



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1511 (Cy.147)

2006 No. 1511 (W.147)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Rheoliadau Salmonella mewn
Heidiau o Frwyliaid (Pwerau
Arolygu) (Cymru) 2006**

**The Salmonella in Broiler Flocks
(Survey Powers) (Wales)
Regulations 2006**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn darparu pŵer mynediad i arolygwyr i ymgymryd â'r samplu sy'n ofynnol o dan Benderfyniad y Comisiwn 2005/636/EC (ynghylch cyfraniad ariannol gan y Gymuned at arolwg gwaelodlin o ba mor gyffredin y mae Salmonella spp. mewn heidiau o frwyliaid Gallus gallus ac mae hwnnw'n arolwg sydd i'w gynnal yn yr Aelod-wladwriaethau) i ddarganfod pa mor gyffredin y mae Salmonella spp. mewn brwyliaid. Mae rheoliad 3 yn darparu bod y Cynulliad Cenedlaethol yn gyfrifol am ddethol daliadau i'w samplu at ddibenion Penderfyniad y Comisiwn. Mae Rheoliad 4 yn darparu bod rhaid i feddiannydd daliad neu'r person sydd â gofal dros ddaliad roi gwybodaeth, os gofynnir iddo wneud hynny, i'r Cynulliad Cenedlaethol er mwyn cynorthwyo'r Cynulliad Cenedlaethol i ddethol y daliadau sydd i'w cynnwys yn yr arolwg. Mae rheoliad 5 yn darparu pwerau amrywiol i arolygwyr, gan gynnwys pŵer mynediad a phŵer i gymryd samplau o ddeunydd ysgarthol, i archwilio cofnodion ac i holi unrhyw berson. Mae rheoliad 6 yn creu tramgwyddau am rwystro arolygydd rhag arfer ei bwerau o dan y Rheoliadau hyn ac mae rheoliad 7 yn nodi'r gosb sy'n gymwys. Mae rheoliad 8 yn gwneud darpariaethau o ran tramgwyddau gan gyrff corfforaethol. Mae rheoliad 9 yn darparu y gall y Rheoliadau hyn gael eu gorfodi gan yr awdurdod lleol.

Mae arfarniad rheoliadol am yr effaith a gaiff yr offeryn hwn ar gostau busnes wedi'i baratoi a gellir cael copïau gan Gynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ.

These Regulations provide a power of entry to inspectors to undertake the sampling required by Commission Decision 2005/636/EC (concerning a financial contribution by the Community towards a baseline survey on the prevalence of Salmonella spp. in broiler flocks of Gallus gallus to be carried out in the Member States) to detect the prevalence of Salmonella spp. in broiler chickens. Regulation 3 provides that the National Assembly is responsible for selection of holdings for sampling for the purposes of the Commission Decision. Regulation 4 provides that the occupier or person in charge of a holding must provide information to the National Assembly, upon request, to assist it with the selection of holdings to be included in the survey. Regulation 5 provides inspectors with various powers including a power of entry and power to take samples of faecal material, to examine records and to make inquiries of any person. Regulation 6 creates offences for obstructing an inspector exercising his or her powers under these Regulations and regulation 7 sets out the applicable penalty. Regulation 8 makes provisions in relation to offences by bodies corporate. Regulation 9 provides that these Regulations are enforceable by the local authority.

A regulatory appraisal of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

2006 Rhif 1511 (Cy.147)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

**Rheoliadau Salmonela mewn
Heidiau o Frwyliaid (Pwerau
Arolygu) (Cymru) 2006**

Wedi'u gwneud 13 Mehefin 2006
Yn dod i rym 14 Mehefin 2006

TREFNIANT Y RHEOLIADAU

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Y cyfrifoldeb dros ddedd
4. Dethol daliadau
5. Pwerau arolygwyr
6. Tramgwyddau
7. Y gosb
8. Tramgwyddau gan gyrrff corfforaethol
9. Gorfodi

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo yn rhinwedd yr adran honno, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Salmonela mewn Heidiau o Frwyliaid (Pwerau Arolygu) (Cymru) 2006; maent yn gymwys o ran Cymru ac yn dod i rym ar 14 Mehefin 2006.

Dehongli

2.-(1) Yn y Rheoliadau hyn-

(1) O.S. 2005/2766.
(2) 1972, p.68.

2006 No. 1511 (W.147)

ANIMALS, WALES

ANIMAL HEALTH

**The Salmonella in Broiler Flocks
(Survey Powers) (Wales)
Regulations 2006**

Made 13 June 2006
Coming into force 14 June 2006

ARRANGEMENT OF REGULATIONS

1. Title, commencement and application
2. Interpretation
3. Responsibility for selection
4. Selection of holdings
5. Powers of inspectors
6. Offences
7. Penalty
8. Offences by bodies corporate
9. Enforcement

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 the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section, makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is The Salmonella in Broiler Flocks (Survey Powers) (Wales) Regulations 2006; they apply in relation to Wales and come into force on 14 June 2006.

Interpretation

2.-(1) In these Regulations-

"Commission Decision" ("Penderfyniad y

(1) S.I. 2005/2766.
(2) 1972, c.68.

ystyr "awdurdod lleol" ("*local authority*"), mewn perthynas ag ardal, yw'r cyngor sir neu'r cyngor bwrdeistref sirol ar gyfer yr ardal honno;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd CF10 3NQ;

ystyr "daliad" ("*holding*") yw cyfleuster a ddefnyddir ar gyfer magu neu gadw brwyliaid;

ystyr "Penderfyniad y Comisiwn" ("*Commission Decision*") yw Penderfyniad y Comisiwn 2005/636/EC ynghylch cyfraniad ariannol gan y Gymuned at arolwg gwaelodlin ar ba mor gyffredin y mae Salmonella spp. mewn heidiau o frwyliaid Gallus gallus a hwnnw'n arolwg sydd i'w gynnal yn yr Aelod-wladwriaethau (1);

(2) Mae i ymadroddion a ddiffinnir ym Mhenderfyniad y Comisiwn yr un ystyr yn y Rheoliadau hyn.

Y cyfrifoldeb dros ddethol

3. Y Cynulliad Cenedlaethol sy'n gyfrifol am ddethol daliadau i'w samplu at ddibenion Penderfyniad y Comisiwn.

Dethol daliadau

4.-(1) Rhaid i feddiannydd daliad neu'r person sydd â gofal dros ddaliad (neu unrhyw gyflogai neu asiant i feddiannydd daliad neu'r person sydd â gofal dros ddaliad) anfon i'r Cynulliad Cenedlaethol, cyn pen 7 niwrnod ar ôl cael cais gan y Cynulliad Cenedlaethol, yr wybodaeth y mae arno ei hangen i'w gynorthwyo i ddethol y daliadau sydd i'w cynnwys yn yr arolwg at ddibenion Penderfyniad y Comisiwn, gan gynnwys-

- (a) y nifer o frwyliaid neu'r nifer o heidiau o frwyliaid ar y daliad;
- (b) nifer ac amserau cylchdroeon yr heidiau o frwyliaid ar y daliad; ac
- (c) math cynhyrchu'r brwyliaid ar y daliad.

(2) Mae unrhyw berson sy'n methu â chydymffurfio â'r rheoliad hwn yn euog o dramgwydd.

Pwerau arolygwyr

5.-(1) Mae gan arolygydd, ar ôl dangos rhyw ddogfen a ddilyswyd yn briodol ac sy'n dangos ei awdurdod, hawl ar bob adeg resymol, i fynd i mewn i unrhyw ddaliad a ddetholir yn unol â Phenderfyniad y Comisiwn, er mwyn canfod yn unol â'r Penderfyniad hwnnw-

- (a) a yw Salmonella spp. yn bodoli neu wedi bodoli yno;

Comisiwn") means Commission Decision 2005/636/EC concerning a financial contribution by the Community towards a baseline survey on the prevalence of Salmonella spp. in broiler flocks of Gallus gallus to be carried out in the Member States (1);

"holding" ("*daliad*") means a facility used for the rearing or keeping of broiler chickens;

"local authority" ("*awdurdod lleol*") means in relation to an area the county council or county borough council for that area;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

(2) Expressions defined in the Commission Decision have the same meaning in these Regulations.

Responsibility for selection

3. The National Assembly is responsible for selection of holdings for sampling for the purposes of the Commission Decision.

Selection of holdings

4.-(1) The occupier or person in charge of a holding (or any employee or agent of the occupier or person in charge of a holding) must, within 7 days of receiving a request from the National Assembly, send the National Assembly such information as it requires to assist it with the selection of holdings to be included in the survey for the purposes of the Commission Decision, including-

- (a) the number of broiler chickens or the number of flocks of broiler chickens on the holding;
- (b) the number and times of the flock cycles of the broiler chickens on the holding; and
- (c) the production type of the broiler chickens on the holding.

(2) Any person who fails to comply with this regulation is guilty of an offence.

Powers of inspectors

5.-(1) An inspector, on producing some duly authenticated document showing his or her authority, has the right at all reasonable hours to enter any holding selected in accordance with the Commission Decision, for the purposes of ascertaining in accordance with that Decision-

- (a) whether Salmonella spp. exists or has existed there;

(1) OJ Rhif L 228, 3.9.2005, t.14.

(1) OJ No L 228, 3.9.2005, p.14.

- (b) statws brechu'r brwyliaid ar y daliad yn erbyn Salmonela; ac
- (c) a yw cyffuriau gwrthficrobaidd wedi'u defnyddio.

(2) Yn ychwanegol at ei hawl o dan baragraff (1), caiff arolygydd fynd i mewn i unrhyw ddaliad er mwyn gorfodi'r Rheoliadau hyn.

(3) Pan fo wedi mynd i mewn i ddaliad, caiff arolygydd-

- (a) cymryd samplau o deunydd ysgarthol;
- (b) archwilio unrhyw gofnodion ar ba ffurf bynnag, gan gynnwys cofnodion cyfrifiadurol, a chymryd copiâu o'r cofnodion hynny;
- (c) holi unrhyw berson; ac
- (ch) cymryd gydag ef unrhyw berson, cerbyd neu gyfarpar y mae'n barnu ei bod yn angenrheidiol i roi'r Rheoliadau hyn ar waith neu i'w gorfodi.

(4) At ddibenion y rheoliad hwn, ystyr "arolygydd" yw unrhyw berson a benodir i fod yn arolygydd at ddibenion y Rheoliadau hyn gan y Cynulliad Cenedlaethol neu awdurdod lleol.

Tramgwyddau

6. Bydd unrhyw berson sydd-

- (a) yn fwriadol yn rhwystro unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith;
- (b) heb esgus rhesymol, yn methu â rhoi i unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith unrhyw gymorth neu wybodaeth y mae'r person hwnnw yn rhesymol yn ei gwneud yn ofynnol iddo ei roi neu ei rhoi er mwyn cyflawni ei swyddogaethau o dan y Rheoliadau hyn;
- (c) yn rhoi i unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith unrhyw wybodaeth y mae'n gwybod ei bod yn anwir neu'n gamarweiniol; neu
- (ch) yn methu, heb esgus rhesymol, â dangos cofnod, pan ofynnir iddo wneud hynny, i unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith, yn euog o dramgwydd.

Y gosb

7. Bydd person sy'n euog o dramgwydd o dan y Rheoliadau hyn yn agored, o'i gollfarnu'n ddiannod, i ddirwy heb fod yn uwch na lefel 5 ar y raddfa safonol.

Tramgwyddau gan gyrff corfforaethol

8.-(1) Os yw corff corfforaethol yn euog o dramgwydd o dan y Rheoliadau hyn, ac os profir bod y tramgwydd hwnnw wedi'i wneud drwy gydysniad neu

- (b) the Salmonella vaccination status of the broiler chickens on the holding; and
- (c) whether anti-microbials have been used.

(2) In addition to his or her right under paragraph (1), an inspector may also enter any holding for the purposes of the enforcement of these Regulations.

(3) When he or she has entered a holding an inspector may-

- (a) take samples of faecal material;
- (b) examine any records in whatever form, including computerised records, and take copies of those records;
- (c) make inquiries of any person; and
- (d) take with him or her any person, vehicle or equipment he or she considers necessary for the execution or enforcement of these Regulations.

(4) For the purpose of this regulation, "inspector" means any person appointed to be an inspector for the purposes of these Regulations by the National Assembly or a local authority.

Offences

6. Any person who-

- (a) intentionally obstructs any person acting in the execution of these Regulations;
- (b) without reasonable cause, fails to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him or her for the performance of his or her functions under these Regulations;
- (c) furnishes to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading; or
- (d) fails without reasonable excuse to produce a record when required to do so to any person acting in the execution of these Regulations, is guilty of an offence.

Penalty

7. A person guilty of an offence under these Regulations will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate

8.-(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance

ymoddefiad, neu wedi'i briodoli i unrhyw esgeulustod ar ran-

- (a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu gynrychiolydd tebyg arall i'r corff corfforaethol; neu
- (b) unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swydd o'r fath,

bydd ef, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd a bydd yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(2) At ddibenion paragraff (1), ystyr "cyfarwyddwr", mewn perthynas â chorff corfforaethol y mae ei faterion yn cael eu rheoli gan ei aelodau, yw aelod o'r corff corfforaethol.

Gorfodi

9.-(1) Mae'r Rheoliadau hyn i'w gorfodi gan yr awdurdod lleol.

(2) Caiff y Cynulliad Cenedlaethol gyfarwyddo, mewn perthynas ag achosion o ddisgrifiad penodol neu unrhyw achos penodol, mai ef, ac nid yr awdurdod lleol, sy'n gorfod cyflawni unrhyw ddyletswydd a osodwyd ar awdurdod lleol o dan baragraff (1).

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

13 Mehefin 2006

Llywydd y Cynulliad Cenedlaethol

of, or to have been attributable to any neglect on the part of-

- (a) any director, manager, secretary or other similar representative of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

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

(2) For the purposes of paragraph (1), "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

9.-(1) These Regulations are to be enforced by the local authority.

(2) The National Assembly may direct, in relation to cases of a particular description or a particular case, that any duty imposed on a local authority under paragraph (1) is to be discharged by the National Assembly and not by the local authority.

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

13 June 2006

The Presiding Officer of the National Assembly

D. Elis-Thomas

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IECHYD ANIFEILIAID

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