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OFFERYNNAU STATUDOL  
CYMRU

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WELSH  
STATUTORY INSTRUMENTS

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**2007 Rhif 1984 (Cy.165)**

**2007 No. 1984 (W.165)**

**BWYD, CYMRU**

**FOOD, WALES**

Rheoliadau Ychwanegu Fitaminau,  
Mwynau a Sylweddau Eraill  
(Cymru) 2007

The Addition of Vitamins, Minerals  
and Other Substances (Wales)  
Regulations 2007

**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 gymwys o ran Cymru, yn gwneud darpariaeth ar gyfer gweithredu a gorfodi Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor ar ychwanegu fitaminau a mwynau a sylweddau eraill penodol at fwydydd (OJ Rhif L404, 30.12.2006, t.26), "y Rheoliad CE".

1. These Regulations, which apply in relation to Wales, make provision for the execution and enforcement of Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods (OJ No. L404, 30.12.2006, p.26), "the EC Regulation".

2. Mae'r Rheoliadau -

2. The Regulations -

- (a) yn pennu'r awdurdodau gorfodi (*rheoliad 3*);
- (b) yn darparu, yn ddarostyngedig, pan fo'n berthnasol, i'r trefniadau trosiannol a bennir yn y Rheoliad CE, ei bod yn dramgwydd i wneud y canlynol-
  - (i) atgyfnerthu bwydydd â fitaminau neu fwynau ac eithrio'r rhai a ganiateir gan y Rheoliad CE ac ar y ffurfiau a bennir ynddo;
  - (ii) ychwanegu fitaminau neu fwynau at rai bwydydd penodedig;
  - (iii) methu â glynu wrth y meini prawf perthnasol ynghylch purdeb wrth weithgynhyrchu fformiwleiddiadau fitaminau neu sylweddau mwynol;
  - (iv) ychwanegu fitamin neu fwyn at fwydydd yn ôl maint sy'n llai na maint sydd o bwys, fel y diffinnir "*significant amount*" mewn deddfwriaeth Gymunedol; a
  - (v) methu â chydymffurfio â gofynion penodol ar gyfer labelu a chyflwyno bwydydd y mae fitaminau neu fwynau wedi'u hychwanegu atynt (*rheoliad 4*);

- (a) specify the enforcement authorities (*regulation 3*);
- (b) provide that, subject where relevant to the transitional arrangements specified in the EC Regulation, it is an offence -
  - (i) to fortify foods with vitamins or minerals other than those permitted by the EC Regulation and in the forms specified therein;
  - (ii) to add vitamins or minerals to certain specified foods;
  - (iii) to fail to adhere to the relevant purity criteria in the manufacture of vitamin formulations or mineral substances;
  - (iv) to add a vitamin or mineral to foods in less than a significant amount, as that term is defined in Community legislation; and
  - (v) to fail to comply with certain requirements for the labelling and presentation of foods to which vitamins or minerals have been added (*regulation 4*);

- (c) yn cymhwyso amrywiol ddarpariaethau Deddf Diogelwch Bwyd 1990 at ddibenion y Rheoliadau hyn (*rheoliad 5*); ac
- (ch) yn darparu, yn ddarostyngedig i gyfyngiadau penodol, ei bod yn dramgwydd i rwystro, methu â rhoi gwybodaeth neu gamarwain yn fwriadol unrhyw un sy'n gweithredu ac yn gorfodi'r Rheoliadau hyn (*rheoliad 6*).

3. Mae asesiad effaith rheoleiddiol llawn o'r effaith a gaiff yr offeryn hwn ar gostau busnes ar gael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd CF10 1EW.

- (c) apply various provisions of the Food Safety Act 1990 for the purposes of these Regulations (*regulation 5*); and
- (d) provide that, subject to certain limitations, it is an offence to obstruct, fail to give information to or intentionally mislead anyone executing and enforcing these Regulations (*regulation 6*).

3. A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been prepared and copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

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*Wedi'u gwneud* 10 Gorffennaf 2007

*Made* 10 July 2007

*Wedi'u gosod gerbron  
Cynulliad Cenedlaethol  
Cymru* 12 Gorffennaf 2007

*Laid before the National  
Assembly for  
Wales* 12 July 2007

*Yn dod i rym* 7 Awst 2007

*Coming into force* 7 August 2007

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), (e) ac (f), 17(2), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(1).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 16(1)(a), (e) and (f), 17(2), 26(1)(a) and (3), and 48(1) of the Food Safety Act 1990(1).

Yn unol ag adran 48(4A) o'r Ddeddf honno, mae'r Cynulliad wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd.

In accordance with section 48(4A) of that Act, the Assembly has had regard to relevant advice given by the Food Standards Agency.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(2), cafwyd ymgynghoriad cyhoeddus agored a thryloyw tra bo'r Rheoliadau hyn yn cael eu llunio a'u gwerthuso.

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(2), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

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(1) 1990 p. 16. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Secretary of State", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999 (1999 p.28). Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (2006 p.32) mae'r swyddogaethau a roddir i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn i'w harfer gan Weinidogion Cymru.

(2) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 575/2006 (OJ Rhif L100, 8.4.2006, t.3).

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(1) 1990 c. 16. section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), "the 1999 Act". Section 48 was also amended by S.I. 2004/2990. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Order Act 1994 (1994 c.40), Schedule 6 to the 1999 Act and S.I. 2004/2990. Functions of the 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. Those functions were transferred to Welsh Ministers by section 162 and Schedule 11, paragraph 30 of the Government of Wales Act 2006 (2006 c.32).

(2) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p3).

## Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegu Fitaminau, Mwynau a Sylweddau Eraill (Cymru) 2007, maent yn gymwys o ran Cymru ac yn dod i rym ar 7 Awst 2007.

## Dehongli

2. Yn y Rheoliadau hyn-

mae i "awdurdod bwyd" yr un ystyr â "*food authority*" yn adran 5(1A) a (3)(a) a (b) o'r Ddeddf;

ystyr "awdurdod iechyd porthladd" ("*port health authority*") o ran unrhyw ddsbarth iechyd porthladd a sefydlwyd drwy orchymyn o dan adran 2(3) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1), yw awdurdod iechyd porthladd ar gyfer y dosbarth hwnnw a sefydlwyd drwy orchymyn o dan adran 2(4) o'r Ddeddf honno;

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

ystyr "y Rheoliad CE" ("*the EC Regulation*") yw Rheoliad (EC) Rhif 1925/2006 Senedd Ewrop a'r Cyngor ar ychwanegu fitaminau a mwynau a sylweddau eraill penodol at fwydydd(2).

(2) Mae i ymadroddion Cymraeg a ddefnyddir yn y Rheoliadau hyn ac y mae'r ymadroddion Saesneg sy'n cyfateb iddynt yn cael eu defnyddio yn y Rheoliad CE yr un ystyr yn y Rheoliadau hyn â'r ymadroddion Saesneg hynny yn y Rheoliad hwnnw.

(3) Mae unrhyw gyfeiriad at Erthygl neu Atodiad â rhif yn gyfeiriad at yr Erthygl neu'r Atodiad sy'n dwyn y rhif hwnnw yn y Rheoliad CE.

## Gorfodi

3. Bydd pob awdurdod iechyd porthladd yn ei ddsbarth a phob awdurdod bwyd yn ei ardal yn gweithredu a gorfodi darpariaethau'r Rheoliadau hyn a rhai'r Rheoliad CE.

## Tramgwyddau a chosbau

4.-(1) Yn ddarostyngedig i'r mesurau trosiannol a gynhwysir yn Erthygl 18 (sy'n ymwneud â bwydydd a roddwyd ar y farchnad cyn 1 Gorffennaf 2007), mae unrhyw berson sy'n mynd yn groes i ddarpariaethau'r Rheoliad CE a bennir ym mharagraff (2) neu'n methu â chydymffurfio â hwy yn euog o dramgwydd ac yn agored -

## Title, application and commencement

1. These Regulations are called the Addition of Vitamins, Minerals and Other Substances (Wales) Regulations 2007, apply in relation to Wales and come into force on 7 August 2007.

## Interpretation

2.-(1) In these Regulations -

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

"food authority" ("*awdurdod bwyd*") has the same meaning as in section 5(1A) and (3)(a) and (b) of the Act;

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(1), a port health authority for that district constituted by order under section 2(4) of that Act;

"the EC Regulation" ("*y Rheoliad*") means Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods(2).

(2) Expressions used in these Regulations and in the EC Regulation have the same meaning in these Regulations as they do in that Regulation.

(3) Any reference to a numbered Article or Annex is a reference to the Article or Annex so numbered in the EC Regulation.

## Enforcement

3. Each port health authority within its district and each food authority within its area will execute and enforce the provisions of these Regulations and of the EC Regulation.

## Offences and penalties

4.-(1) Subject to the transitional measures contained in Article 18 (relating to foods placed on the market before 1 July 2007), any person who contravenes or fails to comply with the provisions of the EC Regulation specified in paragraph (2) is guilty of an offence and liable -

(1) 1984 p.22.

(2) OJ Rhif L404, 30.12.2006, t.26.

(1) 1984 c.22.

(2) OJ No. L404, 30.12.2006, p.26.

- (a) o'i gollfarnu ar ddiad i gyfnod mewn carchar nad yw'n hwy na dwy flynedd neu i ddirwy, neu i'r ddau;
- (b) o'i gollfarnu'n ddiannod i gyfnod mewn carchar nad yw'n hwy na thri mis, neu i ddirwy nad yw'n fwy na'r uchafswm statudol, neu i'r ddau;

(2) Y darpariaethau penodedig y cyfeirir atynt ym mharagraff (1) yw -

- (a) Erthygl 3(1) (gofyniad mai dim ond fitaminau neu fwynau a restrir yn Atodiad I ac ar ffurf a restrir yn Atodiad II y caniateir eu hychwanegu at fwyd) o'i darllen gydag Erthygl 17(1) (cymhwyso'n drosiannol reolau cenedlaethol);
- (b) Erthygl 4 (gwahardd ychwanegu fitaminau a mwynau at fwydydd penodol);
- (c) Erthygl 5(2) (gofyniad i ddilyn meini prawf ynghylch purdeb)
- (ch) Erthygl 6(6) (gofyniad i fitaminau a mwynau a ychwanegir fod yn y bwyd yn ôl meintiau sydd o bwys o leiaf fel y diffinnir "significant amount"); a
- (d) Erthygl 7(1), (2) a (3) (cyfyngiadau ac amodau sy'n gymwys i labelu, cyflwyno a hysbysebu bwydydd y mae fitaminau neu fwynau wedi'u hychwanegu atynt).

### Cymhwysio amrywiol ddarpariaethau'r Ddeddf

5. Mae darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad bod unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran ohoni i'w ddehongli fel cyfeiriad at y Rheoliadau hyn-

- (a) adran 2 (ystyr estynedig "sale" etc.);
- (b) adran 3 (rhagdybio bod bwyd wedi'i fwriadu i bobl ei fwyta);
- (c) adran 20 (tramgwyddau oherwydd bai person arall);
- (ch) adran 21 (amddiffyniad o ddiwydrwydd dyladwy) fel y mae'n gymwys at ddibenion adran 14 neu 15;
- (d) adran 22 (amddiffyniad o gyhoeddi yng nghwrs busnes);
- (dd) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (e) adran 34 (terfyn amser ar gyfer erlyn);
- (f) adran 36 (tramgwyddau gan gyrff corfforaethol);
- (ff) adran 36A (tramgwyddau gan bartneriaethau Albanaidd); ac
- (g) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll);

- (a) on conviction on indictment to a term of imprisonment not exceeding two years or to a fine or both;
- (b) on summary conviction to a term of imprisonment not exceeding three months or to a fine not exceeding the statutory maximum or both.

(2) The specified provisions referred to in paragraph (1) are -

- (a) Article 3(1) (requirement that only vitamins or minerals listed in Annex I and in form listed in Annex II may be added to food) as read with Article 17(1) (transitional application of national rules);
- (b) Article 4 (prohibition on addition of vitamins and minerals to certain foods);
- (c) Article 5(2) (requirement to observe purity criteria);
- (d) Article 6(6) (requirement for added vitamins and minerals to be in the food in at least a significant amount as defined); and
- (e) Article 7(1), (2) and (3) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added).

### Application of various provisions of the Act

5. The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of it is to be construed as a reference to these Regulations -

- (a) section 2 (extended meaning of "sale" etc);
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 20 (offences due to the fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of section 14 or 15;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 34 (time limit for prosecution);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships); and
- (j) section 44 (protection of officers acting in good faith).

## Rhwystro swyddogion a darparu gwybodaeth, etc.

### 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 gofyn yn rhesymol amdano neu amdani;

yn euog o dramgwydd ac yn agored o'i gollfarnu'n ddiannod i gyfnod mewn carchar nad yw'n hwy na 3 mis neu ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol neu'r ddau.

(2) Bydd unrhyw berson sydd, gan ymhonni ei fod yn cydymffurfio ag unrhyw ofyniad a grybwyllwyd ym mharagraff (1)(b), yn rhoi gwybodaeth sy'n anwir neu'n gamarweiniol mewn unrhyw fanylyn o bwys, yn euog o dramgwydd ac yn agored -

- (a) o'i gollfarnu ar dditiad, i gyfnod mewn carchar nad yw'n hwy na dwy flynedd neu i ddirwy neu i'r ddau;
- (b) o'i gollfarnu'n ddiannod i gyfnod mewn carchar neu i ddirwy nad yw'n fwy na'r uchafswm statudol neu i'r ddau.

(3) Nid oes dim ym mharagraff (1)(b) i'w ddehongli fel gofyniad i unrhyw berson ateb unrhyw gwestiwn na rhoi unrhyw wybodaeth a allai daflu bai arno petai'n gwneud hynny.

## Obstruction of officers and provision of information etc

### 6.-(1) 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;

is guilty of an offence and liable on summary conviction to a term of imprisonment not exceeding 3 months or a fine not exceeding level 5 on the standard scale or both.

(2) Any person who, in purported compliance with any requirement mentioned in paragraph (1)(b), knowingly or recklessly provides information that is materially false or misleading in any material particular, is guilty of an offence and liable -

- (a) on conviction on indictment, to a term of imprisonment not exceeding two years or to a fine or both;
- (b) on summary conviction to a term of imprisonment or to a fine not exceeding the statutory maximum or both.

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

*Gwenda Thomas*

O dan awdurdod y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

Under authority of the Minister for Health and Social Services, one of the Welsh Ministers

10 Gorffennaf 2007

10 July 2007

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