



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1513 (Cy.149)

2006 No. 1513 (W.149)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Rheoliadau Iawndal Enseffalopathi
Sbyngffurf Trosglwyddadwy (TSE)
Defaid a Geifr (Cymru) 2006**

**The Sheep and Goats
Transmissible Spongiform
Encephalopathy (TSE)
Compensation (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, sy'n gymwys o ran Cymru, yn darparu swm yr iawndal sydd yn daladwy pan fo dafad neu afr yn cael ei gigydda yn dilyn ei heintio gyda TSE.

These Regulations, which apply in relation to Wales, prescribe the amount of compensation payable on the slaughter of a sheep or goat killed following infection with TSE.

Mae'r Rheoliadau hyn yn darparu bod swm yr iawndal sydd yn daladwy ar gigydda dafad neu afr yn ddibynol ar unai yw'r dafad neu afr yn Anifail y credir iddo gael ei heintio neu y lleddir yr anifail wedi iddo gael ei gadarnhau fel anifail sydd wedi ei heintio â TSE.

Under these Regulations the amount of compensation payable on the slaughter of a sheep or goat depends on whether or not it is a suspect animal or is killed as a result of it being confirmed as being affected with a TSE.

Os yw perchennog anifail a leddir yn dilyn cadarnhad ei fod wedi ei heintio â TSE o'r farn fod yr iawndal sydd i'w dalu yn afresymol, yna gall y perchennog hysbysu'r Cynulliad Cenedlaethol a chael prisiad. Os yw'r Cynulliad Cenedlaethol o'r farn fod yr iawndal sydd i'w dalu i berchennog anifail a leddir wedi derbyn cadarnhad ei fod wedi ei heintio â TSE, gall gael prisiad.

If the owner of an animal killed following confirmation of TSE considers that the compensation to be paid is unreasonable, then the owner may notify the National Assembly and obtain a valuation. If the National Assembly considers that the compensation to be paid to the owner of an animal killed following confirmation of TSE is unreasonable, it may obtain a valuation.

Mae'r Rheoliadau hyn yn dirymu darpariaethau Rheoliadau TSE (Cymru) na chafodd eu dirymu gan Reoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006.

These Regulations revoke compensation provisions of the TSE (Wales) Regulations 2002 not revoked by the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006.

Mae arfarniad rheoliadol wedi ei baratoi ac wedi ei roi yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau gan yr Adran Amgylchedd, Cynllunio a Chefn Gwlad, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

A regulatory appraisal has been prepared and placed in the library of the National Assembly. Copies can be obtained from the Department for Environment Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

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2006

Wedi'i wneud 13 Mehefin 2006

Made 13 June 2006

Yn dod i rym 14 Mehefin 2006

Coming into force 14 June 2006

Mae'r Cynulliad Cenedlaethol yn gwneud y Rheoliadau canlynol o dan y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1).

The National Assembly makes the following Regulations under the powers conferred by section 2(2) of the European Communities Act 1972(1).

Mae'r Cynulliad Cenedlaethol wedi cael ei ddynodi at ddibenion yr adran honno mewn perthynas â mesurau ym meysydd milfeddygol ar gyfer diogelu iechyd y cyhoedd(2).

The National Assembly has been designated for the purposes of that section in relation to measures in the veterinary field for the protection of public health(2).

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

1. Yr enw ar y Rheoliadau hyn fydd Rheoliadau Iawndal Enseffalopathi Sbyngffurf Trosglwyddadwy (TSE) Defaid a Geifr (Cymru) 2006, meant yn gymwys o ran Cymru ac yn dod i rym ar 14 Mehefin 2006. Nid yw'r Rheoliadau hyn yn berthnasol i anifeiliaid a gedwir ar gyfer pwrpasau ymchwil mewn mangreoedd a gymeradwyir ar gyfer y pwrpas hynny o dan Rheoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006(3).

1. The title of these Regulations is the Sheep and Goat Transmissible Spongiform Encephalopathy (TSE) Compensation (Wales) Regulations 2006, they apply to Wales and come into force on 14 June 2006. These Regulations do not apply in relation to animals kept for the purposes of research in premises approved for that purpose under the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006(3).

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn-

2.-(1) In these Regulations-

ystyr Anifail y credir iddo gael ei heintio ("*Suspect animal*") yw anifail y credir iddo gael ei heintio gyda TSE;

"Community TSE Regulation" ("*Rheoliad TSE y Gymuned*") means Regulation (EC) No 999/2001 of the European Parliament and of the Council

(1) 1972 p.68

(2) O.S. 2003/1246

(3) O.S. 2006/1226.

(1) 1972 c.68

(2) S.I.2003/1246

(3) S.I. 2006/1226.

ystyr Rheoliad TSE y Gymuned ("*Community TSE Regulation*") yw Rheoliad (EC) Rhif 999/2001 o Senedd Ewrop a'r Cyngor yn gosod rheolau hylendid penodol ar gyfer atal, rheoli a dileu rhai mathau o Enseffalopathïau Sbyngffurf Trosglwyddadwy (1), fel y'i diwygiwyd gyda, ac fel y'i ddarllenir gyda'r offerynnau a nodir yn Atodlen 1 i Reoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006;

ystyr y Cynulliad Cenedlaethol ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru means the National Assembly for Wales;

ystyr "TSE" ("*TSE*") yw enseffalopathi sbyngffurf trosglwyddadwy.

(2) Mae gan ymadroddion nad ydynt wedi eu diffinio yn y Rheoliadau hyn ac sydd yn ymddangos yn Rheoliad TSE y Gymuned yr un ystyr yn y Rheoliadau hyn ag sydd ganddynt at ddibenion Rheoliad TSE y Gymuned.

Iawndal am ddefaid neu eifr sy'n cael eu cigydda fel anifail yr amheuir

3.-(1) Rhaid i'r Cynulliad Cenedlaethol dalu iawndal yn unol â'r paragraff hwn pan fo dafad neu afr wedi ei ladd fel anifail y credir iddo gael ei heintio.

(2) Lle bo cadarnhad fod dafad neu afr wedi cael ei effeithio gan TSE, mae'r iawndal yn-

- (a) £30 mewn achos anifail ar ddiwedd ei oes gynhyrchiol; ac
- (b) £90 mewn unrhyw achos arall.

(3) Lle nad oes cadarnhad ei fod wedi cael ei effeithio gan TSE, yr iawndal yw'r uchaf o'r-

- (a) swm a fyddai wedi bod yn daladwy o dan y paragraff hwn pe byddid wedi cael cadarnhad bod yr anifail wedi cael ei effeithio gan TSE; neu
- (b) swm y bo'n ymddangos i'r Cynulliad Cenedlaethol ar ôl ystyried yr wybodaeth a ddarparwyd gan berchennog yr anifail, ac unrhyw wybodaeth arall sy'n berthnasol, ei fod yn adlewyrchu gwerth yr anifail ar y farchnad, yn ddarostyngedig i uchafswm o £400 am bob anifail.

Iawndal am anifeiliaid sy'n cael eu lladd neu y bo eu cynhyrchion yn cael eu dinistrio ar ôl cadarnhau TSE

4. Mae'n rhaid i'r Cynulliad Cenedlaethol dalu iawndal i berchennog anifeiliaid sydd wedi cael eu lladd a'u cynhyrchion wedi eu dinistrio o dan Atodlen 4 i Reoliadau Enseffalopathïau Sbyngffurf

laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies(1), as amended by, and as read with the instruments set out in Schedule 1 to the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;

"National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"Suspect animal" ("*Anifail y credir iddo gael ei heintio*") is an animal suspected of being infected with a TSE;

"TSE" ("*TSE*") means transmissible spongiform encephalopathy.

(2) Expressions that are not defined in these Regulations and occur in the Community TSE Regulation have the same meaning in these Regulations as they have for the purposes of the Community TSE Regulation.

Compensation for sheep or goats slaughtered as a suspect animal

3.-(1) The National Assembly must pay compensation in accordance with this paragraph for a sheep or goat killed as a suspect animal.

(2) Where it is confirmed that a sheep or goat was affected with a TSE, the compensation is-

- (a) £30 in the case of an animal at the end of its productive life; and
- (b) £90 in any other case.

(3) Where it is not confirmed that a sheep or goat was affected with a TSE, the compensation is the higher of-

- (a) the amount that would have been payable under this paragraph if it had been confirmed the animal was affected with a TSE; or
- (b) such sum as appears to the National Assembly, having regard to any information provided by the owner of the animal and any other relevant information, to reflect the market value of the animal, subject to a maximum sum of £400 for each animal.

Compensation for animals killed or products destroyed following confirmation of TSE

4. The National Assembly must pay compensation to the owner of animals killed and products destroyed under Schedule 4 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 following

(1) OJ Rhif L147, 31.5.2001, tud 1.

(1) OJ No. L 147, 31.5.2001, p.1

Trosoglwyddadwy (Cymru) 2006 yn dilyn cadarnhau TSE yn unol â darpariaethau yr Atodlen i'r Rheoliadau hyn.

Prisio

5.-(1) Os yw perchennog anifail o'r farn fod yr iawndal a delir yn yr Atodlen yn afresymol, gall ef neu hi hysbysu'r Cynulliad Cenedlaethol o hyn, a bydd y weithdrefn yn Rheoliad 15 o Reoliadau Enseffalopathïau Sbyngffurf (Cymru) 2006 yn berthnasol, gyda'r perchennog yn talu unrhyw ffi sydd yn codi o enwebu a chyflogi prisiwr.

(2) Os yw'r Cynulliad Cenedlaethol o'r farn, wedi cymeryd i ystyriaeth yr holl amgylchiadau fod yr iawndal yn yr Atodlen yn ormodol gall brisio'r anifail yn unol â'r weithdrefn yn Rheoliad 15, ond yn yr achos yma bydd yn rhaid iddo dalu unrhyw ffi sydd yn codi am enwebu neu gyflogi prisiwr.

(3) Rhaid i'r prisiwr brisio'r anifail yn unol â'r pris y gellid yn rhesymol fod wedi ei gael am yr anifail o brynwr mewn marchnad agored pe byddai'r anifail o braidd nad oed wedi ei effeithio gan TSE.

Diddymu

6. Mae darpariaethau rheoliadau 8, 9, 84, 93, Rhan o Atodlen 1, paragraff 17 o Ran IV o Atodlen 6A a paragraffau 4 ac 8 o Atodlen 7, sydd yn ymwneud â thalu iawndal yn dilyn cigyddda defaid a geifr, Reoliadau TSE (Cymru) 2002(1) yn cael ei dirymu pan ddaw'r Rheoliadau hyn i rym.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) of Ddeddf Llywodraeth Cymru 1998(2).

13 Mehefin 2006

Llywydd y Cynulliad Cenedlaethol

confirmation of a TSE in accordance with the provisions of the Schedule to these Regulations.

Valuations

5.-(1) If the owner of an animal considers the compensation in the Schedule to be unreasonable he or she may notify the National Assembly, and the procedure in Regulation 15 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006 applies, with the owner paying any fee arising from nominating and employing a valuer.

(2) If the National Assembly considers the compensation in the Schedule to be excessive in all the circumstances it may obtain a valuation of the animal in accordance with the procedure in Regulation 15, but in this case it must pay any fee arising for nominating and employing a valuer.

(3) The valuer must value the animal at the price that might reasonably have been obtained for it at the time of valuation from a buyer in the open market if the animal was from a flock not affected by TSE.

Revocations

6. The provisions of regulations 8, 9, 84, 93, Part III of Schedule 1, paragraph 17 of Part IV of Schedule 6A and paragraphs 4 and 8 of Schedule 7, which relate to the payment of compensation following the slaughter of sheep and goats, of the TSE (Wales) Regulations 2002(1) are revoked when these Regulations come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

13 June 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) O.S. 2002/1416.

(2) 1998 p.38.

(1) S.I. 2002/1416

(2) 1998 c.38

YR ATODLEN

Rheoliad 4

Iawndal

| <i>Anfail neu gynmyrch</i> | <i>Iawndal (£)</i> | <i>Iawndal (£)</i> |
|---|--------------------|--------------------|
| Dafad neu afr wryw | 90 | 90 |
| Dafad(a) neu afr fenyw | 90 | 65 |
| Oen (o dan 12 mis oed)(b) neu fyn (o dan 12 mis oed) | 50 | 40 |
| Embryonau | 150 | 150 |
| Ofa | 5 | 5 |

- (a) Lle bo'r Cynulliad Cenedlaethol wedi rhoi rhanddirymiad o dan bwynt 9 o Atodiad VII I Reoliad TSE y Gymuned £30 yw'r iawndal am ddafad fenyw os caiff ei lladd ar ôl y flwyddyn gyntaf o'r cyfnod rhanddirymiad.
- (b) Lle bo'r Cynulliad Cenedlaethol wedi rhoi rhanddirymiad yn unol â'r pwynt hwnnw mewn perthynas ag unrhyw hwrdd mewn praid, £25 yw'r iawndal am unrhyw oen yn y ddiadell honno sydd wedi cael ei ladd ar ôl y flwyddyn gyntaf o'r cyfnod rhanddirymiad.

Nodyn ynglŷn â'r cyfraddau

Ar neu ar ôl 14 Mehefin 2006

- (a) Bydd y gyfradd yng Ngholofn A yn daladwy os-
- (i) yw'r perchennog yn hysbysu ynghylch anifail o dan baragraff 1 o Atodlen 4 i Reoliadau Enseffalopathïau Sbyngffurf Trosglwyddadwy (Cymru) 2006; ac
 - (ii) os oedd yr anifail y telir iawndal amdano yn ddiadell neu'r gyr cyn 14 Mehefin 2006;
- a
- (b) y gyfradd yng ngholofn B yn daladwy ymhob achos arall.

THE SCHEDULE

Regulation 4

Compensation

| <i>Animal or product</i> | <i>Compensation (£)</i> <i>A</i> | <i>Compensation (£)</i> <i>B</i> |
|---|-------------------------------------|-------------------------------------|
| Male sheep or goat | 90 | 90 |
| Female sheep(a) or goat | 90 | 65 |
| Lamb (under 12 months old)(b) or kid (under 12 months old) | 50 | 40 |
| Embryos | 150 | 150 |
| Ova | 5 | 5 |

- (a) Where the National Assembly has granted a derogation under point 9 of Annex VII to the Community TSE Regulation the compensation for a female sheep is £30 if it is killed after the first year of the derogation period.
- (b) Where the National Assembly has granted a derogation in accordance with that point in respect of any ram in a flock, the compensation for any lamb in that flock killed after the first year of the period of derogation is £25.

Note on the rates

The rate in Column A is payable in all cases until 14 June 2006.

On or after 14 June 2006

- (a) the rate in Column A is payable if-
- (i) the owner notifies an animal under paragraph 1 of Schedule 4 of the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;
 - (ii) the animal for which compensation is being paid was in the flock or herd before 14 June 2006;
- and
- (b) the rate in Column B is payable in all other cases.

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