



OFFERYNNAU STATUDOL
CYMRU

2007 Rhif 3462 (Cy.307)

BWYD, CYMRU

Rheoliadau Cynhyrchion
Pysgodfeydd (Taliadau
Rheolaethau Swyddogol) (Cymru)
2007

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn gymwys o ran Cymru. Maent yn dirymu ac yn cymryd lle Rheoliadau Cynhyrchion Pysgodfeydd (Taliadau Rheolaethau Swyddogol) (Cymru) 2006 (O.S. 2006/3344 (Cy.305)).

2. Mae'r Rheoliadau hyn yn darparu ar gyfer gweithredu a gorfodi o ran Cymru Erthyglau 26 a 27 o Reoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a arferir i sicrhau bod cydymffurfedd â chyfraith bwyd anifeiliaid a bwyd, ac â rheolau iechyd anifeiliaid a lles anifeiliaid (OJ Rhif L165, 30.4.2004, t.1; ceir testun diwygiedig Rheoliad (EC) Rhif 882/2004 bellach mewn Corigendwm, OJ Rhif L191, 28.5.2004, t.1, y dylid ei ddarllen gyda Chorigendwm pellach, OJ Rhif L204, 4.8.2007, t.29) yn cael ei wirio, i'r graddau y mae'r darpariaethau hynny'n ei gwneud yn ofynnol casglu ffioedd sy'n cynnwys costau arfer rheolaethau swyddogol ar gynhyrchion pysgodfeydd o dan Atodiad III i Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchion sy'n dod o anifeiliaid ac a fwriedir i'w bwytu gan bobl (OJ L139, 30.4.2004, t.206; ceir testun diwygiedig Rheoliad (EC) Rhif 854/2004 bellach mewn Corigendwm, OJ Rhif L226, 25.6.2004, t.83, y dylid ei ddarllen gyda Chorigendwm pellach OJ Rhif L204, 4.8.2007, t.26).

3. Mae'r Rheoliadau hyn -

- (a) yn dweud beth yw gwir gostau arfer rheolaethau swyddogol at ddibenion y Rheoliadau (rheoliad 3);

WELSH STATUTORY
INSTRUMENTS

2007 No. 3462 (W.307)

FOOD, WALES

The Fishery Products (Official
Controls Charges) (Wales)
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EXPLANATORY NOTE

(*This note is not part of the Regulations*)

1. These Regulations apply in relation to Wales. They revoke and replace the Fishery Products (Official Controls Charges) (Wales) Regulations 2006 (S.I. 2006/3344 (W.305)).

2. These Regulations provide for the execution and enforcement in relation to Wales of Articles 26 and 27 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ No. L165, 30.4.2004, p.1; the revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum, OJ No. L191, 28.5.2004, p.1, which should be read with a further Corrigendum, OJ No. L204, 4.8.2007, p29), in so far as those provisions require fees to be collected to cover the costs occasioned by official controls performed on fishery products under Annex III to Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L139, 30.4.2004, p.206; the revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum, OJ No. L226, 25.6.2004, p.83, which should be read with a further Corrigendum, OJ No. L204, 4.8.2007, p.26).

3. These Regulations —

- (a) state what costs constitute the actual costs of exercising official controls for the purposes of the Regulations (regulation 3);

- (b) yn darparu'r cyfraddau ar gyfer cyfrifo beth yw cyfwerth mewn punnoedd unrhyw symiau a bennir mewn Ewros yn y Rheoliadau (rheoliad 4);
- (c) yn rhagnodi sut y mae hyd "cyfnod cyfrifydda" i'w benderfynu at ddibenion y Rheoliadau (rheoliad 5);
- (ch) yn darparu, pan osodir dyletswydd ar fwy nag un person i dalu taliadau o dan y Rheoliadau, y caniateir ei gorfodi ar y cyfryw bersonau ar y cyd neu ar wahân (rheoliad 6);
- (d) yn ei gwneud yn ofynnol i awdurdodau y mae taliadau'n daladwy iddynt o dan y Rheoliadau gyfrifo'r taliadau, eu hailgyfrifo os gwneir camgymeriad a hysbysu'r rhai sy'n atebol am dalu beth yw'r symiau dyledus (rheoliad 7);
- (dd) yn darparu ar gyfer apelau yn erbyn penderfyniadau awdurdodau sy'n gosod taliadau o dan y Rheoliadau ac yn pennu gofynion ynghylch cynnal y cyfryw apelau a'u penderfynu (rheoliad 8);
- (e) yn darparu ar gyfer talu taliadau gan un awdurdod bwyd i un arall pan fo taliadau'n daladwy i fwy nag un awdurdod (diffinnir y term "awdurdod bwyd" yn rheoliad 2) (rheoliad 9);
- (f) yn ei gwneud yn ofynnol i swm penodedig gael ei dalu i'r awdurdod bwyd perthnasol gan werthwyr cynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol mewn perthynas â rhoi gyntaf ar y farchnad y cyfryw gynhyrchion neu eu gwerthu gyntaf mewn marchnad bysgod (diffinnir y termau "awdurdod bwyd perthnasol", "gwerthwr", "cynhyrchion pysgodfeydd perthnasol", "cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol", "rhoi gyntaf ar y farchnad" a "gwerthu gyntaf mewn marchnad bysgod" yn rheoliad 2) (rheoliad 10);
- (ff) yn ei gwneud yn ofynnol i'r gwerthwyr hynny roi i'r awdurdod bwyd perthnasol ddatganiadau niferoedd o ran cyfanswm y trafodion y mae taliadau'n daladwy arnynt ganddynt o dan reoliad 10, yn pennu'r wybodaeth i'w chynnwys yn y cyfryw ddatganiadau, yn caniatáu i'r awdurdod bwyd perthnasol ei gwneud yn ofynnol i werthwyr cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol roi gwybodaeth ychwanegol mewn perthynas â'r cyfryw drafodion, yn ei gwneud yn ofynnol iddynt gadw cofnodion sy'n ddigonol i'w galluogi i roi'r gyfryw wybodaeth ac yn ei gwneud yn dramgydd diannod i fethu â chydymffurfio ag unrhyw ofyniad o'r fath (rheoliad 11);
- (b) provide the rates to calculate the sterling equivalent of any sums which are specified in Euros in the Regulations (regulation 4);
- (c) prescribe how the length of an "account period" for the purposes of the Regulations is to be determined (regulation 5);
- (d) provide that where a duty to pay charges under the Regulations is imposed on more than one person it may be enforced jointly or separately against such persons (regulation 6);
- (e) require authorities to which charges are payable under the Regulations to calculate the charges, recalculate if an error is made and give notice of amounts due to those liable to pay (regulation 7);
- (f) provide for appeals against decisions of authorities imposing charges under the Regulations and lay down the requirements for the conduct and determination of such appeals (regulation 8);
- (g) provide for the payment of charges by one food authority to another where charges are payable to more than one authority (the term "food authority" is defined in regulation 2) (regulation 9);
- (h) require payment of a specified amount to the relevant food authority by vendors of relevant fishery products or relevant landed fishery products in relation to the first placing on the market or first sale in a fish market of such products (the terms "relevant food authority", "vendor", "relevant fishery products", "relevant landed fishery products", "first placing on the market" and "first sale in a fish market" are defined in regulation 2) (regulation 10);
- (i) require those vendors to supply the relevant food authority with returns in respect of the aggregate of transactions for which charges are payable by them under regulation 10, specify the information to be contained in such returns, permit the relevant food authority to require those vendors of relevant landed fishery products to supply additional information in relation to such transactions, require them to keep records that are sufficient to enable them to supply such information and make it a summary offence fail to comply with any such requirement (regulation 11);

- (g) yn ei gwneud yn ofynnol i swm penodedig gael ei dalu i'r awdurdod bwyd perthnasol gan berchenogion neu weithredwyr sefydliadau prosesu mewn perthynas â chynhyrchion pysgodfeydd sy'n dod i'r sefydliad dan sylw (diffinnir y termau "prosesu" a "sefydliad prosesu" yn rheoliad 2) (rheoliad 12); ac
- (ng) yn ei gwneud yn ofynnol i berchenogion a gweithredwyr sefydliadau prosesu roi i'r awdurdod bwyd perthnasol ddatganiadau niferoedd o ran cynhyrchion pysgodfeydd y mae taliadau'n daladwy arnynt o dan reoliad 12, yn pennu'r wybodaeth i'w chynnwys yn y cyfryw ddatganiadau, yn caniatáu i'r awdurdod bwyd perthnasol ei gwneud yn ofynnol i'r perchenogion a'r gweithredwyr hynny roi gwybodaeth ychwanegol mewn perthynas â chynhyrchion o'r fath, yn ei gwneud yn ofynnol iddynt gadw cofnodion sy'n ddigonol i'w galluogi i roi gwybodaeth o'r fath ac yn ei gwneud yn dramgydd diannod i fethu â chydymffurfio ag unrhyw ofyniad o'r fath (rheoliad 13).
- (j) require payment of a specified amount to the relevant food authority by proprietors or operators of processing establishments in relation to fishery products entering the establishment concerned (the terms "processing establishment" and "processing" are defined in regulation 2) (regulation 12); and
- (k) require proprietors and operators of processing establishments to supply the relevant food authority with returns in respect of fishery products for which charges are payable under regulation 12, specify the information to be contained in such returns, permit the relevant food authority to require those proprietors or operators to supply additional information in relation to such products, require them to keep records that are sufficient to enable them to supply such information and make it a summary offence to fail to comply with any such requirement (regulation 13).

4. Mae asesiad effaith reoleiddiol llawn o'r effaith y bydd yr offeryn hwn yn ei gael ar gael gan yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Wood Street, Caerdydd, CF10 1EW.

4. A full regulatory impact assessment of the effect that this instrument will have is available from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

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Rheoliadau Cynhyrchion
Pysgodfeydd (Taliadau
Rheolaethau Swyddogol) (Cymru)
2007

Gwnaed	5 Rhagfyr 2007
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	10 Rhagfyr 2007
Yn dod i rym	1 Ionawr 2008

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1).

Mae Gweinidogion Cymru wedi'u dynodi(2) at ddibenion yr adran honno mewn perthynas â mesurau sy'n ymneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu sylfaenol o ran bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(3) cafwyd ymgynghoriad cyhoeddus agored a thryloyw tra bu'r Rheoliadau canlynol yn cael eu llunio.

2007 No. 3462 (W.307)

FOOD, WALES

The Fishery Products (Official
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2007

Made	5 December 2007
Laid before the National Assembly for Wales	10 December 2007
Coming into force	1 January 2008

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Welsh Ministers have been designated(2) for the purposes of that section in relation to measures relating to food (including drink) including the primary production of food.

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(3) there has been open and transparent public consultation during the preparation of the following Regulations.

(1) 1972 c.68.

(2) O.S. 2005/1971. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn yn arferadwy gan Weimidoigion Cymru.

(3) OJ Rhif L31, 1.2.2002, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 575/2006 sy'n diwygiod Rheoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor ynglych nifer ac enwau Paneli Gwyddonol parhaol Awdurdod Diogelwch Bwyd Ewrop (OJ Rhif L100, 8.4.2006, t.3).

(1) 1972 c.68.

(2) S.I. 2005/1971. By virtue of section 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(3) OJ No. L31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p.3).

RHAN 1

RHAGARWEINIAD

Enwi, cymhwys o a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cynhyrchion Pysgodfeydd (Taliadau Rheolaethau Swyddogol) (Cymru) 2007, maent yn gymwys o ran Cymru a deuant i rym ar 1 Ionawr 2008.

Dehongli

2.—(1) Yn y Rheoliadau hyn —

ystyr "a fewnforir" ("imported") yw y deuir ag ef i Gymru o le arall heblaw rhan arall o Ynysoedd Prydain;

mae i "awdurdod bwyd" yr ystyr sydd i "food authority" yn rhinwedd adran 5(1A) o Ddeddf Diogelwch Bwyd 1990(1);

ystyr "awdurdod bwyd perthnasol" ("relevant food authority") yw'r awdurdod bwyd y mae amgylchiadau'n codi yn ei ardal sy'n arwain at rwymedigaeth o dan y Rheoliadau hyn i dalu tâl i'r awdurdod hwnnw;

mae i "Cyfarwyddeb 2004/41" ("Directive 2004/41"), "Rheoliad 2406/96" ("Regulation 2406/96"), "Rheoliad 852/2004" ("Regulation 852/2004"), "Rheoliad 853/2004" ("Regulation 853/2004"), "Rheoliad 854/2004" ("Regulation 854/2004"), "Rheoliad 882/2004" ("Regulation 882/2004"), "Rheoliad 1688/2005" ("Regulation 1688/2005"), "Rheoliad 2073/2005" ("Regulation 2073/2005"), "Rheoliad 2074/2005" ("Regulation 2074/2005"), "Rheoliad 2075/2005" ("Regulation 2075/2005") a "Rheoliad 2076/2005" ("Regulation 2076/2005") yr ystyr a roddir iddynt yn ôl eu trefn yn yr Atodlen;

mae i "cynhyrchion pysgodfeydd" yr ystyr a roddir i "fishery products" ym mhwynt 3.1 o Atodiad I i Reoliad 853/2004;

ystyr "cynhyrchion pysgodfeydd perthnasol" ("relevant fishery products") yw cynhyrchion pysgodfeydd—

- (a) a ddaliwyd yn eu hamgylchedd naturiol;
- (b) a fewnforir gan lestr pysgota sy'n cyhwfan baner trydedd wlad;
- (c) nad ydynt wedi bod ar dir cyn cael eu mewnforio; ac
- (ch) a fwriedir i'w rhoi ar y farchnad i'w bwyt gan bobl;

PART 1

PRELIMINARY

Title, application and commencement

1. The title of these Regulations is the Fishery Products (Official Controls Charges) (Wales) Regulations 2007, they apply in relation to Wales and come into force on 1 January 2008.

Interpretation

2.—(1) In these Regulations —

"Directive 2004/41" ("Cyfarwyddeb 2004/41"), "Regulation 2406/96" ("Rheoliad 2406/96"), "Regulation 852/2004" ("Rheoliad 852/2004"), "Regulation 853/2004" ("853/2004"), "Regulation 854/2004" ("Rheoliad 854/2004"), "Regulation 882/2004" ("Rheoliad 882/2004"), "Regulation 1688/2005" ("Rheoliad 1688/2005"), "Regulation 2073/2005" ("Rheoliad 2073/2005"), "Regulation 2074/2005" ("Rheoliad 2074/2005"), "Regulation 2075/2005" ("Rheoliad 2075/2005") and "Regulation 2076/2005" ("Rheoliad 2076/2005") have the meanings respectively given to them in the Schedule;

"establishment" ("sefydliad") has the meaning given to it in paragraph 1(c) of Article 2 of Regulation 852/2004;

"first placing on the market" ("rhoi gyntaf ar y farchnad") has the meaning that it bears in Regulation 882/2004;

"first sale in a fish market" ("gwerthu gyntaf mewn marchnad bysgod") is construed in accordance with the phrase "first sale in fish market" in Regulation 882/2004;

"fishery products" ("cynhyrchion pysgodfeydd") has the meaning given to it in point 3.1 of Annex I to Regulation 853/2004;

"food authority" ("awdurdod bwyd") has the meaning that it bears by virtue of section 5(1A) of the Food Safety Act 1990(1);

"imported" ("a fewnforir") means introduced into Wales other than from another part of the British Islands;

"official controls" ("rheolaethau swyddogol") is construed in accordance with the definition of the term "official control" in paragraph 1 of Article 2 of Regulation 882/2004;

(1) 1990 p.16; diwygiwyd adran 5 gan baragraffau 8 a 9 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).

(1) 1990 c.16; section 5 was amended by paragraphs 8 and 9 of Schedule 5 to the Food Standards Act 1999 (c. 28).

ac eithrio cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol a mewnforion trydydd gwledydd;

ystyr "cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol" ("relevant landed fishery products") yw cynhyrchion pysgodfeydd —

- (a) a gaiff eu glanio yng Nghymru;
- (b) nad ydynt wedi bod ar dir yn flaenorol; ac
- (c) a fwriedir i'w rhoi ar y farchnad i'w bwyta gan bobl,

ac eithrio cynhyrchion pysgodfeydd perthnasol a mewnforion trydydd gwledydd;

mae'r ymadrodd "gwerthu gyntaf mewn marchnad bysgod" i'w ddehongli'n unol â'r ymadrodd "first sale in a fish market" yn Rheoliad 882/2004;

ystyr "gwerthwr" ("vendor")

- (a) pan gaiff cynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol eu rhoi gyntaf ar y farchnad neu eu gwerthu gyntaf mewn marchnad bysgod gan berson arall ar ran perchennog neu feistr llestr, yw'r person arall hwnnw; a
- (b) pan gaiff cynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol eu rhoi gyntaf ar y farchnad neu eu gwerthu gyntaf mewn marchnad bysgod mewn unrhyw amgylchiadau eraill, yw perchennog neu feistr y llestr sy'n eu glanio;

ystyr "mewnforyn trydedd wlad" ("third country import") yw mewnforyn y mae tâl yn daladwy mewn cysylltiad ag ef o dan reoliad 54 o Reoliadau Cynhyrchion sy'n Dod o Anifeiliaid (Mewnforion Trydydd Gwledydd) (Cymru) 2007(1);

mae i "prosesu" yr ystyr a roddir i ("processing") ym Mhennod V o Adran B o Atodiad IV i Reoliad 852/2004;

ystyr "pysgod eigionol penodedig" ("specified pelagic fish") yw —

- (a) penwaig neu ysagadan o'r rhywogaeth Clupea harengus;
- (b) penwaig Mair o'r rhywogaeth Sardinia pilchardus;
- (c) mectryll o'r rhywogaeth Scomber scombrus neu Scomber japonicus;
- (ch) marchfecryll (*Trachurus* spp.);
- (d) brwyniaid (*Engraulis* spp.);
- (dd) picarelod o'r rhywogaeth Maena smaris; ac
- (e) corbenwaig o'r rhywogaeth Sprattus sprattus;

"processing" ("prosesu") has the meaning that it bears in Chapter V of Section B of Annex IV to Regulation 882/2004;

"processing establishment" ("sefydliad prosesu") means an establishment at which processing occurs;

"relevant fishery products" ("cynhyrchion pysgodfeydd perthnasol") means fishery products which —

- (a) were caught in their natural environment;
- (b) are imported by a fishing vessel flying the flag of a third country;
- (c) have not been on land prior to being imported; and
- (d) are intended for placing on the market for human consumption,

other than relevant landed fishery products and third country imports;

"relevant food authority" ("awdurdod bwyd perthnasol") means the food authority in whose area circumstances giving rise to an obligation under these Regulations to pay a charge to that authority arise;

"relevant landed fishery products" ("cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol") means fishery products which —

- (a) are landed in Wales;
- (b) have not been on land previously; and
- (c) are intended for placing on the market for human consumption,

other than relevant fishery products and third country imports;

"specified pelagic fish" ("pysgod eigionol penodedig") means —

- (a) herring of the species *Clupea harengus*;
- (b) sardines of the species *Sardinia pilchardus*;
- (c) mackerel of the species *Scomber scombrus* or *Scomber japonicus*;
- (d) horse mackerel (*Trachurus* spp.);
- (e) anchovies (*Engraulis* spp.);
- (f) picarels of the species *Maena smaris*; and
- (g) sprat of the species *Sprattus sprattus*;

"third country" ("trydedd wlad"), except in the expression "third country import" ("mewnforyn trydydd gwlad"), means any country or territory, other than Greenland, which does not comprise the whole or part of an EEA State;

(1) O.S. 2007/376 (Cy.36), fel y'i diwygiwyd gan O.S. 2007/1710 (Cy.148).

mae'r term "rheolaethau swyddogol" ("*official controls*") i'w ddehongli'n unol â'r diffiniad o'r term "official control" ym mharagraff 1 o Erthygl 2 o Reoliad 882/2004;

mae i "rhoi gyntaf ar y farchnad" yr ystyr sydd i ("first placing on the market") yn Rheoliad 882/2004;

mae i "sefydliad" yr ystyr a roddir i ("establishment") ym mharagraff 1(c) o Erthygl 2 o Reoliad 852/2004;

ystyr "sefydliad prosesu" ("processing establishment") yw sefydliad lle y mae prosesu'n mynd rhagddo; ac

ystyr "trydedd wlad" ("third country"), ac eithrio yn yr ymadrodd "mewnforyn trydedd wlad" ("third country import"), yw unrhyw wlad neu diriogaeth, heblaw Kalaallit Nunaat (Greenland), nad yw'n Wladwriaeth AEE gyfan neu'n rhan o Wladwriaeth AEE.

(2) Pan fo unrhyw swyddogaethau o dan Ddeddf Diogelwch Bwyd 1990 yn cael eu neilltuo —

- (a) drwy orchymyn o dan adran 2 neu 7 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1), i awdurdod iechyd porthladd; neu
- (b) drwy orchymyn o dan adran 6 o Ddeddf Iechyd y Cyhoedd 1936(2), i gyd-fwrdd ar gyfer dosbarth unedig,

mae unrhyw gyfeiriad yn y Rheoliadau hyn at awdurdod bwyd i'w ddehongli, i'r graddau y mae'n ymwneud â'r swyddogaethau hynny, fel cyfeiriad at yr awdurdod y maent wedi'u neilltuo felly iddo.

Gwir gostau

3. At ddibenion y Rheoliadau hyn, gwir gostau arfer rheolaethau swyddogol yw cyfanswm costau'r eitemau a restrir yn Atodiad VI i Reoliad 882/2004 ac a dynnir yn uniongyrchol wrth arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004.

Cyfwerthoedd y bunt â'r Ewro

4.—(1) Bernir bod unrhyw gyfeiriad yn y Rheoliadau hyn at nifer penodedig o Ewros yn gyfeiriad at gyfwerth mewn punnoedd y nifer hwnnw wedi'i gyfrifo yn unol â pharagraff (2).

(2) Cyfrifir cyfwerth mewn punnoedd nifer penodedig o Ewros drwy luosi'r nifer hwnnw gan y gyfradd gyfnewid Ewro/punt a nodir ym mharagraff (3).

(1) 1984 p.22; amnewidwyd adran 7(3)(d) gan baragraff 27 o Atodlen 3 i Ddeddf Diogelwch Bwyd 1990 (p.16).

(2) 1936 p.49; mae adran 6 i'w darllen gyda pharagraff 1 o Atodlen 3 i Ddeddf Diogelwch Bwyd 1990.

"third country import" ("mewnforyn trydedd wlad") means an import in respect of which a charge is payable under regulation 54 of the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007(1); and

"vendor" ("gwerthwr") means —

- (a) where a first placing on the market or first sale in a fish market of relevant fishery products or relevant landed fishery products is effected by another person on behalf of the owner or master of a vessel, that other person; and
- (b) where there is a first placing on the market or first sale in a fish market of relevant fishery products or relevant landed fishery products in any other circumstances, the owner or master of the vessel from which they are landed.

(2) Where any functions under the Food Safety Act 1990 are assigned —

- (a) by an order under section 2 or 7 of the Public Health (Control of Disease) Act 1984(2), to a port health authority; or
- (b) by an order under section 6 of the Public Health Act 1936(3), to a joint board for a united district,

any reference in these Regulations to a food authority is construed, so far as relating to those functions, as a reference to the authority to whom they are so assigned.

Actual costs

3. For the purposes of these Regulations, the actual costs of exercising official controls are the aggregate of the costs of the items listed in Annex VI to Regulation 882/2004 directly incurred in the exercise of the official controls required under Annex III to Regulation 854/2004.

Sterling equivalents of Euro

4.—(1) Any reference in these Regulations to a specified number of Euros is deemed to be a reference to the Sterling equivalent of that number calculated in accordance with paragraph (2).

(2) The Sterling equivalent of a specified number of Euros is calculated by multiplying that number by the Euro/Sterling conversion rate specified in paragraph (3).

(1) S.I. 2007/376 (W.36), amended by S.I. 2007/1710 (W.148).

(2) 1984 c.22; section 7(3)(d) was substituted by paragraph 27 of Schedule 3 to the Food Safety Act 1990 (1990 c.16).

(3) 1936 c.49; section 6 is to be read with paragraph 1 of Schedule 3 to the Food Safety Act 1990.

- (3) Y gyfradd gyfnewid Ewro/punt yw —
- ar gyfer 2008, 1 Ewro = £0.67575; a
 - ym mhob blwyddyn ddilynol, y gyfradd a gyhoeddir yng nghyfres C o Gyfnodolyn Swyddogol y Cymunedau Ewropeaidd ar ddiwrnod gwaith cyntaf mis Medi y flwyddyn flaenorol neu, os na chyhoeddir cyfradd yn y gyfres ar y diwrnod hwnnw, y gyfradd gyntaf a gyhoeddir yn y gyfres ar ôl hynny.

Cyfnod Cyfrifydda

5.—(1) At ddibenion y Rheoliadau hyn, y cyfnod cyfrifydda yw un mis neu unrhyw gyfnod hwy nad yw'n fwy na deuddeng mis fel a benderfynir gan yr awdurdod bwyd perthnasol.

(2) Rhaid penderfynu'r cyfnod cyfrifydda, gan anelu at ostwng costau'r canlynol i swm rhesymol, o'i gymharu â'r taliadau y disgwylir iddynt ddod yn ddyledus, sef —

- gwneud datganiadau niferoedd; a
- casglu taliadau.

Casglu taliadau

6. Pan osodir dyletswydd i dalu tâl o dan y Rheoliadau hyn ar y naill neu'r llall o ddau berson caiff yr awdurdod y mae'r tâl yn daladwy iddo ei gasglu —

- oddi wrth y ddau ohonynt ar y cyd; neu
- oddi wrth y naill neu'r llall ohonynt ar wahân.

Cyfrifo, talu ac ad-dalu taliadau

7.—(1) Pan ddelo'n hysbys i'r awdurdod bwyd perthnasol bod taliad yn ddyledus iddo o dan y Rheoliadau hyn rhaid iddo —

- cyfrifo swm y taliad gan roi ystyriaeth i'r wybodaeth sydd ganddo yn ei feddiant; a
- rholi hysbysiad o'r swm a gyfrifwyd felly i unrhyw berson y caniateir ei gasglu oddi wrtho.

(2) Os yw'r awdurdod bwyd perthnasol yn fodlon bod cyfrifiad sydd wedi'i wneud o dan baragraff (1) yn anghywir, rhaid iddo ail-gyfrifo'r taliad ac —

- pan fo'r swm cywir yn fwy na'r swm a gyfrifwyd o dan baragraff (1), rhaid iddo gasglu'r swm uchaf yn unol â'r paragraff hwnnw;
- pan fo'r swm cywir yn llai na'r swm a gyfrifwyd o dan y paragraff hwnnw ac na fo'r swm hwnnw wedi'i gasglu, rhaid iddo gasglu'r swm lleiaf yn unol â'r paragraff hwnnw; ac

- (3) The Euro/Sterling conversion rate is —
- for 2008, 1 Euro = £0.67575; and
 - in each subsequent year, the rate published in the C Series of the Official Journal of the European Communities on the first working day of the September of the preceding year or, if no rate is published in it on that day, the first rate published in it thereafter.

Account period

5.—(1) For the purposes of these Regulations, the account period is one month or such longer period not exceeding twelve months as is determined by the relevant food authority.

(2) The account period must be determined with a view to reducing to a reasonable amount, in comparison with the charges which are expected to fall due, the costs of —

- making returns; and
- collecting charges.

Recovery of charges

6. Where a duty to pay a charge under these Regulations is imposed on either of two persons the authority to which the charge is payable may recover it —

- jointly from both of them; or
- separately from either of them.

Calculation, payment and repayment of charges

7.—(1) Where the relevant food authority becomes aware that a charge is due to it under these Regulations it must —

- calculate the amount of the charge having regard to the information in its possession; and
- give notice of the amount so calculated to any person from whom it may be collected.

(2) If the relevant food authority is satisfied that a calculation made under paragraph (1) is incorrect, it must recalculate the charge and —

- where the correct amount is more than the amount calculated under paragraph (1), it must recover the higher amount in accordance with that paragraph;
- where the correct amount is less than the amount calculated under that paragraph and that amount has not been recovered, it must recover the lesser amount in accordance with that paragraph; and

- (c) pan na fo swm yn daladwy neu pan fo'r tâl taladwy yn llai na'r swm a gyfrifwyd o dan y paragraff hwnnw, a'r tâl hwnnw wedi'i gasglu, rhaid iddo ad-dalu'r gwahaniaeth.

Apelau

8.—(1) Caiff person apelio yn erbyn unrhyw benderfyniad gan yr awdurdod bwyd perthnasol sy'n gosod tâl o dan y Rheoliadau hyn.

(2) Gwrandewir yr apêl gan lys ynaden ac mae adran 37(3), (5) a (6) o Ddeddf Diogelwch Bwyd 1990 yn gymwys o ran y cyfryw apêl fel y mae'n gymwys mewn perthynas ag apêl o dan adran 37(1)(c) o'r Ddeddf honno.

(3) Ar unrhyw apêl o'r fath caiff y llys —

- (a) cadarnhau penderfyniad yr awdurdod bwyd perthnasol;
- (b) penderfynu unrhyw dâl sy'n daladwy o dan y Rheoliadau hyn; neu
- (c) penderfynu nad oes tâl yn daladwy.

(4) Wrth ddisgwyl canlyniad yr apêl bydd swm gwreiddiol y tâl yn parhau'n daladwy, ond os bydd angen ailgyfrifo swm y tâl ar ôl penderfyniad y llys, bydd swm newydd y tâl yn effeithiol o'r dyddiad y gwnaed y tâl gwreiddiol a bydd y swm sy'n hafal i'r swm newydd hwnnw yn daladwy i'r awdurdod bwyd perthnasol.

(5) Os bydd y llys yn penderfynu bod tâl sy'n daladwy o dan y Rheoliadau hyn yn llai na'r tâl sydd wedi'i dalu, rhaid i'r awdurdod bwyd perthnasol dalu'r gordal yn ôl i'r apelydd llwyddiannus.

Taliadau sy'n daladwy i fwy nag un awdurdod bwyd

9. Mewn unrhyw achos o ohirio arfer rheolaethau swyddogol a phan nad yr awdurdod bwyd perthnasol y mae'n ofynnol talu tâl iddo o dan y Rheoliadau hyn ("awdurdod B") yw'r awdurdod bwyd sy'n gyfrifol am arfer rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 ("awdurdod A"), rhaid i awdurdod B anfon at awdurdod A swm hafal i unrhyw swm a ddaeth i law awdurdod B ac y gellir ei gyfeirio at reolaethau swyddogol a arferir gan awdurdod A.

- (c) where no charge is payable or the charge payable is less than the amount calculated under that paragraph, and that amount has been recovered, it must repay the difference.

Appeals

8.—(1) A person may appeal against any decision of the relevant food authority imposing a charge under these Regulations.

(2) The appeal will be heard by a magistrates' court and section 37(3), (5) and (6) of the Food Safety Act 1990 applies in relation to such an appeal as it applies in relation to an appeal under section 37(1)(c) of that Act.

(3) On any such appeal, the court may —

- (a) confirm the decision of the relevant food authority;
- (b) determine any charge which is payable under these Regulations; or
- (c) determine that no charge is payable.

(4) Pending the outcome of the appeal the original amount of the charge will remain payable, but if after the court's decision the amount of the charge needs to be recalculated, the new amount of the charge will have effect from the date on which the original charge was made and the sum equal to that new amount will be payable to the relevant food authority.

(5) If the court determines that a charge payable under these Regulations is less than the charge that has been so paid, the relevant food authority must reimburse the overpayment to the successful appellant.

Sums remitted from one food authority to another

9. In any case where the exercise of official controls is deferred and the food authority responsible for the exercise of the official controls required under Annex III to Regulation 854/2004 ("authority A") is not the relevant food authority to which a charge is required to be paid under these Regulations ("authority B"), authority B must remit to authority A a sum equal to any amount received by authority B which is referable to official controls exercised by authority A.

RHAN 2

TALIADAU RHEOLAETHAU SWYDDOGOL AC EITHRIO TALIADAU AM FEWNFORION TRYDYDD GWLEDYDD

Talu tâl glanio o ran rhoi gyntaf ar y farchnad neu werthu gyntaf mewn marchnad bysgod gynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol

10.—(1) Mae pob un o'r canlynol yn drafodyn y codir tâl amdano at ddibenion y rheoliad hwn a rheoliad 11—

- (a) rhoi gyntaf ar y farchnad gynhyrchion pysgodfeydd perthnasol;
- (b) rhoi gyntaf ar y farchnad gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol;
- (c) gwerthu gyntaf mewn marchnad bysgod gynhyrchion pysgodfeydd perthnasol; ac
- (ch) gwerthu gyntaf mewn marchnad bysgod gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol.

(2) Yn ddarostyngedig i baragraff (8), pan fydd yna drafodyn y codir tâl amdano at ddibenion y rheoliad hwn a rheoliad 11, rhaid i'r gwerthwr dalu'r tâl y cyfeirir ato ym mharagraffau (3) i (7) ("y tâl glanio") i'r awdurdod bwyd perthnasol.

(3) Yn ddarostyngedig i baragraff (7), os rhoi gyntaf ar y farchnad gynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol yw'r trafodyn y codir tâl amdano, cyfraniad yw'r tâl glanio tuag at y costau a dynnar wrth arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 a hwnnw'n dâl a gyfrifir yn ôl cyfradd o 1 Ewro y dunnell am y 50 tunnell gyntaf a 0.5 Ewro y dunnell am bob tunnell ychwanegol o gynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol a roddwyd gyntaf ar y farchnad mewn mis calendr.

(4) Os gwerthu gyntaf mewn marchnad bysgod gynhyrchion pysgodfeydd perthnasol yw'r trafodyn y codir tâl amdano, cyfraniad yw'r tâl glanio tuag at y costau a dynnar wrth arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 a hwnnw'n dâl a gyfrifir yn ôl cyfradd o 1 Ewro y dunnell am y 50 tunnell gyntaf a 0.5 Ewro y dunnell am bob tunnell ychwanegol o gynhyrchion pysgodfeydd perthnasol a werthwyd gyntaf mewn marchnad bysgod mewn mis calendr.

(5) Yn ddarostyngedig i baragraffau (6) a (7), os gwerthu gyntaf mewn marchnad bysgod gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol

PART 2

OFFICIAL CONTROLS CHARGES OTHER THAN CHARGES FOR THIRD COUNTRY IMPORTS

Payment of landings charge in respect of the first placing on the market of relevant fishery products or relevant landed fishery products and the first sale in a fish market of relevant fishery products or relevant landed fishery products

10.—(1) Each of the following is a chargeable transaction for the purposes of this regulation and regulation 11—

- (a) the first placing on the market of relevant fishery products;
- (b) the first placing on the market of relevant landed fishery products;
- (c) the first sale in a fish market of relevant fishery products; and
- (d) the first sale in a fish market of relevant landed fishery products.

(2) Subject to paragraph (8), where there is a chargeable transaction for the purposes of this regulation and regulation 11, the vendor must pay the charge determined in accordance with paragraphs (3) to (7) ("the landings charge") to the relevant food authority.

(3) Subject to paragraph (7), where the chargeable transaction is the first placing on the market of relevant fishery products or relevant landed fishery products the landings charge is a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant fishery products or relevant landed fishery products first placed on the market in a calendar month.

(4) Where the chargeable transaction is the first sale in a fish market of relevant fishery products, the landings charge is a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant fishery products first sold in a fish market in a calendar month.

(5) Subject to paragraphs (6) and (7), where the chargeable transaction is the first sale in a fish market of relevant landed fishery products, the landings charge is a contribution towards the expenditure incurred in

yw'r trafodyn y codir tâl amdano, cyfraniad yw'r tâl glanio tuag at y costau a dynnar wrth after y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 a hwnnw'n dâl a gyfrifir yn ôl cyfradd o 0.5 Ewro y dunnell am y 50 tunnell gyntaf a 0.25 Ewro y dunnell am bob tunnell ychwanegol o gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol a werthwyd gyntaf mewn mis calendr.

(6) Yn ddarostyngedig i baragraff (7), os—

- (a) gwerthu gyntaf mewn marchnad bysgod o gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol yw'r trafodyn y codir tâl amdano ; a
- (b) nad yw'r cynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol yn cael eu graddio o ran ffresni a/neu faint yn unol â Rheoliad 2406/96 neu os nad ydynt yn cael eu graddio'n ddigonol felly,

cyfraniad yw'r tâl glanio tuag at y costau a dynnar wrth arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 a hwnnw'n dâl a gyfrifir yn ôl cyfradd o 1 Ewro y dunnell am y 50 tunnell gyntaf a 0.5 Ewro y dunnell am bob tunnell ychwanegol o gynhyrchion pysgodfeydd perthnasol a werthwyd gyntaf mewn mis calendr.

(7) O ran unrhyw lwyth o bysgod eigionol penodedig sy'n gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol, rhaid i'r tâl glanio beidio â bod yn fwy na 50 Ewro.

(8) Pan fo gwir gostau arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 yn llai na'r tâl glanio, rhaid i'r gwerthwr dalu swm hafal i'r costau hynny i'r awdurdod bwyd perthnasol, yn lle'r tâl glanio.

Datganiadau niferoedd a chofnodion sy'n ymwneud â chynhyrchion pysgodfeydd perthnasol neu gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol

11.—(1) Cyn pen 7 niwrnod ar ôl diwedd pob cyfnod cyfrifydda, rhaid i'r gwerthwr roi datganiad niferoedd ysgrifenedig i'r awdurdod bwyd perthnasol y mae'r tâl glanio'n daladwy iddo o ran cyfanswm y trafodion y codir tâl amdanynt ac y mae'r gwerthwr wedi ymwneud â hwy yn ystod y cyfnod hwnnw.

(2) Rhaid i'r datganiad niferoedd y cyfeirir ato ym mharagraff (1) gynnwys yr wybodaeth ganlynol —

- (a) y cyfnod cyfrifydda y mae a wnelo'r datganiad niferoedd ag ef;
- (b) y lle a'r dyddiad y caiff y cynhyrchion pysgodfeydd y mae a wnelo'r datganiad â hwy eu glanio;
- (c) y lle a'r dyddiad y caiff y cynhyrchion hynny eu rhoi gyntaf ar y farchnad neu eu gwerthu gyntaf mewn marchnad bysgod, yn ôl y

exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 0.5 Euro per tonne for the first 50 tonnes and 0.25 Euro per tonne for each additional tonne of relevant landed fishery products first sold in a calendar month.

(6) Subject to paragraph (7), where—

- (a) the chargeable transaction is the first sale in a fish market of relevant landed fishery products; and
- (b) the relevant landed fishery products concerned are not, or are insufficiently, graded for freshness and/or size in accordance with Regulation 2406/96,

the landings charge is a contribution towards the expenditure incurred in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 1 Euro per tonne for the first 50 tonnes and 0.5 Euro per tonne for each additional tonne of relevant landed fishery products first sold in a calendar month.

(7) In respect of any consignment of relevant landed fishery products consisting of specified pelagic fish, the landings charge must not exceed 50 Euros.

(8) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the landings charge, the vendor must pay an amount equal to those costs to the relevant food authority, instead of the landings charge.

Returns and records relating to relevant fishery products or relevant landed fishery products

11.—(1) Within 7 days of the end of each account period, the vendor must make a written return to the relevant food authority to which the landings charge is payable in respect of the aggregate of chargeable transactions that he or she has entered into during that period.

(2) The return referred to in paragraph (1) must include the following information —

- (a) the account period to which the return relates;
- (b) the place and date of landing of the fishery products to which it relates;
- (c) the place and date of the first placing on the market or, as the case may be, first sale in a fish market of those products;

- digwydd; ac
- (ch) ar gyfer glaniadau o gynhyrchion pysgodfeydd perthnasol a glaniadau o gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol ac eithrio pysgod eigionol penodedig —
- (i) enw pob llestr a nifer y llwythi sy'n cael eu glanio ohono,
 - (ii) cyfanswm pwysau'r llwythi sy'n cael eu glanio gan bob llestr ac nad ydynt yn fwy na 50 tunnell ynghyd â'r 50 tunnell gyntaf o llwythi y mae eu pwysau yn fwy na'r swm hwnnw; a
 - (iii) cyfanswm pwysau'r llwythi sy'n llai na'r pwysau a gyfrifir o dan baragraff (ii);
- (d) ar gyfer glaniadau o gynhyrchion pysgodfeydd sy'n cael eu glanio ac sy'n berthnasol ac sy'n bysgod eigionol penodedig —
- (i) enw pob llestr a nifer y llwythi sy'n cael eu glanio ohono, a
 - (ii) cyfanswm pwysau'r llwythi sy'n cael eu glanio gan bob llestr ac nad ydynt yn fwy na 50 tunnell ynghyd â'r 50 tunnell gyntaf o llwythi y mae eu pwysau yn fwy na'r swm hwnnw;
- (dd) hysbysiad o unrhyw swm a dalwyd yn rhinwedd paragraff (4) o reoliad 10 ac a dalwyd mewn cysylltiad —
- (i) â llwythi o bysgod nad ydynt ond yn bysgod heblaw pysgod eigionol penodedig, neu
 - (ii) â llwythi o bysgod eigionol penodedig yn unig,
- gan nodi'r amgylchiadau a arweiniodd at dalu'r swm hwnnw;
- (e) mewn perthynas â llwythi o gynhyrchion pysgodfeydd perthnasol —
- (i) cyfanswm pwysau'r holl gynhyrchion pysgodfeydd perthnasol a gaiff eu glanio, a
 - (ii) cyfanswm swm y tâl sy'n daladwy o dan reoliad 10 o ran y cynhyrchion hynny; ac
- (f) swm y tâl glanio.
- (3) Yn ystod y cyfnod o 1 flwyddyn yn dechrau ar y diwrnod y mae gwerthwr yn gwneud datganiad niferoedd o dan y rheoliad hwn —
- (a) caiff yr awdurdod bwyd perthnasol y rhoddwyd y datganiad iddo ei gwneud yn ofynnol i'r gwerthwr ddarparu gwybodaeth ar wahân o'r math sy'n ofynnol gan baragraff (2) o ran pob trafodyn a gynhwysir ynddo; a
 - (b) rhaid i'r gwerthwr gadw cofnodion sy'n ddigonol i alluogi'r gwerthwr i gyflenwi unrhyw wybodaeth o'r fath.
- (d) for landings of relevant fishery products and for landings of relevant landed fishery products other than specified pelagic fish —
- (i) the name of each vessel and the number of consignments landed from it,
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount, and
 - (iii) the aggregate weight of consignments less the weight calculated under paragraph (ii);
- (e) for landings of relevant landed fishery products which are specified pelagic fish —
- (i) the name of each vessel and the number of consignments landed from it, and
 - (ii) the aggregate weight of consignments landed by each vessel which do not exceed 50 tonnes and the first 50 tonnes of consignments the weight of which exceeds that amount;
- (f) notification of any amount paid by virtue of paragraph (4) of regulation 10 which has been paid in respect of —
- (i) consignments of fish consisting only of fish other than specified pelagic fish, or
 - (ii) consignments of specified pelagic fish only,
- identifying the circumstances that led to the payment of that amount;
- (g) in relation to consignments of relevant fishery products —
- (i) the total weight of all relevant fishery products landed, and
 - (ii) the total amount of the charge payable under regulation 10 in respect of those products; and
- (h) the amount of the landings charge.
- (3) During the period of 1 year beginning on the day on which a vendor makes a return under this regulation—
- (a) the relevant food authority to which it was made may require the vendor to supply separate information of the kind required by paragraph (2) in respect of each transaction included in it; and
 - (b) the vendor must retain records which are sufficient to enable the vendor to supply any such information.

(4) Bydd unrhyw werthwr a fydd heb esgus rhesymol —

- (a) yn methu â chydymffurfio â pharagraff (1) neu (3)(b); neu
- (b) yn methu â chydymffurfio â gofyniad a wneir o dan baragraff 3(a),

yn euog o dramgydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol.

Tâl o ran sefydliadau prosesu

12.—(1) Yn ddarostyngedig i baragraff (3), rhaid i berchennog neu weithredydd sefydliad prosesu dalu'r tâl y cyfeirir ato ym mharagraff (2) ("y tâl sefydliad prosesu") i'r awdurdod bwyd perthnasol.

(2) Cyfraniad o 0.5 Ewro y dunnell o gynhyrchion pysgodfeydd sy'n dod i sefydliad at ddiben prosesu fydd y tâl sefydliad prosesu a hwnnw'n gyfraniad at y costau a dynnir gan yr awdurdod bwyd perthnasol pan fydd yn arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004.

(3) Pan fo gwir gostau arfer y rheolaethau swyddogol sy'n ofynnol o dan Atodiad III i Reoliad 854/2004 yn llai na'r tâl sefydliad prosesu, rhaid i'r perchennog neu'r gweithredydd dalu swm sy'n hafal i'r costau hynny i'r awdurdod bwyd perthnasol, yn lle'r tâl sefydliad prosesu.

Datganiadau niferoedd a chofnodion sy'n ymwneud â sefydliadau prosesu

13.—(1) Cyn pen 7 niwrnod ar ôl diwedd pob cyfnod cyfrifydda, rhaid i'r perchennog neu'r gweithredydd sy'n gyfrifol am dalu'r tâl sefydliad prosesu wneud datganiad niferoedd ysgrifenedig o ran y tâl hwnnw a'i roi i'r awdurdod bwyd perthnasol y mae'r tâl hwnnw'n daladwy iddo o ran y cynhyrchion pysgodfeydd sydd wedi dod i'r sefydliad dan sylw yn ystod y cyfnod hwnnw.

(2) Rhaid i ddatganiad niferoedd y cyfeiriwyd ato ym mharagraff (1) gynnwys yr wybodaeth a ganlyn —

- (a) y cyfnod cyfrifydda y mae a wnelo'r datganiad niferoedd ag ef;
- (b) pwysau'r cynhyrchion pysgodfeydd sy'n dod i'r sefydliad; ac
- (c) swm y tâl sy'n daladwy o dan reoliad 12.

(3) Yn ystod y cyfnod o un flwyddyn yn dechrau ar y diwrnod y mae perchennog neu weithredydd yn gwneud datganiad niferoedd o dan y rheoliad hwn —

- (a) caiff yr awdurdod bwyd perthnasol y rhoddwyd y datganiad niferoedd iddo ei gwneud yn ofynnol i'r perchennog neu'r

(4) Any vendor who without reasonable excuse —

- (a) fails to comply with paragraph (1) or (3)(b); or
- (b) fails to comply with a requirement made under paragraph (3)(a),

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Charge in respect of processing establishments

12.—(1) Subject to paragraph (3), the proprietor or operator of a processing establishment must pay the charge determined in accordance with paragraph (2) ("the processing establishment charge") to the relevant food authority.

(2) The processing establishment charge is a contribution towards the expenditure incurred by the relevant food authority in exercising the official controls required under Annex III to Regulation 854/2004, calculated at the rate of 0.5 Euro per tonne of fishery products entering the establishment for the purpose of processing.

(3) Where the actual costs of exercising the official controls required under Annex III to Regulation 854/2004 are less than the processing establishment charge, the proprietor or operator must pay an amount equal to those costs to the relevant food authority, instead of the processing establishment charge.

Returns and records relating to processing establishments

13.—(1) Within 7 days of the end of each account period, the proprietor or operator who is responsible for paying the processing establishment charge must make a written return to the relevant food authority to which that charge is payable in respect of the fishery products which have entered the establishment concerned during that period.

(2) The return referred to in paragraph (1) must include the following information —

- (a) the account period to which the return relates;
- (b) the weight of the fishery products entering the establishment; and
- (c) the amount of the charge payable under regulation 12.

(3) During the period of one year beginning on the day on which a proprietor or operator makes a return under this regulation —

- (a) the relevant food authority to which the return was made may require the proprietor or operator to supply separate information of the

- gweithredydd ddarparu gwybodaeth ar wahân o'r math sy'n ofynnol gan baragraff (2) o ran pob swp o gynhyrchion pysgodfeydd a gynhwysir ynddo; a
- (b) rhaid i'r perchennog neu'r gweithredydd gadw cofnodion sy'n ddigonol i'w alluogi i gyflenwi unrhyw wybodaeth o'r fath.
- (4) Bydd unrhyw berchennog neu weithredydd sydd heb esgus rhesymol —
- (a) yn methu â chydymffurfio â pharagraff (1) neu (3)(b); neu
 - (b) yn methu â chydymffurfio â gofyniad o dan baragraff (3)(a),
- yn euog o dramgydd ac yn agored ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol.

Dirymu

14. Dirymir Rheoliadau Cynhyrchion Pysgodfeydd (Taliadau Rheolaethau Swyddogol) (Cymru) 2006(1).

kind required by paragraph (2) in respect of each batch of fishery products included in it; and

- (b) the proprietor or operator must retain records which are sufficient to enable him or her to supply any such information.

(4) Any proprietor or operator who without reasonable excuse —

- (a) fails to comply with paragraph (1) or (3)(b); or
- (b) fails to comply with a requirement made under paragraph (3)(a),

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Revocation

14. The Fishery Products (Official Controls Charges) (Wales) Regulations 2006(1) are revoked.

G. 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

5 Rhagfyr 2007

5 December 2007

(1) O.S. 2006/3344 (Cy.305).

(1) S.I. 2006/3344 (W.305).

Rheoliad 2

Regulation 2

DIFFINIADAU O DDEDDFWRIAETH GYMUNEDOL

Ystyr "Cyfarwyddeb 2004/41" ("Directive 2004/41") yw Cyfarwyddeb 2004/41/EC Senedd Ewrop a'r Cyngor sy'n diddymu cyfarwyddebau penodol ynghylch hylendid bwyd ac amodau iechyd ar gyfer cynhyrchu a rhoi ar y farchnad gynhyrchiion penodol sy'n dod o anifeiliaid ac a fwriedir i'w bwyta gan bobl, ac yn diwygio Cyfarwyddebau'r Cyngor 89/662/EEC a 92/118/EEC a Phenderfyniad y Cyngor 95/408/EC(1);

ystyr "Rheoliad 2406/96" ("Regulation 2406/96") yw Rheoliad y Cyngor (EC) Rhif 2406/96 sy'n gosod safonau marchnata cyffredinol ar gyfer cynhyrchiion pysgodfeydd penodol(2);

ystyr "Rheoliad 852/2004" ("Regulation 852/2004") yw Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ar hylendid bwydydd(3) fel y'i darllenir gyda Rheoliad 2073/2005;

ystyr "Rheoliad 853/2004" ("Regulation 853/2004") yw Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid(4) fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 1688/2005, Rheoliad 2074/2005 a Rheoliad 2076/2005;

ystyr "Rheoliad 854/2004" ("Regulation 854/2004") yw Rheoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau penodol ar gyfer trefnu rheolaethau swyddogol ar gynhyrchiion sy'n dod o

DEFINITIONS OF COMMUNITY LEGISLATION

"Directive 2004/41" ("Cyfarwyddeb 2004/41") means Directive 2004/41/EC of the European Parliament and of the Council repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC(1);

"Regulation 2406/96" ("Rheoliad 2406/96") means Council Regulation (EC) No. 2406/96 laying down common marketing standards for certain fishery products(2);

"Regulation 852/2004" ("Rheoliad 852/2004") means Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(3) as read with Regulation 2073/2005;

"Regulation 853/2004" ("Rheoliad 853/2004") means Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(4) as read with Directive 2004/41, Regulation 1688/2005, Regulation 2074/2005 and Regulation 2076/2005;

"Regulation 854/2004" ("Rheoliad 854/2004") means Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on

(1) OJ Rhif L157, 30.4.2004, t.33. Ceir testun diwygiedig Cyfarwyddeb 2004/41/EC bellach mewn Corigendwm (OJ Rhif L195, 2.6.2004, t.12).

(2) OJ Rhif L334, 23.12.1996, t.1, fel y'i diwygiwyd ddiwethaf gan Rheoliad y Comisiwn (EC) Rhif 790/2005 sy'n diwygio Rheoliad y Cyngor (EC) Rhif 2406/96 sy'n gosod safonau marchnata cyffredinol ar gyfer cynhyrchiion pysgodfeydd penodol (OJ Rhif L132, 26.5.2005, t.15).

(3) OJ Rhif L139, 30.4.2004, t.1. Ceir testun diwygiedig Rheoliad (EC) Rhif 852/2004 bellach mewn Corigendwm (OJ Rhif L226, 25.6.2004, t.3), y dylid ei ddarllen gyda Chorigendwm pellach (OJ Rhif L204 4.8.2007, t.26).

(4) OJ Rhif L139, 30.4.2004, t.55. Ceir testun diwygiedig Rheoliad (EC) Rhif 853/2004 bellach mewn Corigendwm (OJ Rhif L226, 25.6.2004, t.22), y dylid ei ddarllen gyda Chorigendwm pellach (OJ Rhif L204 4.8.2007, t.26). Diwygiwyd Rheoliad (EC) Rhif 853/2004 ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1243/2007 sy'n diwygio Atodiad III i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor, sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid (OJ Rhif L281, 25.10.2007, t.8).

(1) OJ No. L157, 30.4.2004, p.33. The revised text of Directive 2004/41/EC is now set out in a Corrigendum (OJ No. L195, 2.6.2004, p.12).

(2) OJ No. L334, 23.12.1996, p.1, as last amended by Commission Regulation (EC) No. 790/2005 amending Council Regulation (EC) No. 2406/96 laying down common marketing standards for certain fishery products (OJ No. L132, 26.5.2005, p.15).

(3) OJ No. L139, 30.4.2004, p.1. The revised text of Regulation (EC) No. 852/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.3) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26).

(4) OJ No. L139, 30.4.2004, p.55. The revised text of Regulation (EC) No. 853/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.22) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26). Regulation (EC) No. 853/2004 was last amended by Council Regulation (EC) No. 1243/2007 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and the Council laying down specific hygiene rules for food of animal origin (OJ No. L281, 25.10.2007, p.8).

anifeiliaid ac a fwriedir i'w bwyta gan bobl(1) fel y'i darllenir gyda Chyfarwyddeb 2004/41, Rheoliad 2074/2005, Rheoliad 2075/2005 a Rheoliad 2076/2005;

ystyr "Rheoliad 882/2004" ("Regulation 882/2004") yw Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ar reolaethau swyddogol a arferir i sicrhau bod cydymffurfedd â chyfraith bwyd anifeiliaid a chyfraith bwyd, a rheolau iechyd anifeiliaid a lles anifeiliaid yn cael ei wirio(2) fel y'i darllenir gyda Rheoliad 2074/2005 a Rheoliad 2076/2005;

ystyr "Rheoliad 1688/2005" ("Regulation 1688/2005") yw Rheoliad y Comisiwn (EC) Rhif 1688/2005 sy'n gweithredu Rheoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor o ran gwarantau arbennig yngylch salmonela ar gyfer llwythi o gigoedd ac wyau penodol i'r Ffindir ac i Sweden(3);

ystyr "Rheoliad 2073/2005" ("Regulation 2073/2005") yw Rheoliad y Comisiwn (EC) Rhif 2073/2005 ar feini prawf microbiolegol ar gyfer bwydydd(4);

ystyr "Rheoliad 2074/2005" ("Regulation 2074/2005") yw Rheoliad y Comisiwn (EC) Rhif 2074/2005 sy'n gosod mesurau gweithredu ar gyfer cynhyrchion penodol o dan Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor ac ar gyfer trefnu rheolaethau swyddogol o dan Reoliad (EC) Rhif 854/2004 Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor sy'n rhanddir ymu Rheoliad (EC) Rhif 852/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(5);

products of animal origin intended for human consumption(1) as read with Directive 2004/41, Regulation 2074/2005, Regulation 2075/2005 and Regulation 2076/2005;

"Regulation 882/2004" ("Rheoliad 882/2004") means Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules(2) as read with Regulation 2074/2005 and Regulation 2076/2005;

"Regulation 1688/2005" ("Rheoliad 1688/2005") means Commission Regulation (EC) No. 1688/2005 implementing Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs(3);

"Regulation 2073/2005" ("Rheoliad 2073/2005") means Commission Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs(4);

"Regulation 2074/2005" ("Rheoliad 2074/2005") means Commission Regulation (EC) No. 2074/2005 laying down implementing measures for certain products under Regulation (EC) No. 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No. 854/2004 of the European Parliament and of the Council and Regulation (EC) No. 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No. 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(5);

(1) OJ Rhif L139, 30.4.2004, t.206. Ceir testun diwygiedig Rheoliad (EC) Rhif 854/2004 bellach mewn Corigendwm (OJ Rhif L226, 25.6.2004, t.83) y dylid ei ddarllen gyda Choridendwm pellach (OJ Rhif L204, 4.8.2007, t.26). Diwygiwyd Rheoliad (EC) Rhif 854/2004 ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006 sy'n addasu Rheoliadau a Phenderfyniadau penodol ym meysydd symud rhydd ar nwyddau, rhyddid i bobl smynd, cyfraith cwmniau, polisi cystadlu, amaethyddiaeth (gan gynnwys deddfwriaeth filfeddygol a ffytoiechydol), polisi trafnidiaeth, trethi, ystadegau, ynni, yr amgylchedd, cydweithredu ym meysydd cyflawnder a materion cartref, undeb tollau, cysylltiadau allanol, polisiau tramor a diogelwch cyffredin a sefydliadau, oherwydd ymaelodaeth Bulgaria a Romania (OJ Rhif L363, 20.12.2006, t.1).

(2) OJ Rhif L165, 30.4.2004, t.1. Ceir testun diwygiedig Rheoliad (EC) Rhif 882/2004 bellach mewn Corigendwm (OJ Rhif L191, 28.5.2004, t.1), y dylid ei ddarllen gyda Chorigendwm pellach (OJ Rhif L204, 4.8.2007, t.29). Diwygiwyd Rheoliad (EC) Rhif 882/2004 ddiwethaf gan Reoliad y Cyngor (EC) Rhif 1791/2006.

(3) OJ Rhif L271, 15.10.2005, t.17.

(4) OJ Rhif L338, 22.12.2005, t.1, fel y'i darllenir gyda'r corigenda yn OJ Rhif L278, 10.10.2006, t.32 ac OJ Rhif L283, 14.10.2006, t.62.

(5) OJ Rhif L338, 22.12.2005, t.27, fel y'i diwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 1244/2007 sy'n diwygio Rheoliad (EC) Rhif 2074/2005 o ran gweithredu mesurau ar gyfer cynhyrchion penodol sy'n dod o anifeiliaid a fwriedir ar gyfer eu bwyta gan bobl ac sy'n gosod rheolau penodol ar rheolaethau swyddogol ar gyfer arolygu cig (OJ Rhif L281 25.10.2007, t.12).

(1) OJ No. L139, 30.4.2004, p.206. The revised text of Regulation (EC) No. 854/2004 is now set out in a Corrigendum (OJ No. L226, 25.6.2004, p.83) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.26). Regulation (EC) No. 854/2004 was last amended by Council Regulation (EC) No. 1791/2006 adapting certain Regulations and Decisions in the fields of free movement of goods, freedom of movement of persons, company law, competition policy, agriculture (including veterinary and phytosanitary legislation), transport policy, taxation, statistics, energy, environment, cooperation in the fields of justice and home affairs, customs union, external relations, common foreign and security policy and institutions, by reason of the accession of Bulgaria and Romania (OJ No. L363, 20.12.2006, p.1).

(2) OJ No. L165, 30.4.2004, p.1. The revised text of Regulation (EC) No. 882/2004 is now set out in a Corrigendum (OJ No. L191, 28.5.2004, p.1) which should be read with a further Corrigendum (OJ No. L204, 4.8.2007, p.29). Regulation (EC) No. 882/2004 was last amended by Council Regulation (EC) No. 1791/2006.

(3) OJ No. L271, 15.10.2005, p.17.

(4) OJ No. L338, 22.12.2005, p.1, as read with the corrigenda at OJ No. L278, 10.10.2006, p.32 and OJ No. L283, 14.10.2006, p.62.

(5) OJ No. L338, 22.12.2005, p.27, as last amended by Commission Regulation (EC) No. 1244/2007 amending Regulation (EC) No. 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat (OJ No. L281, 25.10.2007, p.12).

ystyr "Rheoliad 2075/2005" ("Regulation 2075/2005") yw Rheoliad y Comisiwn (EC) Rhif 2075/2005 sy'n gosod rheolau penodol ar reolaethau swyddogol ar gyfer Trichinella mewn cig(1); ac

ystyr "Rheoliad 2076/2005" ("Regulation 2076/2005") yw Rheoliad y Comisiwn (EC) Rhif 2076/2005 sy'n gosod trefniadau trosiannol ar gyfer gweithredu Rheoliadau (EC) Rhif 853/2004, (EC) Rhif 854/2004 ac (EC) Rhif 882/2004 Senedd Ewrop a'r Cyngor ac yn diwygio Rheoliadau (EC) Rhif 853/2004 ac (EC) Rhif 854/2004(2).

"Regulation 2075/2005" ("Rheoliad 2075/2005") means Commission Regulation (EC) No. 2075/2005 laying down specific rules on official controls for Trichinella in meat(1); and

"Regulation 2076/2005" ("Rheoliad 2076/2005") means Commission Regulation (EC) No. 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No. 853/2004, (EC) No. 854/2004 and (EC) No. 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No. 853/2004 and (EC) No. 854/2004(2).

(1) OJ Rhif L338, 22.12.2005, t.60, fel y'i diwygiwyd diwethaf gan Reoliad y Comisiwn (EC) Rhif 1245/2007 sy'n diwygio Atodiad I i Reoliad (EC) Rhif 2075/2005 o ran defnyddio pepsin hylif i ganfod Trichinella mewn cig (OJ Rhif L281, 25.10.2007, t.19).

(2) OJ Rhif L338, 22.12.2005, t.83, fel y'i diwygiwyd diwethaf gan Reoliad y Comisiwn (EC) Rhif 1246/2007, sy'n diwygio Rheoliad (EC) Rhif 2076/2005 o ran estyniad y cyfnod trosiannol a roddir i weithredwyr busnes bwyd sy'n mewnforio olew pysgod a fwriedir ar gyfer ei fwyta gan bobl (OJ Rhif L281, 25.10.2007, t.21).

(1) OJ No.L338, 22.12.2005, p.60, as last amended by Commission Regulation (EC) No. 1245/2007 amending Annex I to Regulation (EC) No. 2075/2005 as regards the use of liquid pepsin for the detection of Trichinella in meat (OJ No. L281, 25.10.2007, p.19).

(2) OJ No.L338, 22.12.2005, p.83, as last amended by Commission Regulation (EC) No. 1246/2007 amending Regulation (EC) No. 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption (OJ No. L281, 25.10.2007 p.21).

OFFERYNNAU STATUDOL
CYMRU

2007 Rhif 3462 (Cy.307)

BWYD, CYMRU

Rheoliadau Cynhyrchion
Pysgodfeydd (Taliadau
Rheolaethau Swyddogol) (Cymru)
2007

WELSH STATUTORY
INSTRUMENTS

2007 No. 3462 (W.307)

FOOD, WALES

The Fishery Products (Official
Controls Charges) (Wales)
Regulations
2007

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W21701/08

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