



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1774 (Cy.191)

2003 No. 1774 (W.191)

BWYD, CYMRU

FOOD, WALES

Gorchymyn Diogelwch Bwyd
(Llongau ac Awyrennau) (Cymru)
2003

The Food Safety
(Ships and Aircraft) (Wales) Order
2003

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn, sydd yn gymwys i Gymru, yn pennu'r llongau a'r awyrennau a'r dibenion y maent yn "fangreoedd" ar eu cyfer o dan Ddeddf Diogelwch Bwyd 1990.

This Order, which applies to Wales, specifies ships and aircraft and purposes for which they are "premises" in and under the Food Safety Act 1990.

Mae'r Gorchymyn -

The Order -

- (a) yn disodli darpariaethau a wnaed gynt gan adran 59(3) o Ddeddf 1990 ac Atodlen 4 paragraff 1 iddi ar gyfer llongau sy'n mynd tuag adref ac ar gyfer archwilio mewnforion cargo llongau ac awyrennau (erthygl 3 a pharagraffau 1 a 2(a) yn yr Atodlen);
- (b) er mwyn gweithredu ymhellach Gyfarwyddeb y Cyngor 93/43/EEC ar hylendid bwydydd(a) a Chyfarwyddeb y Cyngor 89/397/EEC ar reolaeth swyddogol ar fwydydd(b), yn pennu llongau ac awyrennau penodol eraill at ddibenion cymhwyso darpariaethau'r Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) 1995 a Rheoliadau Diogelwch Bwyd (Rheoli Tymheredd) 1995 ac ar gyfer adrannau cysylltiedig penodol o'r Ddeddf (erthygl 3 a pharagraff 2(b) ac (c) o'r Atodlen).
- (c) yn darparu y bydd cyfeiriadau at "premises" yn adrannau 2, 3, 29, 32 a 50 o Ddeddf Diogelwch Bwyd 1990 yn cynnwys y

- (a) replaces provisions formerly made by section 59(3) of and Schedule 4 paragraph 1 to the 1990 Act for home-going ships and for import cargo inspections of ships and aircraft (article 3 and Schedule paragraphs 1 and 2(a));
- (b) in further implementation of Council Directive 93/43/EEC on the hygiene of foodstuffs(a) and Council Directive 89/397/EEC on the official control of foodstuffs(b), specifies certain other ships and aircraft for the purpose of applying provisions of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 and for certain related sections of the Act (article 3 and Schedule paragraph 2(b) and (c)).
- (c) provides that references to "premises" in sections 2, 3, 29, 32 and 50 of the Food Safety Act 1990 shall include those other

(a) OJ Rhif L175, 19.7.93, t.1, fel y'i diwygiwyd gan Gyfarwyddeb 96/3 (OJ Rhif L21, 27.1.96, t.42) a Chyfarwyddeb 98/28 (OJ Rhif L140, 12.5.98, t.10).

(b) OJ Rhif L186, 30.6.89, t.23, fel y'i cyflawnwyd gan Gyfarwyddeb y Cyngor 93/99/EEC ar bwnc mesurau ychwanegol ynghylch y rheolaeth swyddogol ar fwydydd (OJ L290, 24.11.1993, t.14).

(a) OJ No. L175, 19.7.93, p.1, as amended by Directive 96/3 (OJ No. L21, 27.1.96, p.42) and Directive 98/28 (OJ No.L140, 12.5.98, p.10).

(b) OJ No. L186, 30.6.89, p.23, as completed by Council Directive 93/99/EEC on the subject of additional measures concerning the official control of foodstuffs (OJ L290, 24.11.1993, p.14).

llogau a'r awyrennau eraill hynny at y dibenion a bennir ym mharagraff 2(a), (b) ac (c) o'r Atodlen ac adrannau 8 i 10 o Ddeddf 1990 (Yr Atodlen, paragraff 2).

Cafodd arfarniad rheoliadol ei baratoi mewn perthynas â'r Rheoliadau hyn yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 a rhoddwyd copi yn llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trosi sy'n nodi sut mae prif elfennau'r ddeddfwriaeth Cymuned Ewropeaidd y cyfeiriwyd ati uchod yn cael eu trosi i'r gyfraith ddomestig drwy'r Rheoliadau hyn. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Caerdydd CF10 1EN.

ships and aircraft for the purposes specified in paragraph 2(a), (b) and (c) of the Schedule and of sections 8 to 10 of the 1990 Act (Schedule paragraph 2).

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 together with a Transposition Note setting out how the main elements of the European Community legislation referred to above are transposed in this Order. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff CF10 1EN.

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BWYD, CYMRU

FOOD, WALES

Gorchymyn Diogelwch Bwyd
(Llongau ac Awyrennau) (Cymru)
2003The Food Safety
(Ships and Aircraft) (Wales) Order
2003*Wedi'i wneud* 15 Gorffennaf 2003*Made* 15th July 2003*Yn dod i rym* 31 Gorffennaf 2003*Coming into force* 31st July 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 1(3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 1(3) and 48(1) of the Food Safety Act 1990(a) having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Order:

Enwi, cychwyn a chymhwysu**Title, commencement and application**

1. Enw'r Gorchymyn hwn yw Gorchymyn Diogelwch Bwyd (Llongau ac Awyrennau) (Cymru) 2003; daw i rym ar 31 Gorffennaf 2003 ac mae'n gymwys i Gymru yn unig.

1. This Order which may be cited as the Food Safety (Ships and Aircraft) (Wales) Order 2003; shall come into force on 31st July 2003 and applies to Wales only.

Dehongli**Interpretation**

2.-(1) Yn y Gorchymyn hwn -

2.-(1) In this Order -

mae i "Cymru" yr ystyr a ddarperir ar gyfer "*Wales*" gan adran 155 o Ddeddf Llywodraeth Cymru 1998(b);

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

mae i "dyfroedd mewnol" yr ystyr a roddir i "*internal waters*" at ddibenion Erthygl 8(1) o Gonfensiwn y Cenedloedd Unedig ar Gyfraith y Môr;

"exempt ship or aircraft" ("*llong neu awyren esempt*") means any sovereign immune ship or aircraft or any ship of a State other than the United Kingdom which is exercising the right of innocent passage through that part of the territorial sea within to Wales;

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

"home-going ship" ("*llong sy'n mynd tuag adref*") means a ship which is engaged exclusively in -

ystyr "llong neu awyren esempt" ("*exempt ship or aircraft*") yw unrhyw long neu awyren freintrydd sofran neu unrhyw long o Wladwriaeth heblaw'r Deyrnas Unedig sy'n arfer yr hawl i dramwyo'n ddiniwed drwy'r rhan honno o'r môr tiriogaethol o fewn Cymru ystyr "llong neu awyren freintrydd sofran" ("*sovereign immune ship or aircraft*") yw unrhyw

- (a) plying in internal waters, or
- (b) excursions which last not more than one day, start and end in Great Britain and do not involve calling at any place outside Great Britain;

(a) 1990 p.16. Trosglwyddwyd swyddogaethau yr Ysgrifennydd Gwladol i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999.

(a) 1990 c.16. Functions of Secretary of State so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999.

(b) 1998 c.38.

long neu awyren sy'n perthyn i Wladwriaeth heblaw'r Deyrnas Unedig na chaiff ei defnyddio at ddibenion masnachol;

ystyr "llong sy'n mynd tuag adref" ("*home-going ship*") yw llong sy'n ymwneud yn unig â'r canlynol -

- (a) mynd a dod ar ddyfroedd mewnol, neu
- (b) teithiau nad ydynt yn hwy na diwrnod, sy'n dechrau ac yn gorffen ym Mhrydain Fawr ac nad ydynt yn golygu galw yn unlle y tu allan i Brydain Fawr;

mae i'r "môr tiriogaethol" yr ystyr a roddir i "*territorial sea*" at ddibenion Deddf Môr Tiriogaethol 1987(a);

ystyr "y prif ddarpariaethau Rheoli Hylendid a Thymheredd" ("*the principal Hygiene and Temperature Control provisions*") yw -

- (a) Rheoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) 1995(b) ac eithrio rheoliad 4A o Atodlen 1A i'r Rheoliadau hynny (trwyddedau i siopau cigyddion);
- (b) Rheoliadau Diogelwch Bwyd (Rheoli Tymheredd) 1995(b) ac eithrio rheoliadau 4 - 9 a 12 a Rhan III o'r Rheoliadau hynny.

mae i "tramwyo'n ddiniwed" yr ystyr a roddir i "*innocent passage*" at ddibenion Rhan II Adran 3A o Gofensiwn y Cenhedloedd Unedig ar Gyfraith y Môr.

Mae llongau ac awyrennau yn fangroedd at ddibenion penoddedig

3. Mae "mangroedd" yn cynnwys unrhyw long neu awyren o ddisgrifiad a bennir yn yr Atodlen i'r Gorchymyn hwn at unrhyw ddiben a bennir mewn perthynas â'r llong neu'r awyren honno yn yr Atodlen honno.

"innocent passage" ("*tramwyo'n ddiniwed*") has the same meaning as it has for the purposes of Part II Section 3A of the United Nations Convention on the Law of the Sea;

"internal waters" ("*dyfroedd mewnol*") has the same meaning as it has for the purposes of Article 8(1) of the United Nations Convention on the Law of the Sea;

"the principal Hygiene and Temperature Control provisions" ("*y prif ddarpariaeth Rheoli Hylendid a Thymheredd*") means -

- (a) the Food Safety (General Food Hygiene) Regulations 1995(a) except regulation 4A of and Schedule 1A to those Regulations (licences for butchers' shops);
- (b) the Food Safety (Temperature Control) Regulations 1995(b) except regulations 4 - 9 and 12 and Part III of those Regulations.

"sovereign immune ship or aircraft" ("*llong neu awyren freintrydd sofran*") means a ship or aircraft belonging to a State other than the United Kingdom and which is not in use for commercial purposes;

"territorial sea" ("*môr tiriogaethol*") has the same meaning as it has for the purposes of the Territorial Sea Act 1987(c);

"Wales" ("Cymru") has the same meaning as provided by section 155 of the Government of Wales Act 1998(d).

Ships and aircraft as premises for specified purposes

3. "Premises" shall include any ship or aircraft of a description specified in the Schedule to this Order for any purpose specified in relation to that ship or aircraft in that Schedule.

(a) 1987 p.49.

(b) O.S. 1995/1763 fel y'i diwygiwyd gan OS 1995/2148, 1995/3205, 1996/1699, 1997/2537, 1998/994, 1999/1360, 1999/1540, 2000/656 ac yn benodol gan Reoliadau Diogelwch Bwyd (Hylendid Bwyd yn Gyffredinol) (Siopau Cigyddion) (Diwygio) (Cymru) 2000 (O.S. 2000/3341 (Cy. 219)).

(c) O.S. 1995/2200 fel y'i diwygiwyd gan O.S. 1995/3205, 1996/1499, 1998/994, 1998/1398 a 2000/656.

(a) S.I. 1995/1763 as amended by S.I. 1995/2148, 1995/3205, 1996/1699, 1997/2537, 1998/994, 1999/1360, 1999/1540, 2000/656 and in particular by the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000 (S.I. 2000/3341 (W. 219)).

(b) S.I. 1995/2200 as amended by S.I. 1995/3205, 1996/1499, 1998/994, 1998/1398 and 2000/656.

(c) 1987 c.49.

(d) 1998 c.38.

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

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

15 Gorffennaf 2003

15th July 2003

D.Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

YR ATODLEN

Erthygl 3

Llongau ac awyrennau sy'n fangreuedd at ddibenion penodedig

1. Unrhyw long sy'n mynd tuag adref at ddibenion cymhwyso'r Ddeddf ac unrhyw reoliadau a wneir odani.

2. Unrhyw long neu awyren arall nad yw'n llong neu awyren esempt -

- (a) at ddibenion sicrhau a oes yn y llong neu'r awyren unrhyw fwyd a fewnforir fel rhan o'r cargo yn groes i ddarpariaethau rheoliadau a wneir o dan Ran II o'r Ddeddf;
- (b) at ddibenion cymhwyso'r prif ddarpariaethau Hylendid a Thymheredd; ac
- (c) at ddibenion cymhwyso adrannau 11 a 12 o'r Ddeddf:

ac mae cyfeiriadau at "premises" yn adran 2, 3, 29, 32 a 50 o'r Ddeddf yn cynnwys unrhyw long neu awyren o ddisgrifiad a bennir yn y paragraff hwn mewn perthynas ag unrhyw ddibenion a bennir yn y paragraff hwn a hefyd mewn perthynas ag adrannau 8 i 10 o'r Ddeddf.

SCHEDULE

Article 3

Ships and aircraft which are premises for specified purposes

1. Any home-going ship for the purpose of applying the Act and any regulations made under it.

2. Any other ship or any aircraft, which is not an exempt ship or aircraft -

- (a) for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of regulations made under Part II of the Act;
- (b) for the purpose of applying the principal Hygiene and Temperature Control provisions; and
- (c) for the purpose of applying sections 11 and 12 of the Act:

and references to "premises" in sections 2, 3, 29, 32 and 50 of the Act shall include any ship or aircraft of a description specified in this paragraph both in relation to any purposes specified in this paragraph and in relation to sections 8 to 10 of the Act.

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