



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2002 Rhif 1886 (Cy.195)

2002 No. 1886 (W.195)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Halogion mewn Bwyd
(Cymru) 2002**

**The Contaminants in Food (Wales)
Regulations 2002**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn, sy'n ymestyn i Gymru yn unig ac sy'n diddymu ac yn ailddeddfu gyda newidiadau i Reoliadau Halogion mewn Bwyd 1997 (O.S. 1997/1499, fel y'i diwygiwyd) yn -
 - (a) darparu ar gyfer gorfodi a gweithredu Rheoliad y Comisiwn (EC) Rhif 466/2001 sy'n pennu lefelau uchaf ar gyfer rhai halogion mewn bwydydd (OJ Rhif L77, 16.3.2001, t.1, fel y'i diwygiwyd) ("Rheoliad y Comisiwn"); a
 - (b) rhoi Cyfarwyddebau canlynol y Comisiwn ar waith -
 - (i) Cyfarwyddeb y Comisiwn 2001/22/EC sy'n gosod y dulliau samplio a'r dulliau dadansoddi ar gyfer rheolaeth swyddogol lefelau plwm, cadmiwm, mercwri a 3-MPCD mewn bwydydd (OJ Rhif L77, 16.3.2001, t.1, fel y cafodd ei gywiro gan Benderfyniad y Comisiwn ar 4 Rhagfyr 2001 (OJ Rhif L325, 8.12.2001, t.34)),
 - (ii) Cyfarwyddeb y Comisiwn 2002/26/EC sy'n gosod y dulliau samplio a'r dulliau dadansoddi ar gyfer rheolaeth swyddogol lefelau ochratoxin A mewn bwydydd (OJ Rhif L75, 16.3.2002, t.38), a
 - (iii) Cyfarwyddeb y Comisiwn 2002/27/EC sy'n diwygio Cyfarwyddeb 98/53/EC sy'n gosod y dulliau samplio a'r dulliau dadansoddi

1. These Regulations, which extend to Wales only and revoke and re-enact with changes the Contaminants in Food Regulations 1997 (S.I. 1997/1499, as amended) -
 - (a) make provision for the enforcement and execution of Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs (OJ No. L77, 16.3.2001, p.1, as amended) ("the Commission Regulation"); and
 - (b) implement the following Commission Directives -
 - (i) Commission Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MPCD in foodstuffs (OJ No. L77, 16.3.2001, p.1, as corrected by a Commission Decision of 4th December 2001 (OJ No. L325, 8.12.2001, p.34)),
 - (ii) Commission Directive 2002/26/EC laying down the sampling methods and the methods of analysis for the official control of the levels of ochratoxin A in foodstuffs (OJ No. L75, 16.3.2002, p.38), and
 - (iii) Commission Directive 2002/27/EC amending Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official

ar gyfer rheolaeth swyddogol y lefelau ar gyfer rhai halogion mewn bwydydd (OJ Rhif L75, 16.3.2002, t.44).

control of the levels for certain contaminants in foodstuffs (OJ No. L75, 16.3.2002, p.44).

2. Mae'r Rheoliadau hyn -

- (a) yn ddarostyngedig i ddarpariaethau trosiannol (*rheoliad 8 a 9*), yn darparu ei bod yn drosedd -
 - (i) rhoi ar y farchnad rhai mathau o fwydydd os ydynt yn cynnwys unrhyw fath o halogyn a nodwyd yn Rheoliad y Comisiwn ar lefelau sy'n uwch na'r rhai a nodwyd (yn ddarostyngedig i ran-ddirywiad sy'n gymwys i rai mathau o letys a sbigoglys),
 - (ii) defnyddio bwydydd sy'n cynnwys halogion ar lefelau o'r fath fel cynhwysydd wrth gynhyr chu rhai bwydydd,
 - (iii) cymysgu bwydydd sy'n cydymffurfio â'r uchafsymiau y cyfeirir atynt uchod gyda bwydydd nad ydynt,
 - (iv) cymysgu bwydydd y mae Rheoliad y Comisiwn yn ymwneud â hwy ac sydd wedi'u bwriadu i'w bwyta'n uniongyrchol gyda bwydydd y mae Rheoliad y Comisiwn yn ymwneud â hwy ac y bwriedir eu didoli neu eu trin fel arall cyn iddynt gael eu bwyta, neu
 - (v) dadwenwyno gan ddefnyddio triniaethau cemegol bwyd nad yw'n cydymffurfio â'r terfynau a nodwyd yn Rheoliad y Comisiwn (*rheoliad 3*);
- (b) nodi'r awdurdodau gorfodi (*rheoliad 4*);
- (c) rhagnodi gofynion samplu a dadansoddi mewn perthynas â bwydydd sy'n ddarostyngedig i Rheoliad y Comisiwn, ac wrth wneud hynny addasu adran 29 o Ddeddf Diogelwch Bwyd 1990 i'r graddau y mae'n gymwys i gymryd samplau o'r bwydydd dan sylw (*rheoliad 5*);
- (ch) darparu amddiffyniad mewn perthynas ag allforion wrth weithredu Erthyglau 2 a 3 o Gyfarwyddeb y Cyngor 89/397/EEC (OJ Rhif L186, 30.6.89, t.23) ar reolaeth swyddogol bwydydd, fel y cânt eu darllen gyda'r nawfed croniclad i'r Gyfarwyddeb honno (*rheoliad 6*);
- (d) yn darparu ar gyfer cymhwyso darpariaethau penodol o Ddeddf Diogelwch Bwyd 1990 at y dibenion hynny (*rheoliad 7*);

2. These Regulations -

- (a) subject to transitional provisions (*regulations 8 and 9*), provide that it is an offence to -
 - (i) place on the market certain foods if they contain contaminants of any kind specified in the Commission Regulation at levels exceeding those specified (subject to a derogation applicable to certain types of lettuce and spinach),
 - (ii) use foods containing such contaminants at such levels as ingredients in the production of certain foods,
 - (iii) mix foods which comply with the maxima referred to above with foods which do not,
 - (iv) mix foods to which the Commission Regulation relates and which are intended for direct consumption with foods to which the Commission Regulation relates and which are intended to be sorted or otherwise treated prior to consumption, or
 - (v) detoxify by chemical treatments food not complying with the limits specified in the Commission Regulation (*regulation 3*);
- (b) specify the enforcement authorities (*regulation 4*);
- (c) prescribe sampling and analysis requirements in relation to foods subject to the Commission Regulation, and in so doing modify section 29 of the Food Safety Act 1990 so far as it applies to the taking of samples of the foods concerned (*regulation 5*);
- (d) provide a defence in relation to exports in implementation of Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs, as read with the ninth recital to that Directive (*regulation 6*);
- (e) provide for the application of specified provisions of the Food Safety Act 1990 for the purposes thereof (*regulation 7*);

- (dd) gwneud diwygiadau canlyniadol i Reoliadau Diogelwch Bwyd (Samplo a Chymwysterau) 1990 (rheoliad 10); ac
 - (e) diddymu Offerynnau a bennwyd (gan gynnwys Rheoliadau Halogion mewn Bwyd 1997) (*rheoliad 11 a'r Atodlen*).
3. Paratowyd arfarniad rheoliadol ar gyfer y Rheoliadau hyn yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 a'i osod yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Tŷ Southgate, Caerdydd, CF10 1EW.
- (f) make consequential amendments to the Food Safety (Sampling and Qualifications) Regulations 1990 (*regulation 10*); and
 - (g) revoke specified Instruments (including the Contaminants in Food Regulations 1997) (*regulation 11 and the Schedule*).
3. A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF 10 1 EW.

2002 Rhif 1886 (Cy.195)**2002 No. 1886 (W.195)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Halogion mewn Bwyd
(Cymru) 2002****The Contaminants in Food (Wales)
Regulations 2002***Wedi'u gwneud* 18 Gorffennaf 2002*Made* 18th July 2002*Yn dod i rym* 2 Awst 2002*Coming into force* 2nd August 2002

Drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a) ac (f), 17(2), 26(1)(a) a 26(3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a), sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b), mae Cynulliad Cenedlaethol Cymru, ac yntau wedi ystyried yn unol ag adran 48(4A) o'r Ddeddf honno, gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, ac ar ôl ymgynghori fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod prif egwyddorion a gofynion cyfraith bwyd, yn sefydlu yr Awdurdod Diogelwch Bwyd Ewropeaidd ac sy'n gosod gweithdrefnau mewn perthynas â diogelwch bwyd(c) ac yn unol ag adran 48(4) a 4(B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred by sections 16(1)(a) and (f), 17(2), 26(1)(a) and 26(3) and 48(1) of the Food Safety Act 1990(a), now vested in the National Assembly for Wales(b), the National Assembly for Wales, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation 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(c) and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Halogion mewn Bwyd (Cymru) 2002, deuant i rym ar 2 Awst 2002 a byddant yn ymestyn i Gymru yn unig.

Citation, commencement and application

1. These Regulations may be cited as the Contaminants in Food (Wales) Regulations 2002, shall come into force on 2nd August 2002 and shall extend to Wales only.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

nid yw "awdurdod bwyd" ("*food authority*") yn cynnwys awdurdod iechyd porthladd;

ystyr "awdurdod iechyd porthladd" ("*port health authority*") yw awdurdod iechyd porthladd ar gyfer ardal iechyd porthladd a

Interpretation

2.-(1) In these Regulations -

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

"the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 466/2001 setting maximum levels for

(a) 1990 (p. 16).

(b) Trosglwyddwyd swyddogaethau'r "Gweinidogion" o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y bônt yn arferadwy yng Nghymru i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

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

(a) 1990 (c. 16).

(b) Functions of "the Ministers" 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).

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

gyfansoddwyd o dan adran 2(4) o Ddeddf Iechyd y Cyhoedd (Rheoli Afiechydon) 1984(a) ac, mewn perthynas ag awdurdod iechyd porthladd ystyr "swyddog awdurdodedig" ("*authorised officer*") yw unrhyw berson (p'un a ydyw yn swyddog yn yr awdurdod ai peidio) sydd wedi cael ei awdurdodi'n ysgrifenedig gan yr awdurdod i weithredu mewn materion sy'n deillio o dan y Rheoliadau hyn;

ystyr "Cyfarwyddeb 85/591/EEC" ("*Directive 85/591/EEC*") yw Cyfarwyddeb y Cyngor 85/591/EEC sy'n ymwneud â chyflwyno dulliau'r Gymuned o samplu a dadansoddi ar gyfer monitro bwydydd a fwriadwyd i bobl eu bwyta(b);

ystyr "Cyfarwyddeb 93/99/EEC" ("*Directive 93/99/EEC*") yw Cyfarwyddeb y Cyngor 93/99/EEC ar y math o fesurau ychwanegol sy'n ymwneud â rheolaeth swyddogol bwydydd(c);

ystyr "Cyfarwyddeb 98/53/EC" ("*Directive 98/53/EC*") yw Cyfarwyddeb y Comisiwn 98/53/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheolaeth swyddogol y lefelau ar gyfer halogion penodedig mewn bwydydd(ch) fel y'i diwygiwyd gan Gyfarwyddeb y Comisiwn 2002/27/EC(d);

ystyr "Cyfarwyddeb 2001/22/EEC" ("*Directive 2001/22/EC*") yw Cyfarwyddeb y Comisiwn 2001/22/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheolaeth swyddogol lefelau plwm, cadmiwm, mercwri a 3-MPCD mewn bwydydd(dd), fel y cawsant eu cywiro gan Benderfyniad y Comisiwn 2001/873/EC(e);

ystyr "Cyfarwyddeb 2002/26/EC" ("*Directive 2002/26/EC*") yw Cyfarwyddeb y Comisiwn 2002/26/EC sy'n gosod y dulliau samplu a'r dulliau dadansoddi ar gyfer rheolaeth swyddogol y lefelau o Ochratoxin A mewn bwydydd(f);

ystyr "Cytundeb Ardal Economaidd

certain contaminants in foodstuffs(a) as amended by Commission Regulation (EC) No. 221/2002(b), Commission Regulation (EC) No. 257/2002(c), Commission Regulation (EC) No. 472/2002(d) as corrected by a corrigendum published on 23 March 2002(e) and Commission Regulation (EC) No. 563/2002(f) as corrected by a corrigendum published on 14 June 2002(g)

"Directive 85/591/EEC" ("*Cyfarwyddeb 85/591/EEC*") means Council Directive 85/591/EEC concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption(h);

"Directive 93/99/EEC" ("*Cyfarwyddeb 93/99/EEC*") means Council Directive 93/99/EEC on the subject of additional measures concerning the official control of foodstuffs(i);

"Directive 98/53/EC" ("*Cyfarwyddeb 98/53/EC*") means Commission Directive 98/53/EC laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs(j) as amended by Commission Directive 2002/27/EC(k);

"Directive 2001/22/EC" ("*Cyfarwyddeb 2001/22/EC*") means Commission Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MPCD in foodstuffs(l), as corrected by Commission Decision 2001/873/EC(m);

"Directive 2002/26/EC" ("*Cyfarwyddeb 2002/26/EC*") means Commission Directive 2002/26/EC laying down the sampling methods and the methods of analysis for the official control of the levels of Ochratoxin A in foodstuffs(n);

"European Economic Area Agreement" ("*Cytundeb Ardal Economaidd Europeaidd*") means the Agreement on the European

(a) 1984 (p.22).

(b) OJ Rhif L372, 31.12.85, p.50.

(c) OJ Rhif L290, 24.11.93, p.14.

(ch) OJ Rhif L201, 17.7.1998, p.93.

(d) OJ Rhif L75, 16.3.2002, t.44.

(dd) OJ Rhif L77, 16.3.2001, p.14.

(e) OJ Rhif L325, 8.12.2001, p.34.

(f) OJ Rhif L75, 16.3.2002, t.38.)

(a) OJ No. L77, 16.3.2001, p.1.

(b) OJ No. L37, 7.2.2002, p.4.

(c) OJ No. L41, 13.2.2002, p.12.

(d) OJ No. L75, 16.3.2002, p.18.

(e) OJ No. L80, 23.3.2002, p.42.

(f) OJ No. L86, 3.4.2002, p.5.

(g) OJ No. L155, 14.06.2002, p.63.

(h) OJ No. L372, 31.12.85, p.50.

(i) OJ No. L290, 24.11.93, p.14.

(j) OJ No. L201, 17.7.1998, p.93.

(k) OJ No. L75, 16.3.2002, p.44.

(l) OJ No. L77, 16.3.2001, p.14.

(m) OJ No. L325, 8.12.2001, p.34.

(n) OJ No. L75, 16.3.2002, p.38.

Ewropeaidd" ("*European Economic Area Agreement*") yw Cytundeb ar yr Ardal Economaidd Ewropeaidd a lofnodwyd yn Oporto ar 2 Mai 1992 fel y cafodd ei addasu gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993;

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

ystyr "Rheoliad y Comisiwn" ("*the Commission Regulation*") yw Rheoliad y Comisiwn (EC) Rhif 466/2001 sy'n nodi'r lefelau uchaf ar gyfer halogion penodedig mewn bwydydd(a) fel y'i diwygiwyd gan Reoliad y Comisiwn (EC) Rhif 221/2002(b), Erthygl 2 o Reoliad y Comisiwn (EC) Rhif 257/2002(c), Rheoliad y Comisiwn (EC) Rhif 472/2002(ch) fel y cafodd ei gywiro gan gywiriad a gyhoeddwyd ar 23 Mawrth 2002(d) a Rheoliad y Comisiwn (EC) Rhif 563/2002(dd) Fel y'i Cywiriwyd gan gorigendum a gyhoeddwyd ar 14 Mehefin 2002(e);

ystyr "Rheoliad 2375/2001/EC" ("*Regulation 2375/2001/EC*") yw Rheoliad y Cyngor (EC) Rhif 2375/2001 sy'n diwygio Rheoliad y Comisiwn (EC) Rhif 466/2001 sy'n nodi'r lefelau uchaf ar gyfer rhai halogion penodol mewn bwydydd(f); ac

ystyr "Talaith Ardal Economaidd Ewropeaidd" ("*European Economic Area State*") yw Talaith sy'n Gytundebwr i Gytundeb Ardal Economaidd Ewropeaidd;

(2) Mae i ymadroddion eraill a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag sydd iddynt yn Rheoliad y Comisiwn.

Tramgwyddau a chosbau

3.-(1) Yn ddarostyngedig i reoliadau 8 a 9, bydd person yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol os -

(a) cyn 1 Medi 2002 -

(i) ei fod yn rhoi ar y farchnad unrhyw fwyd (heblaw am sbigoglys awdurdodedig neu letys awdurdodedig) sy'n cael ei gwmpasu gan, ond nad yw'n bodloni gofynion Erthygl 1.1, 2.1, 2.2 neu 4.1 o Reoliad y Comisiwn, fel y cânt eu darllen gydag Erthyglau 1.2 a 4.3 o'r Rheoliad hwnnw, neu

(a) OJ Rhif L77, 16.3.2001, p.1.

(b) OJ Rhif L37, 7.2.2002, p.4.

(c) OJ Rhif L41, 13.2.2002, p.12.

(ch) OJ Rhif L75, 16.3.2002, t. 18.

(d) OJ Rhif L80, 23.3.2002, t.42.

(dd) OJ Rhif L86, 3.4.2002, t.5.

(e) OJ Rhif L155, 14.06.2002, t.63.

(f) OJ Rhif L321, 6.12.2001, t.1.

Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

"European Economic Area State" ("*Talaith Ardal Economaidd Ewropeaidd*") means a State which is Contracting Party to the European Economic Area Agreement;

"food authority" ("*awdurdod bwyd*") does not include a port health authority;

"port health authority" ("*awdurdod iechyd porthladd*") means a port health authority for a port health district constituted under section 2(4) of the Public Health (Control of Disease) Act 1984(a) and, in relation to a port health authority, "authorised officer" means any person (whether or not an officer of the authority) who is authorised by the authority in writing to act in matters arising under these Regulations; and

"Regulation 2375/2001/EC" ("*Rheoliad 2375/2001/EC*") means Council Regulation (EC) No. 2375/2001 amending Commission Regulation (EC) No. 466/2001 setting maximum levels for certain contaminants in foodstuffs(b).

(2) Other expressions used in these Regulations and in the Commission Regulation have the same meaning as in the Commission Regulation.

Offences and penalties

3.-(1) Subject to regulations 8 and 9, a person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale if -

(a) before 1st September 2002 -

(i) he or she places on the market any food (other than authorised spinach or authorised lettuce) which is covered by, but fails to meet the requirements of, Article 1.1, 2.1, 2.2 or 4.1 of the Commission Regulation, as read with Articles 1.2 and 4.3 of that Regulation, or

(a) 1984 (c.22).

(b) OJ No.L321, 6.12.2001, p.1.

- (ii) ei fod yn torri Erthygl 2.3 neu 4.2 o'r Rheoliad hwnnw;
- (b) ar neu ar ôl 1 Medi 2002 ond cyn 1 Ionawr 2005-
 - (i) ei fod yn rhoi ar y farchand unrhyw fwyd (heblaw am sbigoglys awdurdodedig neu letys awdurdodedig) sy'n cael ei gwmpasu gan, ond nad yw'n bodloni gofynion, Erthygl 1.1, 2.1, 2.2 neu 4.1 o Reoliad y Comisiwn fel y'i diwygiwyd gan Reoliad 2375/2001/EC, fel y caiff ei ddarllen gydag Erthyglau 1.2 a 4.3 o Reoliad y Comisiwn fel y'i diwygiwyd, neu
 - (ii) ei fod yn torri Erthygl 2.3, 4.2 neu 4a o'r Rheoliad hwnnw fel y'i diwygiwyd felly; neu
- (c) ar neu ar ôl 1 Ionawr 2005 -
 - (i) ei fod yn rhoi ar y farchand unrhyw fwyd (heblaw am sbigoglys awdurdodedig) sy'n cael ei gwmpasu gan, ond nad yw'n bodloni gofynion, Erthygl 1.1, 2.1, 2.2 neu 4.1 o Reoliad y Comisiwn, fel y'i diwygiwyd gan Reoliad 2375/2001/EC, fel y caiff ei ddarllen gydag Erthyglau 1.2 a 4.3 o Reoliad y Comisiwn fel y'i diwygiwyd, neu
 - (ii) ei fod yn torri Erthygl 2.3, 4.2 neu 4a o Reoliad y Comisiwn fel y'i diwygiwyd; neu
- (ch) ei fod yn torri gan wybod hynny neu'n methu â chydymffurfio â gofynion hysbysiad sy'n cael ei roi o dan adran 9(3)(a) o'r Ddeddf fel y caiff ei chymhwyso at ddibenion y Rheoliadau hyn gan reoliad 7.

(2) At ddibenion y rheoliad hwn -

- (a) ystyr "sbigoglys neu letys awdurdodedig" ("*authorised spinach or lettuce*") yw sbigoglys o'r math a nodir ym mhwynt 1.1 o adran 1 o Atodlen I i Reoliad y Comisiwn, a dyfir yn y Deyrnas Unedig yn unol â'r amod i Erthygl 3.1 o'r Rheoliad hwnnw gyda'r bwriad o gael ei fwyta gan bobl yno; a
- (b) ystyr "letys awdurdodedig" ("*authorised lettuce*") yw letys o'r math a nodir ym mhwynt 1.3 neu ym mhwynt 1.4 o adran 1 o Atodlen I i Reoliad y Comisiwn, a dyfir yn y Deyrnas Unedig yn unol â'r amod i Erthygl 3.1 o'r Rheoliad hwnnw gyda'r bwriad o gael ei fwyta gan bobl yno.

Gorfodi

4.-(1) Yn ddarostyngedig i baragraff (2), bydd yn ddyletswydd ar bob awdurdod iechyd porthladd i weithredu a gorfodi'r Gorchymyn hwn o fewn ei ardal.

(2) Mewn perthynas ag unrhyw le nad yw wedi'i leoli mewn ardal awdurdod iechyd porthladd, caiff y

- (ii) he or she contravenes Article 2.3 or 4.2 of that Regulation;
- (b) on or after 1st September 2002 but before 1st January 2005 -
 - (i) he or she places on the market any food (other than authorised spinach or authorised lettuce) which is covered by, but fails to meet the requirements of, Article 1.1, 2.1, 2.2 or 4.1 of the Commission Regulation as amended by Regulation 2375/2001/EC, as read with Articles 1.2 and 4.3 of the Commission Regulation as so amended, or
 - (ii) he or she contravenes Article 2.3, 4.2 or 4a of the Commission Regulation as so amended;
- (c) on or after 1st January 2005 -
 - (i) he or she places on the market any food (other than authorised spinach) which is covered by, but fails to meet the requirements of, Article 1.1, 2.1, 2.2 or 4.1 of the Commission Regulation, as amended by Regulation 2375/2001/EC, as read with Articles 1.2 and 4.3 of the Commission Regulation as so amended, or
 - (ii) he or she contravenes Article 2.3, 4.2 or 4a of the Commission Regulation as so amended; or
- (d) he knowingly contravenes or fails to comply with the requirements of a notice given under section 9(3)(a) of the Act as applied for the purposes of these Regulations by regulation 7.

(2) For the purposes of this regulation -

- (a) "authorised spinach" means spinach of the kind specified in point 1.1 of section 1 of Annex I to the Commission Regulation, which is grown in the United Kingdom in accordance with the proviso to Article 3.1 of that Regulation and is intended for human consumption there; and
- (b) "authorised lettuce" means lettuce of the kind specified in point 1.3 or in point 1.4 of section 1 of Annex I to the Commission Regulation, which is grown in the United Kingdom in accordance with the proviso to Article 3.1 of that Regulation and is intended for human consumption there.

Enforcement

4.-(1) Subject to paragraph (2), it shall be the duty of each port health authority to execute and enforce this Order within its district.

(2) In relation to any place which is not situated in the district of a port health authority, these Regulations

Rheoliadau hyn eu gweithredu a'u gorfodi gan yr awdurdod bwyd ar gyfer yr ardal y mae'r lle hwnnw wedi'i leoli ynddo.

Sampl, dadansoddi ac addasu adran 29 o'r Ddeddf

5.-(1) Wrth gymhwyso ar gyfer cymryd sampl o unrhyw fwyd a nodwyd yn adran 1 i 4 o Atodlen I i Reoliad y Comisiwn, caiff adran 29 o'r Ddeddf ei haddasu er mwyn cyfyngu ar y pŵer i gymryd samplau o dan is-adran (b) a (d) o'r adran honno ar gyfer cymryd samplau yn unol â'r dulliau o gymryd samplau a ddisgrifir neu y cyfeirir atynt yn -

- (a) (yn ddarostyngedig i'r gofynion a nodir ym mharagraff (2)) yr Atodlen i Gyfarwyddeb y Comisiwn 79/700/EEC sy'n sefydlu dulliau'r Gymuned o samplu ar gyfer rheolaeth swyddogol gweddillion plaladdwyr mewn ac ar ffrwythau a llysiau(a) pan fo'r bwyd dan sylw yn ateb y disgrifiad a nodwyd yn adran 1 o Atodlen I i Reoliad y Comisiwn ar gyfer ei samplu y mae'r Gyfarwyddeb honno yn gymwys yn unol ag Erthygl 1.3 o'r Rheoliad hwnnw;
- (b) Atodlen I i Gyfarwyddeb 98/53/EC pan fo'r bwyd dan sylw yn ateb y disgrifiad a nodwyd yn adran 2 o Atodlen I i Reoliad y Comisiwn y mae'r Gyfarwyddeb honno yn gymwys ar gyfer ei samplu yn unol â'r Erthygl honno;
- (c) Atodlen I i Gyfarwyddeb 2002/26/EC pan fo'r bwyd dan sylw yn ateb y disgrifiad a nodwyd yn yr adran honno y mae'r Gyfarwyddeb honno yn ymwneud â'i samplu yn unol â'r Erthygl honno;
- (ch) Atodlen I i Gyfarwyddeb 2001/22/EC pan fo'r bwyd dan sylw yn ateb y disgrifiad a nodwyd yn adran 3 neu 4 o Atodlen I i Reoliad y Comisiwn y mae'r Gyfarwyddeb honno yn ymwneud â'i gymwys ar gyfer ei samplu yn unol â'r Erthygl honno.

(2) Y gofyniad y cyfeirir ato yn is-baragraff (a) o baragraff (1) yw, yn achos letys o'r math a nodir ym mhwynt 1.3 neu 1.4 o Adran 1 o Atodlen I i Reoliad y Comisiwn, isafswm nifer yr unedau sydd eu hangen ar gyfer pob sampl labordy fydd deg.

(3) Pan, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y cafodd ei haddasu gan baragraff (1), bod swyddog awdurdodedig wedi cymryd sampl o fwyd sy'n cyfateb i ddisgrifiad y mae is-baragraff (b) o'r paragraff hwnnw yn gymwys, bydd yn sicrhau bod -

- (a) y sampl yn cael ei baratoi yn unol â -
 - (i) paragraffau 1.1, 2 a 3 o Atodlen II i Gyfarwyddeb 98/53/EC, a
 - (ii) yn achos cnau cyflawn, paragraff 1.2 o'r Atodlen honno;

shall be executed and enforced by the food authority for the area in which that place is situated.

Sampling, analysis and modification of section 29 of the Act

5.-(1) In its application to the taking of a sample of any food specified in sections 1 to 4 of Annex I to the Commission Regulation, section 29 of the Act shall be modified so as to limit the power to take samples under subsection (b) and (d) of that section to the taking of samples in accordance with the methods of taking samples described or referred to -

- (a) (subject to the requirement specified in paragraph (2)) in the Annex to Commission Directive 79/700/EEC establishing Community methods of sampling for the official control of pesticide residues in and on fruit and vegetables(a), where the food concerned is of a description specified in section 1 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to Article 1.3 of that Regulation;
- (b) in Annex I to Directive 98/53/EC, where the food concerned is of a description specified in section 2 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to that Article;
- (c) Annex I to Directive 2002/26/EC, where the food concerned is of a description specified in that section to the sampling of which that Directive applies pursuant to that Article; and
- (d) in Annex I to Directive 2001/22/EC, where the food concerned is of a description specified in section 3 or 4 of Annex I to the Commission Regulation to the sampling of which that Directive applies pursuant to that Article.

(2) The requirement referred to in sub-paragraph (a) of paragraph (1) is that, in the case of lettuce of the kind specified in point 1.3 or 1.4 of Section 1 of Annex I to the Commission Regulation, the minimum number of units required for each laboratory sample shall be ten.

(3) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (b) of that paragraph applies, he or she shall ensure that -

- (a) the sample is prepared in accordance with -
 - (i) paragraphs 1.1, 2 and 3 of Annex II to Directive 98/53/EC, and
 - (ii) in the case of whole nuts, paragraph 1.2 of that Annex;

(a) OJ Rhif. L207, 15.8.1979, t.26.

(a) OJ No. L207, 15.8.1979, p.26.

- (b) unrhyw ddadansoddiad o'r sampl yn cael ei gynnal yn unol â'r dulliau dadansoddi sydd -
 - (i) i'r graddau y bo hynny'n ymarferol, yn cydymffurfio â pharagraffau 1 a 2 o'r Atodlen i Gyfarwyddeb 85/591/EEC, a
 - (ii) yn bodloni'r meini prawf a nodwyd ym mharagraff 4.3 o Atodlen II i Gyfarwyddeb 98/53/EC fel y caiff ei ddarllen gyda'r nodiadau i'r paragraff hwnw;
- (c) bod unrhyw ddadansoddiad yn cael ei wneud gan labordy sy'n cydymffurfio â Chyfarwyddeb 93/99/EEC; ac
- (ch) bod adrodd ar ganlyniadau y dadansoddiad o'r sampl hwnnw -
 - (i) yn defnyddio'r diffiniadau ym mharagraff 4.1 o Atodlen II i Gyfarwyddeb 98/53/EC, a
 - (ii) ei fod yn unol â pharagraff 4.4 o'r Atodlen honno.

(4) Pan, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y cafodd ei haddasu gan baragraff (1), bod swyddog awdurdodedig wedi cymryd sampl o fwyd sy'n ateb y disgrifiad y mae is-baragraff (c) o'r paragraff hwnnw yn gymwys, bydd yn sicrhau -

- (a) bod y sampl yn cael ei baratoi yn unol â pharagraffau 1 i 3 o Atodlen II i Gyfarwyddeb 2002/26/EC;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei gyflawni yn unol â dulliau dadansoddi sy'n -
 - (i) cydymffurfio â pharagraffau 1 a 2 o'r Atodlen i Gyfarwyddeb y Cyngor 85/591/EEC, a
 - (ii) bodloni'r meini prawf a nodwyd ym mharagraff 4.3 o Atodlen II i Gyfarwyddeb 2002/26/EC fel y caiff ei ddarllen gyda'r nodiadau i'r paragraff hwnnw;
- (c) bod unrhyw ddadansoddiad yn cael ei gynnal gan labordy sy'n cydymffurfio â Chyfarwyddeb 93/99/EEC; ac
- (ch) bod adrodd ar ganlyniadau'r dadansoddiad o'r sampl hwnnw -
 - (i) yn defnyddio'r diffiniadau ym mharagraff 4.1 o Atodlen II i Gyfarwyddeb 2002/26/EC, a
 - (ii) yn unol â pharagraff 4.4 o'r Atodlen honno.

(5) Pan, yn unol ag adran 29(b) neu (d) o'r Ddeddf fel y cafodd ei haddasu gan baragraff (1), bod swyddog awdurdodedig wedi cymryd sampl o fwyd sy'n ateb y disgrifiad y mae is-baragraff (c) o'r paragraff hwnnw yn gymwys, bydd yn sicrhau -

- (a) bod y sampl yn cael ei baratoi yn unol â pharagraffau 1 a 2 o Atodlen II i Gyfarwyddeb 2001/22/EC, fel y cânt eu darllen, yn achos paragraff 2, gyda'r nodyn iddynt;
- (b) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn unol â'r dulliau dadansoddi sy'n -

- (b) any analysis of the sample is carried out in accordance with methods of analysis which -
 - (i) so far as practicable, comply with paragraphs 1 and 2 of the Annex to Directive 85/591/EEC, and
 - (ii) meet the criteria specified in paragraph 4.3 of Annex II to Directive 98/53/EC as read with the notes to that paragraph;
- (c) any analysis is carried out by a laboratory which complies with Directive 93/99/EEC; and
- (d) the reporting of the result of the analysis of that sample -
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 98/53/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

(4) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (c) of that paragraph applies, he or she shall ensure that -

- (a) the sample is prepared in accordance with paragraphs 1 to 3 of Annex II to Directive 2002/26/EC;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which -
 - (i) comply with paragraphs 1 and 2 of the Annex to Council Directive 85/591/EEC, and
 - (ii) meet the criteria specified in paragraph 4.3 of Annex II to Directive 2002/26/EC as read with the notes to that paragraph;
- (c) any analysis is carried out by a laboratory which complies with Directive 93/99/EEC; and
- (d) the reporting of the results of the analysis of that sample -
 - (i) makes use of the definitions in paragraph 4.1 of Annex II to Directive 2002/26/EC, and
 - (ii) is in accordance with paragraph 4.4 of that Annex.

(5) Where, pursuant to section 29(b) or (d) of the Act as modified by paragraph (1), an authorised officer has taken a sample of food of a description to which sub-paragraph (d) of that paragraph applies, he or she shall ensure that -

- (a) the sample is prepared in accordance with paragraphs 1 and 2 of Annex II to Directive 2001/22/EC, as read, in the case of paragraph 2, with the note thereto;
- (b) any analysis of the sample is carried out in accordance with methods of analysis which -

- (i) cydymffurfio i'r graddau y bo hynny'n ymarferol â pharagraffau 1 a 2 o'r Atodlen i Gyfarwyddeb 85/591/EEC,
 - (ii) wrth ddadansoddi ar gyfer plwm (heblaw mewn gwin), mercwri neu gadmiwm, yn bodloni'r meini prawf a nodwyd ym mharagraff 3.3.1 o Atodlen II i Gyfarwyddeb 2001/22/EC,
 - (iii) wrth ddadansoddi ar gyfer plwm mewn gwin, yn cydymffurfio â'r ail is-baragraff o baragraff 3.2 o'r Atodlen honno, a
 - (iv) wrth ddadansoddi ar gyfer 3-MPCD, yn bodloni'r meini prawf a nodwyd ym mharagraff 3.3.2 o'r Atodlen honno fel y caiff ei darllen gyda'r nodyn i'r paragraff hwnnw;
- (c) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud gan labordy sy'n cydymffurfio â Chyfarwyddeb 93/99/EEC;
 - (ch) bod unrhyw ddadansoddiad o'r sampl yn cael ei wneud yn y fath fodd fel ei fod yn cydymffurfio ag is-baragraff cyntaf ac ail is-baragraff paragraff 3.4 o Atodlen II i Gyfarwyddeb 2001/22/EC, fel y cânt eu darllen yn achos yr ail is-baragraff gyda'r nodyn iddo; a -
 - (d) bod adrodd ar ganlyniadau'r dadansoddiad o'r sampl hwnnw -
 - (i) yn defnyddio'r diffiniadau ym mharagraff 3.1 o Atodlen II i Gyfarwyddeb 2001/22/EC fel y caiff ei ddarllen gyda'r nodiadau iddo,
 - (ii) a'i fod yn unol â thrydydd is-baragraff paragraff 3.4 a pharagraff 3.6 o'r Atodlen honno.
- (i) so far as practicable comply with paragraphs 1 and 2 of the Annex to Directive 85/591/EEC,
 - (ii) in the case of analysis for lead (other than in wine), mercury or cadmium, meet the criteria specified in paragraph 3.3.1 of Annex II to Directive 2001/22/EC,
 - (iii) in the case of analysis for lead in wine, comply with the second sub-paragraph of paragraph 3.2 of that Annex, and
 - (iv) in the case of analysis for 3-MPCD, meet the criteria specified in paragraph 3.3.2 of that Annex as read with the note to that paragraph;
- (c) any analysis of the sample is carried out by a laboratory which complies with Directive 93/99/EEC;
 - (d) any analysis of the sample is carried out in such a way as to comply with the first and second sub-paragraphs of paragraph 3.4 of Annex II to Directive 2001/22/EC as read in the case of the second sub-paragraph with the note thereto; and
 - (e) the reporting of the results of the analysis of that sample -
 - (i) makes use of the definitions in paragraph 3.1 of Annex II to Directive 2001/22/EC as read with the note thereto, and
 - (ii) is in accordance with the third sub-paragraph of paragraph 3.4 and with paragraph 3.6 of that Annex.

Amddiffyniad mewn perthynas ag allforion

6. Mewn unrhyw achos am dramgwydd sy'n cynnwys torri rheoliad 3 bydd yn amddiffyniad i'r sawl sy'n cael ei gyhuddo brofi -

- (a) bod y bwyd yr honnir bod y tramgwydd wedi'i gyflawni mewn perthynas ag ef wedi ei fwriadu i gael ei allforio i wlad sydd â deddfwriaeth sy'n cyfateb i'r Rheoliadau hyn a'i fod yn cydymffurfio â'r ddeddfwriaeth honno; a
- (b) ar gyfer mewnforio i Wladwriaeth Ardal Economaidd Ewropeaidd, bod y ddeddfwriaeth yn cydymffurfio â Rheoliad y Comisiwn neu, os digwyddodd y mater a arweiniodd at y tramgwydd honedig ar neu ar ôl 1 Medi 2002, Rheoliad y Comisiwn fel y'i diwygiwyd gan Reoliad 2375/2001/EC.

Defence in relation to exports

6. In any proceedings for an offence consisting of a contravention of regulation 3 it shall be a defence for the accused to prove -

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that it complies with that legislation; and
- (b) in the case of export to an European Economic Area State, that the legislation complies with the Commission Regulation or, if the matter constituting the alleged offence occurred on or after 1st September 2002, with the Commission Regulation as amended by Regulation 2375/2001/EC.

Cymhwyso amrywiol adrannau y Ddeddf

7.-(1) Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn ac oni bai fod y cyd-destun yn mynnu fel arall dylid dehongli unrhyw gyfeiriad yn y darpariaethau hynny ynddynt at y Ddeddf neu Ran ohoni fel cyfeiriad at y Rheoliadau hyn -

- (a) adran 3 (rhagdybiaeth fod bwyd wedi'i fwriadu i'w fwyta gan bobl);
- (b) adran 20 (tramgwyddau o ganlyniad i fai person arall);
- (c) adran 21 (amddiffyniad o ofal a sylw dyladwy), fel y mae'n gymwys at ddibenion adran 8, 14 neu 15;
- (ch) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (d) adran 33(1) (rhwystro a.y.y.b. swyddogion);
- (dd) adran 33(2) gyda'r addasiad bod y cyfeiriad at "unrhyw ofyniad sy'n cael ei grybwyll yn is-adran (1)(b) uchod" yn cael ei ddehongli fel cyfeiriad at unrhyw ofyniad o'r fath sy'n cael ei grybwyll yn adran 33(1)(b) fel y caiff ei gymhwyso gan is-baragraff (e);
- (e) adran 35(1) (cosbi am dramgwyddau) i'r graddau y bo'n ymwneud â swyddogion o dan adran 33(1) fel y caiff ei chymhwyso gan y paragraff hwn;
- (f) adran 35(2) a (3), i'r graddau y bo'n ymwneud â thramgwyddau o dan adran 33(2) fel y caiff ei chymhwyso gan y paragraff hwn;
- (ff) adran 35(2) a (3), i'r graddau y bo'n ymwneud â thramgwyddau o dan adran 33(2) fel y caiff ei chymhwyso gan is-baragraff (e);
- (g) adran 36 (tramgwyddau gan gyrrff corfforaethol); ac
- (ng) adran 44 (amddiffyn swyddogion sy'n ymddwyn yn ddiwyll).

(2) Yn ddarostyngedig i baragraffau (3) a (4), bydd adran 9 o'r Ddeddf (archwilio ac atafaelu bwyd amheus) yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiadau canlynol -

- (a) yn is-adran (1) -
 - (i) yn dilyn y geiriau "food authority" mewnosodwch y geiriau "or a port health authority",
 - (ii) dylid ystyried y cyfeiriad at is-adran (3) i (9) fel cyfeiriad at is-adrannau (3) i (8) fel y cânt eu cymhwyso gan y rheoliad hwn, a
 - (iii) yn lle'r geiriau "any food fails to comply with food safety requirements" rhowch "the placing on the market of any food (other than authorised spinach or authorised lettuce) contravenes regulation 3(1)(a)(i), (b)(i) or (c)(i) of the Contaminants in Food (Wales) Regulations 2002";

Application of various sections of the Act

7.-(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed as a reference to these Regulations -

- (a) section 3 (presumption that food is intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence), as it applies for the purposes of section 8, 14 or 15;
- (d) section 30(8) (which relates to documentary evidence);
- (e) section 33(1) (obstruction etc. of officers);
- (f) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b) above" shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (e);
- (g) section 35(1) (punishment of offences), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (e);
- (h) section 35(2) and (3), insofar as it relates to offences under section 33(2) as applied by sub-paragraph (f);
- (i) section 36 (offences by bodies corporate); and
- (j) section 44 (protection of officers acting in good faith).

(2) Subject to paragraphs (3) and (4), section 9 of the Act (inspection and seizure of suspected food) shall apply for the purposes of these Regulations with the following modifications -

- (a) in subsection (1) -
 - (i) after the words "food authority" there shall be inserted the words "or a port health authority",
 - (ii) the reference to subsections (3) to (9) shall be deemed to be a reference to subsections (3) to (8) as applied by this regulation, and
 - (iii) for the words "any food fails to comply with food safety requirements" there shall be substituted the words "the placing on the market of any food (other than authorised spinach or authorised lettuce) contravenes regulation 3(1)(a)(i), (b)(i) or (c)(i) of the Contaminants in Food (Wales) Regulations 2002";

- (b) ni fydd is-adran (2) yn gymwys at ddibenion y rheoliad hwn;
- (c) yn is-adran (3) -
 - (i) yn lle'r geiriau ym mharagraff (a) "not to be removed except to some place specified in the notice" rhoddir y geiriau "to be removed to a place at which there are facilities to carry out the sampling required by Directive 98/53/EC, Directive 2001/22/EC or Directive 2002/26/EC, as appropriate", a
 - (ii) ar ôl y geiriau "guilty of an offence" rhoddir y geiriau "and liable on summary conviction to a fine not exceeding level 5 on the standard scale";
- (ch) yn is-adrannau (4) a (6), yn lle'r geiriau "food safety requirements" rhoddir y geiriau "the requirements of regulation 3(1)(a)(i), (b)(i) or (c)(i) of the above Regulations";
- (d) yn y naill a'r llall o is-adrannau (4) a (7), dylid ystyried y cyfeiriad at is-adran (3) fel cyfeiriad at yr is-adran honno fel y caiff ei chymhwyso gan y rheoliad hwn;
- (dd) yn is-adran (5) -
 - (i) dylid ystyried y cyfeiriad at is-adrannau (3) a (4) fel cyfeiriad at yr is-adrannau hynny fel y maent yn cael eu cymhwyso gan y rheoliad hwn, a
 - (ii) dylid ystyried y cyfeiriad at adran 7 neu 8 fel cyfeiriad at rheoliad 3(1)(a)(i), neu (b)(i) neu (c)(i) o'r Rheoliadau uchod";
- (e) yn is-adran (7), ar ôl y geiriau "food authority" mewnosodwch y geiriau "or, as the case may be, port health authority"; ac
- (h) yn is-adran (8), dylid ystyried y cyfeiriad at is-adran (7) fel cyfeiriad at yr is-adran honno fel y caiff ei chymhwyso gan y rheoliad hwn.

(3) Bydd yr ymadroddion "authorised officer", "food authority", "port health authority", "human consumption", "placing on the market", "authorised spinach", "authorised lettuce", "Directive 98/53/EC", "Directive 2001/22/EC" and "Directive 2002/26/EC", a ddefnyddir yn adran 9 o'r Ddeddf i'r graddau y mae'n gymwys at ddibenion y Rheoliadau hyn drwy rinwedd paragraff (2), at y dibenion hynny, yn dwyn yr un ystyr ag sydd i'r ymadroddion cyfatebol Cymraeg yn y Rheoliadau hyn.

(4) Bydd adran 2 o'r Ddeddf (ymestyn ystyr "sale" a.y.y.b.) yn gymwys mewn perthynas ag adran 9 o'r Ddeddf i'r graddau y mae'n gymwys at ddibenion y Rheoliadau hyn drwy rinwedd paragraff (2).

- (b) subsection (2) shall not apply for the purposes of this regulation;
- (c) in subsection (3) -
 - (i) for the words in paragraph (a) "not to be removed except to some place specified in the notice" there shall be substituted the words "to be removed to a place at which there are facilities to carry out the sampling required by Directive 98/53/EC, Directive 2001/22/EC or Directive 2002/26/EC, as appropriate", and
 - (ii) after the words "guilty of an offence" there shall be inserted the words "and liable on summary conviction to a fine not exceeding level 5 on the standard scale".
- (d) in subsections (4) and (6), for the words "food safety requirements" there shall be substituted the words "the requirements of regulation 3(1)(a)(i), (b)(i) or (c)(i) of the above Regulations";
- (e) in each of subsections (4) and (7), the reference to subsection (3) shall be deemed to be a reference to that subsection as applied by this regulation;
- (f) in subsection (5) -
 - (i) the reference to subsections (3) and (4) shall be deemed to be a reference to those subsections as applied by this regulation, and
 - (ii) the reference to section 7 or 8 shall be deemed to be a reference to regulation 3(1)(a)(i), or (b)(i) or (c)(i) of these Regulations;
- (g) in subsection (7), after the words "food authority" there shall be inserted the words "or, as the case may be, port health authority,"; and
- (h) in subsection (8), the reference to subsection (7) shall be deemed to be a reference to that subsection as applied by this regulation.

(3) The expressions "authorised officer", "food authority", "port health authority", "human consumption", "placing on the market", "authorised spinach", "authorised lettuce", "Directive 98/53/EC", "Directive 2001/22/EC" and "Directive 2002/26/EC", which are used in section 9 of the Act so far as it applies for the purposes of these Regulations by virtue of paragraph (2), shall, for those purposes, bear the meaning that those expressions respectively bear in these Regulations.

(4) Section 2 of the Act (extended meaning of "sale" etc.) shall apply in relation to section 9 of the Act so far as it applies for the purposes of these Regulations by virtue of paragraph (2).

Darpariaethau trosiannol

8. Ni fydd Rheoliad 3(1)(a)(i), (b)(i) ac (c)(i) yn gymwys mewn perthynas ag unrhyw fwyd sy'n cael ei osod yn gyfreithlon ar y farchnad yn y Gymuned Ewropeaidd cyn 5 Ebrill 2002 sy'n cael ei gwmpasu gan, ond nad yw'n bodloni gofynion, Erthygl 1.1, 2.1 neu 2.2 o Reoliad y Comisiwn, i'r graddau y mae'r diffyg yn bodoli oherwydd bod y bwyd yn cynnwys halogyn a nodwyd yn adran 3 neu 4 o Atodlen I i'r Rheoliad hwnnw ar lefel sy'n uwch na'r hyn a nodwyd yn ail golofn yr adran dan sylw.

9. Ni fydd rheoliad 3(1)(a)(ii) (b)(ii) ac (c)(ii) yn gymwys mewn perthynas â thorri Erthygl 2.3 o Reoliad y Comisiwn, i'r graddau bod y toromod yn cynnwys yn y defnydd o gynhwysion bwyd, ar gyfer cynhyrchu bwyd cyfansawdd, bwyd a osodwyd yn gyfreithlon ar y farchnad yn y Gymuned Ewropeaidd cyn 5 Ebrill 2002 ac sy'n cynnwys halogyn a nodwyd yn adran 3 neu 4 o Atodlen I i'r Rheoliad hwnnw ar lefel sy'n uwch na'r hyn a nodwyd yn yr ail golofn o'r adran dan sylw.

Diwygiadau canlyniadol

10. Yn Atodlen 1 i Reoliadau Diogelwch Bwyd (Samplo a Chymwysterau) 1990(a) (darpariaethau nad yw'r Rheoliadau hyn yn gymwys iddynt) yn lle pob cofnod sy'n ymwneud â'r Rheoliadau Halogion mewn Bwyd rhowch y canlynol -

"The Contaminants in Food (Wales) Regulations 2002 (to the extent that a sample falls to be prepared and analysed in accordance with regulation 5 thereof)	S.I. 2002/ "
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Diddymiadau

11. Caiff yr offerynnau a nodwyd yng ngholofn 1 o'r Atodlen eu diddymu i'r graddau y maent yn gymwys i Gymru i'r graddau a nodwyd yng ngholofn 2 o'r Atodlen honno.

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

18 Gorffennaf 2002

Dirprwy Lywydd y Cynulliad Cenedlaethol

(a) O.S. 1990/2463. Yr offeryn diwygio perthnasol yw O.S. 1999/1603.

(b) 1998 p.38.

Transitional provisions

8. Regulation 3(1)(a)(i), (b)(i) and (c)(i) shall not apply in relation to any food lawfully placed on the market in the European Community before 5 April 2002 which is covered by, but fails to meet the requirements of, Article 1.1, 2.1 or 2.2 of the Commission Regulation, as read with Article 1.2 of that Regulation, to the extent that the failure consists in the food being placed on the market containing a contaminant specified in section 3 or 4 of Annex I to that Regulation at a level higher than that specified in the second column of the section concerned.

9. Regulation 3(1)(a)(ii), (b)(ii) and (c)(ii) shall not apply in relation to any contravention of Article 2.3 of the Commission Regulation, to the extent that the contravention consists in the use as a food ingredient, for the production of a compound foodstuff, of food lawfully placed on the market in the European Community before 5 April 2002 and containing a contaminant specified in section 3 or 4 of Annex I to that Regulation at a level higher than that specified in the second column of the section concerned.

Consequential amendment

10. In Schedule 1 to the Food Safety (Sampling and Qualifications) Regulations 1990(a) so far as they extend to Wales (provisions to which those Regulations do not apply) for each entry relating to the Contaminants in Food Regulations 1997 there shall be substituted the following entry -

"The Contaminants in Food (Wales) Regulations 2002 (to the extent that a sample falls to be prepared and analysed in accordance with regulation 5 thereof)	S.I. 2002/ "
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Revocations

11. The instruments specified in column 1 of the Schedule shall, in so far as they extend to Wales, be revoked to the extent specified in column 2 of that Schedule.

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

18th July 2002

John Marek

The Deputy Presiding Officer of the National Assembly

(a) S.I. 1990/2463. The relevant amending instrument is S.I. 1999/1603.

(b) 1998 c.38.

YR ATODLEN

Rheoliad 1

DIDDYMIADAU

Colofn 1 Offerynnau sy'n cael eu diddymu	Colofn 2 Hyd a lled y Diddymiad
Rheoliadau Plwm mewn Bwyd 1979 (OS 1979/1254)	Y Rheoliadau yn eu cyfanrwydd
Rheoliadau Bwyd (Adolygu Cosbau) 1982 (OS 1982/1727)	Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Atodlen 1 a'r cofnodion cyfatebol yng ngholofnau 1, 3 a 4 o'r Atodlen honno
Rheoliadau Bwyd (Adolygu Cosbau) 1985 (OS 1985/67)	Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Ran I o'r Atodlen a'r cofnodion cyfatebol yng ngholofn 1 a 3 o'r Rhan hwnnw
Gorchymyn Deddf Diogelwch Bwyd 1990 (Addasiadau Canlyniadol) (Cymru a Lloegr) 1990 (OS 1990/2486)	Erthygl 19(8);Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Ran I o Atodlen I a'r cofnodion cyfatebol yng ngholofnau 1 a 3 o'r Rhan hwnnw;Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Atodlen 2 a'r cofnod cyfatebol yng ngholofn 1 o'r Atodlen honno;Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Ran I o Atodlen 3 a'r cofnod cyfatebol yng ngholofn 1 o'r Rhan hwnnw;Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Atodlen 5 a'r cofnodion cyfatebol yng ngholofnau 1 a 3 o'r Atodlen honno;Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Atodlen 7 a'r cofnodion cyfatebol yng ngholofnau 1 a 3 o'r Atodlen honno
Rheoliadau Diogelwch Bwyd (Allforion) 1991 (OS 1991/1476)	Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 2 o Ran I o Atodlen I a'r cofnodion cyfatebol yng ngholofnau 1 a 3 o'r Rhan hwnnw
Rheoliadau Cyflasynnau mewn Bwyd 1992 (OS 1992/1971)	Rheoliad 11 i'r graddau y mae'n diwygio Rheoliadau Plwm mewn Bwyd 1979

Colofn 1 Offerynnau sy'n cael eu diddymu	Colofn 2 Hyd a lled y Diddymiad
Rheoliadau Lliwiau mewn Bwyd 1995 (OS 1995/3124)	Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 1 o Atodlen 6 a'r cofnodion cyfatebol yng ngholofnau 2 a 3 o'r Atodlen honno
Rheoliadau Bwyd (Diddymiadau a Diwygiadau Amrywiol) 1995 (OS 1995/3267)	Y cyfeiriad at Reoliadau Plwm mewn Bwyd 1979 yng ngholofn 1 o'r Atodlen a'r cofnodion cyfatebol yng ngholofnau 2 a 3 ohoni
Rheoliadau Halogion mewn Bwyd 1997 (OS 1997/1499)	Y Rheoliadau yn eu cyfanrwydd

SCHEDULE

Regulation 11

REVOCATIONS

Column 1 Instruments revoked	Column 2 Extent of Revocation
The Lead in Food Regulations 1979 (SI 1979/1254)	The whole Regulations
The Food (Revision of Penalties) Regulations 1982 (SI 1982/1727)	The reference to the Lead in Food Regulations 1979 in column 2 of Schedule 1 and the corresponding entries in columns 1, 3 and 4 of that Schedule
The Food (Revision of Penalties) Regulations 1985 (SI 1985/67)	The reference to the Lead in Food Regulations 1979 in column 2 of Part I of the Schedule and the corresponding entries in columns 1 and 3 of that Part
The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990 (SI 1990/2486)	Article 19(8);The reference to the Lead in Food Regulations 1979 in column 2 of Part I of Schedule 1 and the corresponding entries in columns 1 and 3 of that Part;The reference to the Lead in Food Regulations 1979 in column 2 of Schedule 2 and the corresponding entry in column 1 of that Schedule;The reference to the Lead in Food Regulations 1979 in column 2 of Part I of Schedule 3 and the corresponding entry in column 1 of that Part;The reference to the Lead in Food Regulations 1979 in column 2 of Schedule 5 and the corresponding entries in columns 1 and 3 of that Schedule;The reference to the Lead in Food Regulations 1979 in column 2 of Schedule 7 and the corresponding entries in columns 1 and 3 of that Schedule
The Food Safety (Exports) Regulations 1991 (SI 1991/1476)	The reference to the Lead in Food Regulations 1979 in column 2 of Part I of Schedule 1 and the corresponding entries in columns 1 and 3 of that Part

Column 1 Instruments revoked	Column 2 Extent of Revocation
The Flavourings in Food Regulations 1992 (SI 1992/1971)	Regulation 11 in so far as it amends the Lead in Food Regulations 1979
The Colours in Food Regulations 1995 (SI 1995/3124)	The reference to the Lead in Food Regulations 1979 in column 1 of Schedule 6 and the corresponding entries in columns 2 and 3 of that Schedule
The Food (Miscellaneous Revocations and Amendments) Regulations 1995 (SI 1995/3267)	The reference to the Lead in Food Regulations 1979 in column 1 of the Schedule and the corresponding entries in columns 2 and 3 thereof
The Contaminants in Food Regulations 1997 (SI 1997/1499)	The whole Regulations

OFFERYNNAU STATUDOL

2002 Rhif 1886 (Cy.195)

BWYD, CYMRU

Rheoliadau Halogion mewn Bwyd
(Cymru) 2002

STATUTORY INSTRUMENTS

2002 No. 1886 (W.195)

FOOD, WALES

The Contaminants in Food (Wales)
Regulations 2002

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