digwydd ar ôl y mewnforio yn cael eu cyflawni yn unol â gofynion Atodiad III i Reoliad 853/2004.		(c) operations under their control that take place after importation are carried out in accordance with the requirements of Annex III to Regulation 853/2004.
Erthygl 6(4) o Reoliad 853/2004	Gofynion bod gweithredwyr busnes bwyd sy'n mewnforio bwyd sy'n cynnwys cynhyrchion sy'n tarddu o blanhigion a chynhyrchion proses sy'n tarddu o anifeiliaid yn sicrhau bod y cynhyrchion proses sy'n tarddu o anifeiliaid yn bodloni gofynion paragraffau (1) i (3) o Erthygl 6.	Article 6(4) of Regulation 853/2004	Requirement that food business operators importing food containing both products of plant origin and processed products of animal origin ensure that the processed products of animal origin satisfy the requirements of paragraphs (1) to (3) of Article 6.
Erthygl 7 o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd yn sicrhau bod tystysgrifau neu ddogfennau eraill yn mynd gyda llwythi cynhyrchion sy'n tarddu o anifeiliaid pan fo'n ofynnol yn unol ag Atodiad II neu III i Reoliad 853/2004.	Article 7 of Regulation 853/2004	Requirement that food business operators ensure that certificates or other documents accompany consignments of products of animal origin when required in accordance with Annex II or III to Regulation 853/2004.
Erthygl 8 o Reoliad 853/2004	Gofyniad bod gweithredwyr busnes bwyd sy'n bwriadu rhoi bwydydd penodedig sy'n tarddu o anifeiliaid ar y farchnad yn Sweden neu'r Ffindir yn cydymffurfio â'r rheolau a nodir yn Erthygl 8(2).	Article 8 of Regulation 853/2004	Requirement that food business operators intending to place specified foods of animal origin on the market in Sweden or Finland comply with the rules set out in Article 8(2).
Erthygl 7(1) o Reoliad 2073/2005	Gofyniad bod gweithredwyr busnes bwyd yn cymryd y mesurau a bennir ym mharagraffau (2) i (4) o Erthygl 7 pan fydd y canlyniadau ar ôl profi yn erbyn y meni prawf a osodir yn Atodiad I i Reoliad 2073/2005 (meini prawf microbiolegol ar gyfer bwydydd) yn anfoddhaol	Article 7(1) of Regulation 2073/2005	Requirement that food business operators take the measures laid down in paragraphs (2) to (4) of Article 7 when the results of testing against the criteria set out in Annex I to Regulation 2073/2005 (microbiological criteria for foodstuffs) are unsatisfactory.

1. Y Ddarpariaeth yn Rheoliadau'r Gymuned	*2. Y Pwnc*
Erthygl 9 o Reoliad 2073/2005	Gofyniad bod gweithredwyr busnes bwyd daliadau y cydnabyddir eu bod yn rhydd o *Trichinella* yn hysbysu'r awdurdod cymwys o unrhyw ofyniad a bennir ym Mhennod I a II(B) o Atodiad IV i Reoliad 2075/2005 (amodau manwl ar gyfer daliadau sy'n rhydd o *Trichinella* ac ardaloedd lle mae'r risg o *Trichinella* yn eithriadol o fach) nad yw bellach yn cael ei gyflawni neu unrhyw newid arall a allai effeithio ar statws daliadau sy'n rhydd o *Trichinella*.

1. Provision of Community Regulations	*2. Subject Matter*
Article 9 of Regulation 2075/2005	Requirement that food business operators of holdings recognised as free from *Trichinella* inform the competent authority of any requirement as laid down in Chapter I and II(B) of Annex IV to Regulation 2075/2005 (detailed conditions for *Trichinella*-free holdings and regions with a negligible *Trichinella* risk) that is no longer fulfilled or of any other change that might affect holdings' *Trichinella*-free status.

ATODLEN 3

Rheoliad 29

SWMPGLUDO OLEWAU HYLIFOL NEU FRASTERAU HYLIFOL AR LONGAU MORDWYOL A SWMPGLUDO SIWGR CRAI DROS Y MÔR

Tramgwydd

1. Bydd person sy'n mynd yn groes i unrhyw un o ofynion yr Atodlen hon neu'n methu â chydymffurfio ag unrhyw un ohonynt yn euog o dramgwydd.

Olewau hylifol neu frasterau hylifol

2.-(1) Caniateir i olewau hylifol neu frasterau hylifol sydd i'w prosesu, ac a fwriedir ar gyfer eu bwyta gan bobl neu sy'n debygol o gael eu defnyddio ar gyfer eu bwyta gan bobl, gael eu swmpgludo ar longau mordwyol mewn tanciau nas cedwir at gludo deunyddiau bwyd yn unig, a chaniateir hynny yn ddarostyngedig i'r amodau canlynol-

(a) pan fo'r olew neu'r braster yn cael ei gludo mewn tanc dur gwrthstaen, neu danc sydd wedi'i leinio â resin epocsi neu ddeunydd sy'n dechnegol gyfatebol iddo, rhaid i'r cargo uniongyrchol flaenorol a gludwyd yn y tanc fod wedi bod yn ddeunydd bwyd neu'n gargo o'r rhestr o gargoau blaenorol derbyniol ar gyfer olewau hylifol neu frasterau hylifol; a

(b) pan fo'r olew neu'r braster yn cael ei gludo mewn tanc o ddeunyddiau heblaw'r rhai a bennir yn is-baragraff (a), rhaid i'r tri chargo blaenorol a gludwyd yn y tanciau fod wedi bod yn ddeunyddiau bwyd neu'n gargoau o'r rhestr o gargoau blaenorol derbyniol ar gyfer olewau hylifol neu frasterau hylifol.

(2) At ddibenion y paragraff hwn, ystyr "rhestr o gargoau blaenorol derbyniol ar gyfer olewau hylifol neu frasterau hylifol" yw'r rhestr a nodir yn yr Atodiad i Gyfarwyddeb y Comisiwn 96/3/EC.

3. Caniateir i olewau hylifol neu frasterau hylifol nad ydynt i'w prosesu ymhellach, ac a fwriedir ar gyfer eu bwyta gan bobl neu sy'n debygol o gael eu defnyddio ar gyfer eu bwyta gan bobl, gael eu swmpgludo mewn tanciau nas cedwir at gludo deunyddiau bwyd yn unig, a chaniateir hynny yn ddarostyngedig i'r amodau canlynol-

(a) rhaid i'r tanc fod yn danc dur gwrthstaen neu fod wedi'i leinio â resin epocsi neu ddeunydd sy'n dechnegol gyfatebol iddo; a

(b) rhaid i'r tri chargo blaenorol a gludwyd yn y tanc fod wedi bod yn ddeunyddiau bwyd.

SCHEDULE 3

Regulation 29

BULK TRANSPORT IN SEA-GOING VESSELS OF LIQUID OILS OR FATS AND THE BULK TRANSPORT BY SEA OF RAW SUGAR

Offence

1. A person who contravenes or fails to comply with any of the requirements of this Schedule will be guilty of an offence.

Liquid oils or fats

2.-(1) The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions-

(a) where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank must have been a foodstuff or a cargo from the list of acceptable previous cargoes for liquid oils or fats; and

(b) where the oil or fat is transported in a tank of materials other than those specified in sub-paragraph (a), the three previous cargoes transported in the tanks must have been foodstuffs or from the list of acceptable previous cargoes for liquid oils or fats.

(2) For the purposes of this paragraph, "list of acceptable previous cargoes for liquid oils or fats" means the list set out in the Annex to Commission Directive 96/3/EC.

3. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or are likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions-

(a) the tank must be of stainless steel or lined with epoxy resin or technical equivalent; and

(b) the three previous cargoes transported in the tank must have been foodstuffs.

4. Rhaid i gapten llong fordwyol sy'n cludo mewn tanciau swmp o olewau hylifol neu frasterau hylifol a fwriedir ar gyfer eu bwyta gan bobl neu sy'n debygol o gael eu defnyddio ar gyfer eu bwyta gan bobl, gadw tystiolaeth ddogfennol gywir ynglŷn â'r tri chargo blaenorol a gludwyd yn y tanciau o dan sylw, ac am effeithiolrwydd y broses lanhau a ddefnyddiwyd rhwng y cargoau hynny.

5. Pan fo'r cargo wedi'u drawslwytho, yn ychwanegol at y dystiolaeth ddogfennol sy'n ofynnol yn rhinwedd paragraff 4, rhaid i gapten y llong sy'n ei dderbyn gadw tystiolaeth ddogfennol gywir bod cludo'r swmp o olew hylifol neu fraster hylifol wedi cydymffurfio â darpariaethau paragraff 2 neu 3 yn ystod y llwyth llong blaenorol ac am effeithiolrwydd y broses lanhau a ddefnyddiwyd rhwng y cargoau hynny ar y llong y cawsant eu trawslwytho ohoni.

6. Os gofynnir iddo wneud hynny, rhaid i gapten y llong roi i'r awdurdod gorfodi y dystiolaeth ddogfennol a ddisgrifiwyd ym mharagraffau 4 a 5.

Siwgr crai

7. Caniateir i siwgr crai na fwriedir ei ddefnyddio fel bwyd neu gynhwysyn bwyd heb broses buro lawn ac effeithiol gael ei swmpgludo dros y môr mewn daliedyddion, cynwysyddion neu danceri nad ydynt yn cael eu defnyddio ar gyfer cludo deunyddiau bwyd yn unig.

8. Bydd y daliedyddion, y cynwysyddion neu'r tanceri y cyfeiriwyd atynt ym mharagraff 7 yn ddarostyngedig i'r amodau canlynol-

(a) cyn llwytho'r siwgr crai, rhaid i'r daliedydd, y cynhwysydd neu'r tancer gael ei lanhau'n effeithiol i waredu gweddillion y cargo blaenorol ac unrhyw faeddu arall a'i arolygu i gadarnhau bod y gweddillion hynny wedi'u gwaredu'n effeithiol; a

(b) rhaid i'r cargo uniongyrchol flaenorol a gludwyd cyn y siwgr crai beidio â bod wedi bod yn swmp-hylif.

9. Rhaid i weithredydd busnes bwyd sy'n gyfrifol am gludo siwgr crai dros y môr o dan baragraff 7 gadw tystiolaeth ddogfennol, gan ddisgrifio'n gywir ac yn fanwl y cargo uniongyrchol flaenorol a gludwyd yn y daliedydd, y cynhwysydd neu'r tancer o dan sylw, a math ac effeithiolrwydd y broses lanhau a ddefnyddiwyd cyn cludo'r siwgr crai.

10. Rhaid i'r dystiolaeth ddogfennol fynd gyda llwyth siwgr crai yn ystod pob cam yn y broses o'i gludo i'r burfa a rhaid i'r burfa gadw copi o'r dystiolaeth honno. Rhaid i'r dystiolaeth ddogfennol gael ei marcio fel a ganlyn mewn modd sy'n hollol weladwy ac annileadwy mewn un neu ragor o ieithoedd y Gymuned: "This product must be refined before being used for human consumption".

4. The captain of a sea-going vessel transporting, in tanks, bulk liquid oils or fats intended for or likely to be used for human consumption must keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between those cargoes.

5. Where the cargo has been trans-shipped, in addition to the documentary evidence required by virtue of paragraph 4, the captain of the receiving vessel must keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions of paragraph 2 or 3 during previous shipment and of the effectiveness of the cleaning process used between those cargoes on the vessel from which they were trans-shipped.

6. Upon request, the captain of the vessel must provide the enforcement authority with the documentary evidence described in paragraphs 4 and 5.

Raw sugar

7. The bulk transport by sea of raw sugar which is not intended for use as food or as a food ingredient without a full and effective refining process is permitted in receptacles, containers or tankers that are not exclusively used for the transport of foodstuffs.

8. The receptacles, containers or tankers referred to in paragraph 7 will be subject to the following conditions-

(a) prior to loading the raw sugar, the receptacle, container or tanker must be effectively cleaned to remove residues of the previous cargo and other soiling and inspected to establish that such residues have been removed effectively; and

(b) the immediate previous cargo prior to the raw sugar must not have been a bulk liquid.

9. A food business operator who is responsible for the transport of raw sugar by sea under paragraph 7 must keep documentary evidence, accurately describing in detail the immediate previous cargo carried in the receptacle, container or tanker concerned, and the type and effectiveness of the cleaning process applied prior to the transport of the raw sugar.

10. The documentary evidence must accompany the consignment of raw sugar during all stages of transport to the refinery and a copy must be retained by the refinery. The documentary evidence must be marked as follows in a clearly visible and indelible fashion, in one or more Community languages: "This product must be refined before being used for human consumption".

11. Os gofynnir iddo wneud hynny, rhaid i weithredydd busnes bwyd sy'n gyfrifol am gludo'r siwgr crai neu'r broses buro ddarparu i'r awdurdod gorfodi y dystiolaeth ddogfennol y cyfeiriwyd ati ym mharagraffau 9 a 10.

12. Gwneir i siwgr crai sydd wedi'i gludo dros y môr mewn daliedyddion, cynwysyddion neu danceri nas cedwir at gludo deunyddiau bwyd yn unig, fynd drwy broses buro lawn ac effeithiol cyn iddo gael ei ystyried yn addas i'w ddefnyddio fel bwyd neu fel cynhwysyn bwyd.

13. Wrth gyflawni'r rhwymedigaethau o dan Erthygl 5(1) o Reoliad 852/2004 (dadansoddi peryglon a phwynt rheoli critigol) o ran swmpgludo siwgr crai dros y môr o dan baragraff 7, rhaid i weithredydd busnes bwyd sy'n gyfrifol am gludo neu buro siwgr crai-

(a) ystyried y broses lanhau yr ymgymerwyd, hi cyn llwytho'r siwgr i'w gludo dros y môr yn bwynt rheoli critigol yn y modd y cyfeirir at "critical control point" yn Erthygl 5(2)(b) o Reoliad 852/2004; a

(b) cymryd i ystyriaeth natur y cargo blaenorol sydd wedi'i gludo mewn unrhyw ddaliedydd, cynhwysydd neu dancer sy'n cael ei ddefnyddio ar gyfer cludo'r siwgr.

Dehongli

14.-(1) At ddibenion yr Atodlen hon mae unrhyw eiriau neu ymadroddion a ddefnyddir yn yr Atodlen hon ac unrhyw eiriau neu ymadroddion Saesneg cyfatebol a ddefnyddir yng Nghyfarwyddeb y Comisiwn 96/3/EC neu Gyfarwyddeb y Comisiwn 98/28/EC yn caniatáu rhan-ddirymiad o ddarpariaethau penodol Cyfarwyddeb 93/43/EEC ar hylendid deunyddiau bwyd o ran cludo swmpiau o siwgr crai dros y môr(**1**) yn dwyn yr un ystyr ag ystyr y geiriau neu'r ymadroddion Saesneg cyfatebol hynny yn eu tro yn y Cyfarwyddebau hynny.

(2) Yn yr Atodlen hon, ystyr "Cyfarwyddeb y Comisiwn 96/3/EC" yw Cyfarwyddeb y Comisiwn 96/3/EC sy'n caniatáu rhan-ddirymiad o ddarpariaethau penodol Cyfarwyddeb y Cyngor 93/43/EEC ar hylendid deunyddiau bwyd o ran cludo swmpiau o olewau hylifol a brasterau hylifol dros y môr(**2**), fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2004/4/EC yn diwygio Cyfarwyddeb 96/3/EC yn caniatáu rhan-ddirymiad o ddarpariaethau Cyfarwyddeb y Cyngor 93/43/EEC ar hylendid deunyddiau bwyd o ran cludo swmpiau o olewau hylifol a brasterau hylifol dros y môr(**3**).

11. On request, a food business operator responsible for the transport of the raw sugar or the refining process must provide the enforcement authority with the documentary evidence referred to in paragraphs 9 and 10.

12. Raw sugar which has been transported by sea in receptacles, containers or tankers which are not exclusively reserved for the transport of foodstuffs will be subjected to a full and effective refining process before being considered suitable for use as food or as a food ingredient.

13. In fulfilling the obligations under Article 5(**1**) of Regulation 852/2004 (hazard analysis and critical control points) in relation to the bulk transport of raw sugar by sea under paragraph 7, a food business operator who is responsible for the transport or refining of raw sugar must-

(a) consider the cleaning process undertaken prior to the loading of the sugar for transport by sea to be a critical control point as referred to in Article 5(2)(b) of Regulation 852/2004; and

(b) take into account the nature of the previous cargo which has been transported in any receptacle, container or tanker used for the transport of the sugar.

Interpretation

14.-(1) For the purposes of this Schedule any words or expressions used both in this Schedule and in Commission Directive 96/3/EC or Commission Directive 98/28/EC granting a derogation from certain provisions of Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport by sea of bulk raw sugar(**1**) will bear the same meanings as they respectively have in those Directives.

(2) In this Schedule, "Commission Directive 96/3/EC" means Commission Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea(**2**) as amended by Commission Directive 2004/4/EC amending Directive 96/3/EC granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea(**3**).

(**1**) OJ Rhif L140, 12.5.98, t.10.

(**2**) OJ Rhif L21, 27.1.96, t.42.

(**3**) OJ Rhif L15, 22.1.2004, t.25.

(**1**) OJ No. L140, 12.5.98, p.10.

(**2**) OJ No. L21, 27.1.96, p.42.

(**3**) OJ No. L15, 22.1.2004, p.25.

ATODLEN 4

Rheoliad 30

GOFYNION RHEOLI TYMHEREDD

Cwmpas

1. Nid yw'r Atodlen hon yn gymwys o ran-

(a) unrhyw weithrediad busnes bwyd y mae Rheoliad 853/2004 yn gymwys iddo; nac

(b) unrhyw weithrediad busnes bwyd sy'n cael ei gyflawni ar long neu awyren.

Gofynion cadw'n oer

2.-(1) Yn ddarostyngedig i is-baragraff (2) a pharagraff 3, bydd unrhyw berson sy'n cadw unrhyw fwyd-

(a) sy'n debygol o gynnal twf micro-organeddau pathogenig neu helpu tocsinau i ffurfio; a

(b) y mae unrhyw weithrediad masnachol yn cael ei gyflawni mewn perthynas ag ef,

ar neu mewn mangre bwyd ar dymheredd uwchlaw 8°C yn euog o dramgwydd.

(2) Nid yw is-baragraff (1) yn gymwys mewn perthynas ag unrhyw fwyd sy'n cael ei gludo, fel rhan o drafodiad archeb drwy'r post, i'r defnyddiwr olaf.

(3) Yn ddarostyngedig i baragraff 3, ni chaiff neb gyflenwi drwy archeb drwy'r post unrhyw fwyd sydd-

(a) yn debygol o gynnal twf micro-organeddau pathogenig neu helpu tocsinau i ffurfio; a

(b) wrthi'n cael ei gludo neu sydd wedi'i gludo drwy'r post neu drwy gyfrwng cludwr preifat neu gyffredin i'r defnyddiwr olaf,

ar dymheredd sydd wedi arwain neu sy'n debygol o arwain at risg i iechyd.

Esemptiadau cyffredinol rhag y gofynion cadw'n oer

3. Nid yw is-baragraffau (1) a (3) o baragraff 2 yn gymwys o ran-

(a) bwyd-

(i) sydd wedi'i goginio neu wedi'i aildwymo,

(ii) sydd i'w arlwyo neu sy'n cael ei arddangos i'w werthu, a

(iii) y mae angen ei gadw ar dymheredd o 63ºC neu uwchlaw hynny er mwyn rheoli twf micro-organeddau pathogenig neu atal tocsinau rhag ffurfio;

SCHEDULE 4

Regulation 30

TEMPERATURE CONTROL REQUIREMENTS

Scope

1. This Schedule does not apply in relation to-

(a) any food business operation to which Regulation 853/2004 applies; or

(b) any food business operation carried out on a ship or aircraft.

Chill holding requirements

2.-(1) Subject to sub-paragraph (2) and paragraph 3, any person who keeps any food-

(a) which is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and

(b) with respect to which any commercial operation is being carried out,

at or in food premises at a temperature above 8°C will be guilty of an offence.

(2) Sub-paragraph (1) will not apply in relation to any food which, as part of a mail order transaction, is being conveyed to the final consumer.

(3) Subject to paragraph 3, no person may supply by mail order any food which-

(a) is likely to support the growth of pathogenic micro-organisms or the formation of toxins; and

(b) is being or has been conveyed by post or by a private or common carrier to the final consumer,

at a temperature which has given rise to or is likely to give rise to a risk to health.

General exemptions from the chill holding requirements

3. Sub-paragraphs (1) and (3) of paragraph 2 does not apply in relation to-

(a) food which-

(i) has been cooked or reheated,

(ii) is for service or on display for sale, and

(iii) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins;

(b) bwyd y caniateir ei gadw, am weddill ei oes silff ar dymereddau amgylchynol heb unrhyw risg i iechyd;

(c) bwyd y gwneir neu y gwnaed iddo fynd drwy broses megis dadhydradu neu ganio a fwriedir i atal twf micro-organeddau pathogenig ar dymereddau amgylchynol, ond nid-

(i) pan fo'r bwyd, ar ôl neu yn rhinwedd y broses honno, wedi'i gynnwys mewn cynhwysydd aerglos, a

(ii) pan fo'r cynhwysydd hwnnw wedi'i agor;

(ch) bwyd y mae'n rhaid ei aeddfedu ar dymereddau amgylchynol, ond nid pan fo'r broses aeddfedu wedi'i chwblhau;

(d) bwyd crai a fwriedir ar gyfer prosesu pellach (gan gynnwys coginio) cyn i bobl ei fwyta, ond dim ond os bydd y prosesu hwnnw, os ymgymerir ag ef yn gywir, yn gwneud y bwyd hwnnw'n ffit ar gyfer ei fwyta gan bobl;

(dd) bwyd y mae Rheoliad y Cyngor 1906/90 yn gymwys iddo; ac

(e) bwyd y mae Rheoliad y Cyngor 1907/90 yn gymwys iddo.

Amrywio'r tymheredd o 8ºC ar i fyny gan weithgynhyrchwyr etc.

4.-(1) Yn ddarostyngedig i is-baragraff (2) isod, mewn unrhyw achos cyfreithiol am dramgwydd sy'n cynnwys mynd yn groes i is-baragraff (1) o baragraff 2, bydd yn amddiffyniad i'r sawl a gyhuddir brofi-

(a) bod busnes bwyd sy'n gyfrifol am weithgynhyrchu, paratoi neu brosesu'r bwyd, gan gynnwys, pan fo'n berthnasol, y sawl a gyhuddir, wedi argymell y dylid cadw'r bwyd hwnnw-

(i) ar neu islaw tymheredd penodedig rhwng 8ºC a'r tymereddau amgylchynol, a

(ii) am gyfnod nad yw'n hwy nag oes silff benodedig;

(b) bod yr argymhelliad hwnnw, onid y sawl a gyhuddir yw'r busnes bwyd hwnnw, wedi'i fynegi i'r sawl a gyhuddir naill ai drwy gyfrwng label ar ddeunydd pecynnu'r bwyd neu drwy gyfrwng rhyw ffurf briodol arall ar gyfarwyddyd ysgrifenedig;

(c) nad oedd y bwyd wedi'i gadw gan y sawl a gyhuddir ar dymheredd uwchlaw'r tymheredd penodedig; ac

(ch) nad aethpwyd, adeg cyflawni'r tramgwydd honedig, y tu hwnt i'r oes silff benodedig.

(b) food which, for the duration of its shelf life may be kept at ambient temperatures with no risk to health;

(c) food which is being or has been subjected to a process such as dehydration or canning intended to prevent the growth of pathogenic micro-organisms at ambient temperatures, but not where-

(i) after or by virtue of that process the food was contained in a hermetically sealed container, and

(ii) that container has been opened;

(d) food which must be ripened or matured at ambient temperatures, but not when the process of ripening or maturation is completed;

(e) raw food intended for further processing (including cooking) before human consumption, but only if that processing, if undertaken correctly, will render that food fit for human consumption;

(f) food to which Council Regulation 1906/90 applies; and

(g) food to which Council Regulation 1907/90 applies.

Upward variation of the 8°C temperature by manufacturers etc.

4.-(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that-

(a) a food business responsible for manufacturing, preparing or processing the food, including, where relevant, the accused, has recommended that it is kept-

(i) at or below a specified temperature between 8°C and ambient temperatures, and

(ii) for a period not exceeding a specified shelf life;

(b) that recommendation has, unless the accused is that food business, been communicated to the accused either by means of a label on the packaging of the food or by means of some other appropriate form of written instruction;

(c) the food was not kept by the accused at a temperature above the specified temperature; and

(d) at the time of the commission of the alleged offence, the specified shelf life had not been exceeded.

(2) Rhaid i fusnes bwyd sy'n gyfrifol am weithgynhyrchu, paratoi neu brosesu bwyd beidio ag argymell y dylid cadw unrhyw fwyd-

(a) ar neu islaw tymheredd penodedig rhwng 8°C a'r tymereddau amgylchynol; a

(b) am gyfnod nad yw'n hwy nag oes silff benodedig,

onid yw'r argymhelliad hwnnw wedi'i ategu gan asesiad gwyddonol a sail dda iddo o ddiogelwch y bwyd ar y tymheredd penodedig.

(2) A food business responsible for manufacturing, preparing or processing food must not recommend that any food is kept-

(a) at or below a specified temperature between 8°C and ambient temperatures; and

(b) for a period not exceeding a specified shelf life,

unless that recommendation is supported by a well-founded scientific assessment of the safety of the food at the specified temperature.

Cyfnodau goddef ar gyfer cadw'n oer

5.-(1) Mewn unrhyw achos cyfreithiol am dramgwydd sy'n cynnwys mynd yn groes i is-baragraff (1) o baragraff 2, bydd yn amddiffyniad i'r sawl a gyhuddir brofi-

(a) bod y bwyd ar gyfer ei arlwyo neu'n cael ei arddangos i'w werthu;

(b) nad oedd y bwyd wedi'i gadw o'r blaen ar gyfer ei arlwyo nac yn cael ei arddangos i'w werthu ar dymheredd uwchlaw 8ºC neu, pan fo argymhelliad wedi'i wneud yn unol ag is-baragraff (1) o baragraff 4, y tymheredd a argymhellwyd; ac

(c) wedi'i gadw ar gyfer ei arlwyo neu'n cael ei arddangos i'w werthu am gyfnod o lai na phedair awr.

(2) Mewn unrhyw achos cyfreithiol am dramgwydd sy'n cynnwys mynd yn groes i is-baragraff (1) o baragraff 2, bydd yn amddiffyniad i'r sawl a gyhuddir brofi bod y bwyd-

(a) wrthi'n cael ei drosglwyddo-

(i) o fangre lle'r oedd y bwyd yn mynd i gael ei gadw ar dymheredd o 8ºC neu islaw hynny, neu o dan amgylchiadau priodol y tymheredd a argymhellir, i gerbyd a ddefnyddir at ddibenion busnes bwyd, neu

(ii) i'r fangre honno o'r cerbyd hwnnw; neu

(b) wedi'i gadw ar dymheredd uwchlaw 8ºC neu, o dan amgylchiadau priodol, y tymheredd a argymhellir ar gyfer rheswm anochel, megis-

(i) dygymod â materion ymarferol trafod y bwyd wrth ei brosesu neu ei baratoi ac ar ôl hynny,

(ii) dadrewi'r cyfarpar, neu

(iii) y cyfarpar yn torri i lawr dros dro,

a'i fod wedi'i gadw ar dymheredd uwchlaw 8ºC neu, o dan amgylchiadau arbennig, y tymheredd a argymhellwyd am gyfnod cyfyngedig yn unig a bod y cyfnod hwnnw'n cydweddu â diogelwch bwyd.

Chill holding tolerance periods

5.-(1) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that the food-

(a) was for service or on display for sale;

(b) had not previously been kept for service or on display for sale at a temperature above 8°C or, where a recommendation has been made pursuant to sub-paragraph (1) of paragraph 4, the recommended temperature; and

(c) had been kept for service or on display for sale for a period of less than four hours.

(2) In any proceedings for an offence consisting of a contravention of sub-paragraph (1) of paragraph 2, it will be a defence for the accused to prove that the food-

(a) was being transferred-

(i) from premises at which the food was going to be kept at or below 8°C or in appropriate circumstances the recommended temperature to a vehicle used for the purposes of a food business, or

(ii) to such premises from such a vehicle; or

(b) was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for an unavoidable reason, such as-

(i) to accommodate the practicalities of handling during and after processing or preparation,

(ii) the defrosting of equipment, or

(iii) temporary breakdown of equipment,

and was kept at a temperature above 8°C or, in appropriate circumstances, the recommended temperature for a limited period only and that period was consistent with food safety.

Gofynion cadw'n dwym

6. Bydd unrhyw berson sydd, wrth gynnal gweithgareddau busnes bwyd, yn cadw mewn mangre bwyd ar dymheredd islaw 63ºC unrhyw fwyd sydd-

(a) wedi'i goginio neu wedi'i aildwymo;

(b) sydd i'w arlwyo neu sy'n cael ei arddangos i'w werthu; ac

(c) y mae angen ei gadw ar dymheredd o 63ºC neu uwchlaw hynny er mwyn rheoli twf micro-organeddau pathogenig neu atal tocsinau rhag ffurfio,

yn euog o dramgwydd.

Amddiffyniadau cadw'n dwym

7.-(1) Mewn unrhyw achos cyfreithiol am dramgwydd sy'n cynnwys mynd yn groes i baragraff 6, bydd yn amddiffyniad i'r sawl a gyhuddir brofi-

(a) bod asesiad gwyddonol a sail dda iddo o ddiogelwch y bwyd ar dymereddau islaw 63ºC wedi dod i'r casgliad nad oes unrhyw risg i iechyd os, ar ôl ei goginio nei ei aildwymo, y mae'r bwyd yn cael ei gadw ar gyfer ei arlwyo neu'n cael ei arddangos i'w werthu-

(i) ar dymheredd cadw sydd islaw 63ºC, a

(ii) am gyfnod nad yw'n hwy nag unrhyw gyfnod amser a bennir yn yr asesiad gwyddonol hwnnw; a

(b) bod y bwyd, ar yr adeg y cyflawnwyd y tramgwydd honedig, wedi'i gadw mewn modd a oedd yn gyfiawn yng ngoleuni'r asesiad gwyddonol hwnnw.

(2) Mewn unrhyw achos cyfreithiol am dramgwydd sy'n cynnwys mynd yn groes i baragraff 6, bydd yn amddiffyniad i'r sawl a gyhuddir brofi-

(a) bod y bwyd wedi'i gadw ar gyfer ei arlwyo neu'n cael ei arddangos i'w werthu am gyfnod o lai na dwy awr; a

(b) nad oedd y bwyd wedi'i gadw o'r blaen ar gyfer ei arlwyo nac wedi'i arddangos i'w werthu gan y person hwnnw.

Dehongli

8. Yn yr Atodlen hon-

ystyr "oes silff" (*"shelf life"*)-

(a) o ran bwyd y mae dangosiad parhauster lleiaf ar ei gyfer yn ofynnol yn unol â rheoliad 20 o Reoliadau Labelu Bwyd 1996(**1**) (ffurf ar ddangos parhauster lleiaf), yw'r cyfnod hyd at a chan gynnwys y dyddiad y mae'n ofynnol ei gynnwys yn y dangosiad hwnnw;

Hot holding requirements

6. Any person who in the course of the activities of a food business keeps at or in food premises at a temperature below 63°C any food which-

(a) has been cooked or reheated;

(b) is for service or on display for sale; and

(c) needs to be kept at or above 63°C in order to control the growth of pathogenic micro-organisms or the formation of toxins,

will be guilty of an offence.

Hot holding defences

7.-(1) In any proceedings for an offence consisting of a contravention of paragraph 6, it will be a defence for the accused to prove that-

(a) a well-founded scientific assessment of the safety of the food at temperatures below 63°C has concluded that there is no risk to health if, after cooking or re-heating, the food is held for service or on display for sale-

(i) at a holding temperature which is below 63°C, and

(ii) for a period not exceeding any period of time specified in that scientific assessment; and

(b) at the time of the commission of the alleged offence, the food was held in a manner which was justified in the light of that scientific assessment.

(2) In any proceedings for an offence consisting of a contravention of paragraph 6, it will be a defence for the accused to prove that the food-

(a) had been kept for service or on display for sale for a period of less than two hours; and

(b) had not previously been kept for service or on display for sale by that person.

Interpretation

8. In this Schedule-

"Council Regulation 1906/90" (*"Rheoliad y Cyngor 1906/90"*) means Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry(**1**) as last amended by Council Regulation (EC) No. 1101/98 amending Regulation (EEC) No. 1906/90 on certain marketing standards for poultrymeat(**2**);

(**1**) O.S. 1996/1499, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**1**) OJ No. L173, 6.7.90, p.5.
(**2**) OJ No. L157, 30.5.98, p.12.

(b) o ran bwyd y mae dyddiad "use by" wedi'i neilltuo ar ei gyfer ar y ffurf sy'n ofynnol yn unol â rheoliad 21 o Reoliadau Labelu Bwyd 1996 (ffurf ar ddangos dyddiad "use by"), yw'r cyfnod hyd at a chan gynnwys y dyddiad hwnnw; ac

(c) o ran bwyd nad yw'n ofynnol iddo ddwyn dangosiad parhauster lleiaf na dyddiad "use by", yw'r cyfnod y gellid disgwyl i'r bwyd aros yn ffit i'w werthu os yw'n cael ei gadw mewn modd sy'n cydweddu â diogelwch bwyd.

ystyr "Rheoliad y Cyngor 1906/90" (*"Council Regulation 1906/90"*) yw Rheoliad y Cyngor (EEC) Rhif 1906/90 ar safonau marchnata penodol ar gyfer dofednod(**1**) fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1101/98 sy'n diwygio Rheoliad (EEC) Rhif 1906/90 ynghylch safonau marchnata penodol ar gyfer cig dofednod(**2**);

ystyr "Rheoliad y Cyngor 1907/90" (*"Council Regulation 1907/90"*) yw Rheoliad y Cyngor (EEC) Rhif 1907/90 ar safonau marchnata penodol ar gyfer wyau(**3**) fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (EC) Rhif 2052/2003 yn diwygio Rheoliad (EEC) Rhif 1907/90 ar safonau marchnata penodol ar gyfer wyau(**4**);

ystyr "tymheredd a argymhellwyd (*"recommended temperature"*) yw tymheredd penodedig sydd wedi'i argymell yn unol â pharagraff 4(1)(a)(i);

"Council Regulation 1907/90" (*"Rheoliad y Cyngor 1907/90"*) means Council Regulation (EEC) No. 1907/90 on certain marketing standards for eggs(**1**) as last amended by Council Regulation (EC) No. 2052/2003 amending Regulation (EEC) No. 1907/90 on certain marketing standards for eggs(**2**);

"recommended temperature" (*"tymheredd a argymhellwyd"*) means a specified temperature which has been recommended in accordance with sub-paragraph (1)(a)(i) of paragraph 4; and

"shelf life" (*"oes silff"*) means-

(a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996(**3**) (form of indication of minimum durability), the period up to and including the date required to be included in that indication;

(b) in relation to food with respect to which a "use by" date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1996 (form of indication of "use by" date), the period up to and including that date; and

(c) in relation to food which is not required to bear an indication of minimum durability or a "use by" date, the period for which the food can be expected to remain fit for sale if it is kept in a manner which is consistent with food safety.

(**1**) OJ Rhif L173, 6.7.90, t.1.

(**2**) OJ Rhif L157, 30.5.98, t.12.

(**3**) OJ Rhif L173, 6.7.90, t.5.

(**4**) OJ Rhif L305, 22.11.2003, t.1.

(**1**) OJ No. L173, 6.7.90, p.5.

(**2**) OJ No. L305, 22.11.2003, p.1.

(**3**) S.I. 1996/1499, to which there are amendments not relevant to these Regulations.

ATODLEN 5

Rheoliad 31

Y MODD Y MAE'R CYNHYRCHYDD YN CYFLENWI'N UNIONGYRCHOL FEINTIAU BACH O GIG O DDOFEDNOD A LAGOMORFFIAID A GIGYDDWYD AR Y FFERM

Cwmpas

1. Mae gofynion yr Atodlen hon yn gymwys i'r modd y mae'r cynhyrchydd yn cyflenwi'n uniongyrchol feintiau bach o gig o ddofednod a lagomorffiaid a gigyddwyd ar y fferm i'r defnyddiwr olaf neu i sefydliadau manwerthu lleol sy'n cyflenwi cig o'r fath yn uniongyrchol i'r defnyddiwr olaf fel cig ffres.

Gofynion

2.-(1) Pan fydd cynhyrchydd yn cyflenwi cig yn y modd a ddisgrifir ym mharagraff 1, rhaid iddo sicrhau ei fod yn dwyn label neu farc arall sy'n dangos yn glir enw a chyfeiriad y fferm lle cafodd yr anifail y mae'r cig yn tarddu ohono ei gigydda.

(2) Rhaid i'r cynhyrchydd-

(a) cadw cofnod ar ffurf ddigonol i ddangos nifer yr adar a nifer y lagomorffiaid sy'n cael eu derbyn i'w fangre, a meintiau'r cig ffres sy'n cael eu hanfon ohoni, yn ystod pob wythnos;

(b) cadw'r cofnod am gyfnod o flwyddyn; ac

(c) trefnu bod y cofnod ar gael i swyddog awdurdodedig os bydd yn gofyn amdano.

Tramgwydd

3. Bydd person sy'n mynd yn groes i unrhyw un o ofynion yr Atodlen hon neu'n methu â chydymffurfio ag unrhyw un ohonynt yn euog o dramgwydd.

SCHEDULE 5

Regulation 31

DIRECT SUPPLY BY THE PRODUCER OF SMALL QUANTITIES OF MEAT FROM POULTRY AND LAGOMORPHS SLAUGHTERED ON THE FARM

Scope

1. The requirements of this Schedule apply in relation to the direct supply by the producer of small quantities of meat from poultry or lagomorphs that have been slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat.

Requirements

2.-(1) Where a producer supplies meat in the manner described in paragraph 1, he or she must ensure that it bears a label or other marking clearly indicating the name and address of the farm where it was slaughtered.

(2) The producer must-

(a) keep a record in adequate form to show the number of birds and the number of lagomorphs received into, and the amounts of fresh meat despatched from, his or her premises during each week;

(b) retain the record for a period of one year; and

(c) make the record available to an authorised officer on request.

Offence

3. A person who contravenes or fails to comply with any of the requirements of this Schedule will be guilty of an offence.

ATODLEN 6

Rheoliad 32

CYFYNGIADAU AR WERTHU LLAETH CRAI A FWRIEDIR AR GYFER EI YFED YN UNIONGYRCHOL GAN BOBL

1. Bydd unrhyw berson sydd, yn groes i baragraff 5, yn gwerthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl yn euog o dramgwydd.

2.-(1) Os bydd unrhyw berson heblaw meddiannydd daliad cynhyrchu neu ddosbarthwr yn gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl, bydd y person hwnnw yn euog o dramgwydd.

(2) Os bydd meddiannydd daliad cynhyrchu yn gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl yn groes i baragraff 3, bydd yn euog o dramgwydd.

(3) Os bydd dosbarthwr yn gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl yn groes i baragraff 4, bydd yn euog o dramgwydd.

3. Caiff meddiannydd daliad cynhyrchu ddim ond gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl-

(a) ar neu o fangre'r fferm lle mae'r anifeiliaid y cafwyd y llaeth ohonynt yn cael eu cynnal; a

(b) i'r canlynol-

(i) y defnyddiwr olaf ar gyfer yfed y llaeth hwnnw heblaw ar fangre'r fferm honno,

(ii) gwestai dros dro ym mangre'r fferm honno neu ymwelydd dros dro â mangre'r fferm honno fel pryd bwyd neu luniaeth neu fel rhan o bryd bwyd neu luniaeth, neu

(iii) dosbarthwr.

4. Caiff dosbarthwr ddim ond gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl-

(a) y mae wedi'i brynu yn unol ag is-baragraff (b)(iii) o baragraff 3;

(b) yn y cynwysyddion y mae'n cael y llaeth ynddynt, a rhaid i ffasninau'r cynwysyddion fod heb eu torri;

(c) o gerbyd sy'n cael ei ddefnyddio'n gyfreithlon fel mangre siop; ac

(ch) yn uniongyrchol i'r defnyddiwr olaf.

5. Rhaid i'r llaeth crai fodloni'r safonau canlynol:

Cyfrifiad haenau ar 30ºC (cfu fesul ml)	≤ 20,000
Colifformau (cfu fesul ml)	< 100

SCHEDULE 6

Regulation 32

RESTRICTIONS ON THE SALE OF RAW MILK INTENDED FOR DIRECT HUMAN CONSUMPTION

1. Any person who sells raw milk intended for direct human consumption in contravention of paragraph 5 will be guilty of an offence.

2.-(1) If any person other than the occupier of a production holding or a distributor sells raw cows' milk intended for direct human consumption that person will be guilty of an offence.

(2) If the occupier of a production holding sells raw cows' milk intended for direct human consumption in contravention of paragraph 3 he or she will be guilty of an offence.

(3) If a distributor sells raw cows' milk intended for direct human consumption in contravention of paragraph 4 he or she will be guilty of an offence.

3. The occupier of a production holding may only sell raw cows' milk intended for direct human consumption-

(a) at or from the farm premises where the animals from which the milk has been obtained are maintained; and

(b) to-

(i) the final consumer for consumption other than at those farm premises,

(ii) a temporary guest or visitor to those farm premises as or as part of a meal or refreshment, or

(iii) a distributor.

4. A distributor may only sell raw cows' milk intended for direct human consumption-

(a) which he or she has bought pursuant to sub-paragraph (b)(iii) of paragraph 3;

(b) in the containers in which he or she receives the milk, with the fastenings of the containers unbroken;

(c) from a vehicle which is lawfully used as a shop premises; and

(d) direct to the final consumer.

5. The raw milk must meet the following standards:

Plate count at 30°C (cfu per ml)	≤ 20,000
Coliforms (cfu per ml)	< 100

6. Mewn achos lle mae mangre fferm yn cael ei defnyddio ar gyfer gwerthu llaeth buchod crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl yn unol ag is-baragraff (a) o baragraff 3, rhaid i'r Asiantaeth gyflawni'r gwaith samplu, dadansoddi ac archwilio'r llaeth, y mae'n barnu ei fod yn angenrheidiol i sicrhau ei bod yn bodloni'r safonau a bennir ym mharagraff 5.

7. Mewn unrhyw achos lle mae'r Asiantaeth yn gwneud gwaith samplu, dadansoddi ac archwilio llaeth buchod crai yn unol â pharagraff 6, bydd ffi o £63 yn ddyledus i'r Asiantaeth gan feddiannydd y daliad cynhyrchu sy'n gwerthu'r llaeth, a honno'n ffi sy'n daladwy gan y meddiannydd i'r Asiantaeth pan fydd yr Asiantaeth yn gofyn amdani.

8. Yn yr Atodlen hon-

ystyr "daliad cynhyrchu" (*"production holding"*) yw mangre lle mae buchod sy'n cynhyrchu llaeth yn cael eu cadw;

ystyr "dosbarthwr" (*"distributor"*) yw person sy'n gwerthu llaeth buchod crai sydd wedi'i gynhyrchu ar ddaliad cynhyrchu nad yw'n feddiannydd arno;

ystyr "mangre fferm" (*"farm premises"*) yw fferm a feddiennir gan feddiannydd daliad cynhyrchu fel fferm unigol ac mae'n cynnwys y daliad cynhyrchu ac unrhyw adeilad arall a leolir ar y fferm honno ac a feddiennir gan yr un meddiannydd;

ystyr "mangre siop" (*"shop premises"*) yw mangre y mae unrhyw fwyd yn cael ei werthu ohoni i'r defnyddiwr olaf;

ystyr "meddiannydd" (*"occupier"*) yw unrhyw berson sy'n cynnal busnes cynhyrchu neu drafod llaeth buchod crai neu berson a awdurdodwyd yn briodol i gynrychioli'r meddiannydd.

6. In the case where farm premises are being used for the sale of raw cows' milk intended for direct human consumption pursuant to sub-paragraph (a) of paragraph 3, the Agency must carry out such sampling, analysis and examination of the milk as it considers necessary to ensure that it meets the standards specified in paragraph 5.

7. In any case where the Agency carries out sampling, analysis and examination of raw cows' milk in accordance with paragraph 6, there will be due to the Agency from the occupier of the production holding who is selling the milk a fee of £63, which is payable by the occupier to the Agency on demand.

8. In this Schedule-

"distributor" (*"dosbarthwr"*) means a person who sells raw cows' milk that has been produced on a production holding of which he or she is not the occupier;

"farm premises" (*"mangre fferm"*) means a farm occupied by the occupier of a production holding as a single farm and includes the production holding and any other building situated on that farm and occupied by the same occupier;

"occupier" (*"meddiannydd"*) means any person carrying on the business of producing or handling raw cows' milk or the occupier's duly authorised representative;

"production holding" (*"daliad cynhyrchu"*) means premises at which milk-producing cows are kept; and

"shop premises" (*"mangre siop"*) means premises from which any food is sold to the final consumer.

ATODLEN 7

Rheoliad 33

DIWYGIADAU CANLYNIADOL

Rheoliadau Lliwiau mewn Bwyd 1995

1. Diwygir Rheoliadau Lliwiau mewn Bwyd 1995(**1**) yn unol â pharagraff 2.

2. Yn rheoliad 4 (marcio iechyd etc. cig a chynhyrchion cig penodol) yn lle'r geiriau "as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995" rhoddir y geiriau "as required by the Food Hygiene (Wales) Regulations 2006".

Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995

3. Diwygir Rheoliadau Sgil-gynhyrchion Anifeiliaid (Adnabod) 1995(**2**) fel a ddarperir ym mharagraffau 4 i 11.

4. Ym mharagraff (1) o reoliad 2 (dehongli)-

(a) yn lle'r diffiniad o "animal by-products premises" rhoddir y diffiniad canlynol-

"animal by-products premises" means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;";

(b) yn lle'r diffiniad o "cold store" rhoddir y diffiniad canlynol-

"cold store" means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;";

(**1**) O.S. 1995/3124, y mae diwygiadau iddynt nad ydynt yn berthnasol i'r Rheoliadau hyn.

(**2**) O.S. 1995/614, fel y'i diwygiwyd gan O.S. 1995/1955, O.S. 1996/3124, O.S. 1997/2073, O.S. 2000/656, O.S. 2002/1472 (Cy.146), O.S. 2002/1849 (Cy.199) ac O.S. 2003/2754 (Cy.265).

SCHEDULE 7

Regulation 33

CONSEQUENTIAL AMENDMENTS

The Colours in Food Regulations 1995

1. The Colours in Food Regulations 1995(**1**) are amended as provided in paragraph 2.

2. In regulation 4 (health marking etc. of certain meat and meat products) for the words "as provided for in the Fresh Meat (Hygiene and Inspection) Regulations 1995" there are substituted the words "as required by the Food Hygiene (Wales) Regulations 2005".

The Animal By-Products (Identification) Regulations 1995

3. The Animal By-Products (Identification) Regulations 1995(**2**) are amended as provided in paragraphs 4 to 11.

4. In paragraph (1) of regulation 2 (interpretation) -

(a) for the definition of "animal by-products premises" there is substituted the following definition-

"animal by-products premises" means premises, other than a cold store, cutting plant, game-handling establishment or slaughterhouse, from which animal by-products are despatched to other premises;";

(b) for the definition of "cold store" there is substituted the following definition-

"cold store" means any premises, not forming part of a cutting plant, game-handling establishment or slaughterhouse, used for the storage, under temperature controlled conditions, of fresh meat intended for sale for human consumption;";

(**1**) S.I. 1995/3124, to which there are amendments not relevant to these Regulations.

(**2**) S.I. 1995/614, amended by S.I. 1995/1955, S.I. 1996/3124, S.I. 1997/2073, S.I. 2000/656, S.I. 2002/1472 (W.146), S.I. 2002/1849 (W.199) and S.I. 2003/2754 (W.265).

(c) yn lle'r diffiniad o "cutting premises" rhoddir y diffiniad canlynol-

"cutting plant" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(ch) yn union ar ôl y diffiniad o "farmed game", rhoddir y diffiniad canlynol-

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;";

(d) yn lle'r diffiniad o "game processing facility" rhoddir y diffiniad canlynol-

"game-handling establishment" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(dd) yn lle'r diffiniad "the Hygiene Regulations" rhoddir y diffiniad canlynol-

"the Hygiene Regulations" means the Food Hygiene (Wales) Regulations 2006;";

(e) yn lle'r diffiniad o "occupier" rhoddir y diffiniad canlynol-

"occupier" means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;"; ac

(f) yn lle'r diffiniad o "slaughterhouse" rhoddir y diffiniad canlynol-

"slaughterhouse" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;".

5. Ym mharagraff (a) o reoliad 4 (rhychwant) yn lle'r geiriau "in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995" rhoddir y geiriau "in accordance with the Hygiene Regulations".

6. Ym mharagraff (2)(c) o reoliad 5 (esemptiadau) yn lle'r geiriau "cutting premises, slaughterhouse, game processing facility" rhoddir y geiriau "cutting plant, game-handling establishment, slaughterhouse".

7. Yn lle rheoliad 6 (staenio sgil-gynhyrchion anifeiliaid mewn stordai oer, mangreoedd torri, cyfleusterau prosesu helgig neu ladd-dai) rhoddir y rheoliad a ganlyn-

(c) for the definition of "cutting premises" there is substituted the following definition-

"cutting plant" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(d) immediately after the definition of "farmed game" there is inserted the following definition-

"fresh meat" means meat that has not undergone any preserving process other than chilling, freezing or quick freezing, including meat that is vacuum-wrapped or wrapped in a controlled atmosphere;";

(e) for the definition of "game processing facility" there is substituted the following definition-

"game-handling establishment" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(f) for the definition of "the Hygiene Regulations" there is substituted the following definition-

"the Hygiene Regulations" means the Food Hygiene (Wales) Regulations 2005;";

(g) for the definition of "occupier" there is substituted the following definition-

"occupier" means a person carrying on the business of any cold store, cutting plant, game-handling establishment, slaughterhouse or animal by-products premises, or the duly authorised representative of such a person;"; and

(h) for the definition of "slaughterhouse" there is substituted the following definition-

"slaughterhouse" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;".

5. In paragraph (a) of regulation 4 (scope) for the words "in accordance with the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995" there are substituted the words "in accordance with the Hygiene Regulations".

6. In paragraph (2)(c) of regulation 5 (exemptions) for the words "cutting premises, slaughterhouse, game processing facility" there are substituted the words "cutting plant, game-handling establishment, slaughterhouse".

7. For regulation 6 (staining of animal by-products in cold stores, cutting premises, game processing facilities or slaughterhouses) there is substituted the following regulation-

"Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses

6.-(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which-

(a) is-

(i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse,

(ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect, and

(iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

(b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is stained and removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.".

8. Yn lle rheoliad 8 (rhewi sgil-gynhyrchion anifeiliaid yn unrhyw fangre sgil-gynhyrchion anifeiliaid, stordy oer, mangre dorri, cyfleuster prosesu helgig neu ladd-dy) rhoddir y rheoliad a ganlyn-

"Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse

8.-(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

"Staining of animal by-products in cold stores, cutting plants, game-handling establishments and slaughterhouses

6.-(1) Subject to paragraph (2) below, it shall be the duty of the occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse to ensure that any animal by-product is stained without undue delay.

(2) The duty imposed by paragraph (1) above shall not apply in relation to any animal by-product which-

(a) is-

(i) immediately moved to accommodation in the relevant cold store, cutting plant, game-handling establishment or slaughterhouse,

(ii) placed in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect, and

(iii) stained by the operator concerned as soon as practicable after it has been placed in the receptacle; or

(b) is immediately moved, in the manner specified in paragraph (4), to an approved rendering plant for rendering there, or to an approved incineration plant which is adequately separated from the cold store, cutting plant, game-handling establishment or slaughterhouse concerned for incineration there.

(3) The occupier of any cold store, cutting plant, game-handling establishment or slaughterhouse shall ensure that any animal by-product which is placed in a receptacle in accordance with paragraph (2) above is stained and removed from the relevant cold store, cutting plant, game-handling establishment or slaughterhouse as soon as is reasonably practicable.

(4) The manner is that the animal by-product is moved through a sealed and leak-proof pipe which connects the cold store, cutting plant, game-handling establishment or slaughterhouse concerned directly with the relevant approved rendering plant or, as the case may be, approved incineration plant.".

8. For regulation 8 (freezing of animal by-products in any animal by-products premises, cold store, cutting premises, game processing facility or slaughterhouse) there is substituted the following regulation-

"Freezing of animal by-products in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse

8.-(1) Subject to paragraph (2) below, no person shall freeze any animal by-product in any animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse unless it has been stained in accordance with these Regulations.

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2)".

9. Yn rheoliad 9 (storio a phacio sgil-gynhyrchion anifeiliaid)-

(a) yn lle paragraff (2) rhoddir y paragraff a ganlyn-

"(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect."; a

(b) ym mharagraff (3) yn lle'r geiriau "cutting premises, game processing facility" rhoddir y geiriau "cutting plant, game-handling establishment".

10. Yn rheoliad 10 (cyfyngu ar symud sgil-gynhyrchion anifeiliaid)-

(a) ym mharagraff (1) yn lle'r geiriau "cutting premises, game processing facility" rhoddir y geiriau "cutting plant, game-handling establishment"; a

(b) ym mharagraff (2) yn lle'r geiriau "cutting premises, game processing facility" rhoddir y geiriau "cutting plant, game-handling establishment".

11. Ym mharagraff (1) o reoliad 12 (gorfodi)-

(a) yn is-baragraff (a) yn lle'r geiriau "in relation to premises licensed under the Hygiene Regulations" rhoddir y geiriau "in relation to any cutting plant, game-handling establishment or slaughterhouse"; a

(b) yn lle is-baragraff (b) rhoddir yr is-baragraff a ganlyn-

"(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.".

(2) Paragraph (1) above shall not apply in the case of any animal by-product which is intended to be removed from the relevant animal by-products premises, cold store, cutting plant, game-handling establishment or slaughterhouse in accordance with regulation 10(2)".

9. In regulation 9 (storage and packaging of animal by-products)-

(a) for paragraph (2) there is substituted the following paragraph-

"(2) The prohibition contained in paragraph (1) above shall not apply in relation to an animal by-product which is stored in a suitable, sufficient and lockable receptacle with closely fitting covers that is only used for holding meat rejected as unfit for human consumption and is clearly marked to that effect."; and

(b) in paragraph (3) for the words "cutting premises, game processing facility" there are substituted the words "cutting plant, game-handling establishment".

10. In regulation 10 (restriction on movement of animal by-products)-

(a) in paragraph (1) for the words "cutting premises, game processing facility" there are substituted the words "cutting plant, game-handling establishment"; and

(b) in paragraph (2) for the words "cutting premises, game processing facility" there are substituted the words "cutting plant, game-handling establishment".

11. In paragraph (1) of regulation 12 (enforcement)-

(a) in sub-paragraph (a) for the words "in relation to premises licensed under the Hygiene Regulations" there are substituted the words "in relation to any cutting plant, game-handling establishment or slaughterhouse"; and

(b for sub-paragraph (b) there is substituted the following sub-paragraph-

"(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated.".

(**1**) O.S. 1996/1499, a ddiwygiwyd gan O.S. 1998/141, O.S. 1998/1398, O.S. 1998/2424, O.S. 1999/747, O.S. 1999/1136, O.S. 1999/1483, O.S. 1999/1540, O.S. 1999/1603, O.S. 2000/1925 (Cy.134) O.S. 2001/1232 (Cy.66), O.S. 2001/1440 (Cy.102), O.S. 2001/2679 (Cy.220), O.S. 2001/3909 (Cy.321), O.S. 2002/329 (Cy.42), O.S. 2002/330 (Cy.43), O.S. 2003/832 (Cy.104), O.S. 2003/1635 (Cy.177), O.S. 2003/1713 (Cy.181), O.S. 2003/1721 (Cy.188), O.S. 2003/3037 (Cy.285), O.S. 2003/3044 (Cy.288), O.S. 2003/3047 (Cy.290), O.S.2003/3053 (Cy.291), O.S. 2004/249 (Cy.26), O.S. 2004/553 (Cy.56), O.S. 2004/554 (Cy.57), O.S. 2004/1396 (Cy.141), O.S. 2004/2558 (Cy.229), O.S. 2004/2731 (Cy.238), O.S. 2004/3022 (Cy.261), O.S. 2005/1309 (Cy.91) ac O.S. 2005/2835 (Cy.200). Diwygiwyd O.S. 2005/2835 (Cy. 200) ei hun gan O.S. 2005/3236 (Cy.241).

(**1**) S.I. 1996/1499, amended by S.I. 1998/141, S.I. 1998/1398, S.I. 1998/2424, S.I. 1999/747, S.I. 1999/1136, S.I. 1999/1483, S.I. 1999/1540, S.I. 1999/1603, S.I. 2000/1925 (W.134) S.I. 2001/1232 (W.66), S.I. 2001/1440 (W.102), S.I. 2001/2679 (W.220), S.I. 2001/3909 (W.321), S.I. 2002/329 (W.42), S.I. 2002/330 (W.43), S.I. 2003/832 (W.104), S.I. 2003/1635 (W.177), S.I. 2003/1713 (W.181), S.I. 2003/1721 (W.188), S.I. 2003/3037 (W.285), S.I. 2003/3044 (W.288), S.I. 2003/3047 (W.290), S.I.2003/3053 (W.291), S.I. 2004/249 (W.26), S.I. 2004/553 (W.56), S.I. 2004/554 (W.57), S.I. 2004/1396 (W.141), S.I. 2004/2558 (W.229), S.I. 2004/2731 (W.238), S.I. 2004/3022 (W.261), S.I. 2005/1309 (W.91) and S.I. 2005/2835 (W.200). S.I. 2005/2835 (W.200) was itself amended by S.I. 2005/3236 (W.241).

Rheoliadau Labelu Bwyd 1996

12. Diwygir Rheoliadau Labelu Bwyd 1996(**1**) yn unol â pharagraffau 13 a 14.

13. Yn Atodlen 3 (enwau generig mewn rhestri cynhwysion) yn y cofnod yng ngholofn 2 o Ran 1 (cyffredinol) gyferbyn â'r cofnod yng ngholofn 1 ar gyfer ""Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes" yn lle'r geiriau "(g) any products covered by the definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC." rhoddir y geiriau a bennir ym mharagraff 13.

14. Dyma'r geiriau "(g) the product obtained by removing the meat from flesh-bearing bones after boning or from carcases of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure.".

Rheoliadau Esgyrn Cig Eidion 1997

15. Diwygir Rheoliadau Esgyrn Cig Eidion 1997(**1**) yn unol, â'r darpariaethau ym mharagraffau 16 a 17.

16. Ym mharagraff (1) o reoliad 2 (dehongli)-

(a) yn union ar ôl y diffiniad o "carcase" rhoddir y diffiniad a ganlyn-

"cutting plant" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(b) yn union ar ôl y diffiniad o "fresh meat" rhoddir y diffiniadau a ganlyn-

"game-handling establishment" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;

"the Hygiene Regulations" means the Food Hygiene (Wales) Regulations 2006;"; ac

(c) yn union ar ôl y diffiniad o "occupier" rhoddir y diffiniadau canlynol-

"official veterinarian" means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;

"Regulation 854/2004" has the meaning that it bears in Schedule 1 to the Hygiene Regulations; and

"slaughterhouse" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;".

(**1**) O.S. 1997/2959, a ddiwygiwyd gan O.S. 1999/3371 ac O.S. 2000/656.

The Food Labelling Regulations 1996

12. The Food Labelling Regulations 1996(**1**) are amended as provided in paragraphs 13 and 14.

13. In Schedule 3 (generic names in list of ingredients) in the entry in column 2 of Part I (general) opposite to the entry in column 1 for ""Meat" and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes" for the words "(g) any products covered by the definition of "mechanically recovered meat" in Article 2(c) of Council Directive 64/433/EEC on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC." there are substituted the words specified in paragraph 14.

14. The words are "(g) the product obtained by removing the meat from flesh-bearing bones after boning or from carcases of farmed birds (including birds that are not considered as domestic but which are farmed as domestic animals, but not including ratites) using mechanical means resulting in the loss or modification of the muscle fibre structure.".

The Beef Bones Regulations 1997

15. The Beef Bones Regulations 1997(**1**) are amended as provided in paragraphs 16 and 17.

16. In paragraph (1) of regulation 2 (interpretation)-

(a) immediately after the definition of "carcase" the following definition is inserted-

"cutting plant" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;";

(b) immediately after the definition of "fresh meat" the following definitions are inserted-

"game-handling establishment" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;

"the Hygiene Regulations" means the Food Hygiene (Wales) Regulations 2005;"; and

(c) immediately after the definition of "occupier" the following definitions are inserted-

"official veterinarian" means a veterinarian who is qualified in accordance with Regulation 854/2004 to act in such a capacity and is appointed by the Agency;

"Regulation 854/2004" has the meaning that it bears in Schedule 1 to the Hygiene Regulations; and

"slaughterhouse" has the meaning that it bears in regulation 5(6) of the Hygiene Regulations;".

(**1**) S.I. 1997/2959, amended by S.I. 1999/3371 and S.I. 2000/656.

17. Yn rheoliad 12 (gorfodi)-

(a) yn lle paragraff (1) rhodder y paragraff a ganlyn-

"(1) These Regulations shall be enforced-

(a) by the Agency in relation to any cutting-plant, game-handling establishment or slaughterhouse; a

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated."; and

ac ym mharagraff (2) yn lle'r geiriau "an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995)" rhoddir y geiriau "an official veterinarian".

17. In regulation 12 (enforcement)-

(a) for paragraph (1) there is substituted the following paragraph-

"(1) These Regulations shall be enforced-

(a) by the Agency in relation to any cutting-plant, game-handling establishment or slaughterhouse; and

(b) in relation to any other premises, by the Agency or the food authority within whose area the premises are situated."; and

in paragraph (2) for the words "an official veterinary surgeon (designated as such under regulation 8(1) of the Fresh Meat (Hygiene and Inspection) Regulations 1995)" there are substituted the words "an official veterinarian".