



OFFERYNNAU STATUDOL
CYMRU

WELSH
STATUTORY INSTRUMENTS

2008 Rhif 130 (Cy.17)

2008 No. 130 (W.17)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Gorchymyn Defaid a Geifr
(Cofnodion, Adnabod a Symud)
(Cymru) 2008**

**The Sheep and Goats (Records,
Identification and Movement)
(Wales) Order 2008**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer gweinyddu a gorfodi yng Nghymru Reoliad y Cyngor (EC) Rhif 21/2004 (sy'n sefydlu system ar gyfer adnabod a chofrestru defaid a geifr a diwygio Rheoliad (EC) Rhif 1782/2003 a Chyfarwyddebau 92/102/EEC a 64/432/EEC). Mae'n dirymu ac yn disodli Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2006, O.S. 2006/1036 (fel y'i diwygiwyd gan O.S. 2006/2926), gan newid gofynion adnabod domestig i adlewyrchu'r ffaith na fydd y DU bellach yn manteisio ar ran-ddirymiad o'r brif drefn dagio dwbl o dan Reoliad y Cyngor 21/2004.

This Order makes provision for the administration and enforcement in Wales of Council Regulation (EC) No. 21/2004 (establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC). It revokes and replaces the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006, S.I. 2006/1036 (as amended by S.I. 2006/2926), changing the domestic identification requirements to reflect the fact that the UK will no longer take advantage of a derogation from the main double tagging regime under Council Regulation 21/2004.

Mae Rhan 2 o'r Gorchymyn yn ymdrin ag adnabod anifeiliaid. Mae'n ei gwneud yn ofynnol gosod dau fodd adnabod ar gyfer anifail a gafodd ei adnabod neu ei fewnforio ar neu ar ôl 22 Ionawr 2008 ac y bwriedir ei allforio (erthyglau 5 a 9). Mae'n darparu ar gyfer anifeiliaid nas bwriadwyd eu hallforio ac y bwriadwyd eu cigydda o fewn 12 mis o'u genedigaeth i gael eu hadnabod â thag adnabod sengl (erthygl 6). Gellir parhau i adnabod anifeiliaid hŷn a gafodd eu hadnabod yn unigol â thag sengl cyn 22 Ionawr 2008 â thag sengl, ond ar y llaw arall rhaid aildagio'r rhai na chawsant hynny â dau dag adnabod (erthyglau 7 ac 8).

Part 2 of the Order deals with the identification of animals. It requires the application of two means of identification to an animal identified or imported on or after 22 January 2008 and intended for export (articles 5 and 9). It provides for animals that are not intended for export and intended for slaughter within 12 months of birth to be identified with a single identification tag (article 6). Older animals which have been individually identified with a single tag before 22 January 2008 can continue to be identified with a single tag, whereas those that have not must be re-tagged with two identification tags (articles 7 & 8).

Mae Rhan 3 o'r Gorchymyn yn ymdrin â thagiau adnabod (diffinnir y term "tag adnabod" yn erthygl 2(1)) ac yn darparu bod yn rhaid i Weinidogion Cymru gymeradwyo tagiau adnabod (erthygl 11).

Part 3 of the Order deals with identification tags (the term "identification tag" is defined in article 2(1)) and provides that the Welsh Ministers must approve identification tags (article 11).

Mae Rhan 4 o'r Gorchymyn yn ymdrin â thynnu neu gyfnewid marciau adnabod. Mae'n gwahardd tynnu tagiau adnabod onid yw'n angenrheidiol am resymau lles (erthygl 14) ac addasu marciau adnabod (erthygl 22). Mae'n darparu ar gyfer cyfnewid marc adnabod a gafodd ei golli, ei dynnu neu sy'n annarllenadwy naill ai â modd adnabod yr un fath (erthygl 15) neu gyfnewid â modd adnabod sydd â chod gwahanol (erthyglau 16 i 19).

Mae Rhan 5 yn gwneud darpariaeth i bob ceidwad gynnal cofrestr daliad gyfoes, ac mae'n gosod yr wybodaeth y mae'n rhaid ei chofnodi yn y gofrestr a pha bryd (erthygl 23 ac Atodlen 1).

Mae Rhan 6 yn gwneud darpariaeth ar gyfer dogfen symud i fynd gyda phob anifail pan fydd yn symud rhwng daliadau (erthygl 24 ac Atodlen 2) ac mae'n pennu pa bryd ac i bwy y mae'n rhaid rhoi'r ddogfen iddo (erthygl 25).

Mae Rhan 7 yn gosod y gofyniad i geidwaid gadw stocrestr flynyddol (erthygl 26) a rhoi gwybodaeth i Weinidogion Cymru ynghylch ei ddaliad (erthygl 27) a'r terfynau amser ar gyfer gwneud hynny.

Mae Rhan 8 yn darparu ar gyfer dyrannu rhifau lotiau i anifeiliaid mewn marchnad ac mae'n gwahardd prynu neu werthu anifeiliaid oni chaiff pob anifail o lot ei brynu neu ei werthu (erthygl 28).

Mae Rhan 9 yn gwneud darpariaeth ar gyfer gofynion adnabod anifeiliaid a ddygir i Gymru o Aelod-wladwriaethau eraill neu o wledydd eraill yn y Deyrnas Unedig (erthyglau 29 a 30).

Mae Rhan 10 yn cynnwys darpariaethau amrywiol a darpariaethau gorfodi. Mae erthygl 31 yn gosod amddiffyniad i'r methiant i adnabod anifail yn gywir mewn achos o driniaeth filfeddygol frys. Mae erthygl 32 yn rhoi pwerau amrywiol i arolygwyr ac mae erthygl 33 yn galluogi arolygwyr i wahardd symud diadell o ddefaid neu yr o eifr i ddaliad neu ohono. Mae erthyglau 34 a 35 yn ymwneud â darparu gwybodaeth anwir neu gamarweiniol ac â thramgwyddau a gyflawnir gan gyrff corfforaethol. Yr awdurdod lleol fydd yn gorfodi'r Gorchymyn, neu Weinidogion Cymru os cyfarwyddir hynny (erthygl 36).

Mae torri'r Gorchymyn yn dramgwydd o dan adran 73 o Ddeddf Iechyd Anifeiliaid 1981, a gellir cosbi yn unol ag adran 75 o'r Ddeddf honno.

Ni luniwyd asesiad effaith rheoleiddiol llawn ar gyfer yr offeryn hwn.

Part 4 of the Order deals with the removal or replacement of identification marks. It prohibits the removal of identification tags unless necessary for welfare reasons (article 14) and the alteration of identification marks (article 22). It provides for the replacement of an identification mark that is lost, removed or illegible with an identical means of identification (article 15) or replacement with a means of identification with a different code (articles 16 to 19).

Part 5 makes provision for every keeper to keep an up-to-date holding register, setting out the information which must be entered in the register and when (article 23 and Schedule 1).

Part 6 makes provision for a movement document to accompany every animal when it moves between holdings (article 24 and Schedule 2) and specifies when and to whom the document must be supplied (article 25).

Part 7 sets out the requirement for keepers to keep an annual inventory (article 26) and supply information to the Welsh Ministers about his or her holding (article 27) and the time limits for doing so.

Part 8 provides for the allocation of lot numbers to animals at a market and prohibits the buying or selling of animals unless all animals from a lot are bought or sold (article 28).

Part 9 makes provision for the identification requirements of animals brought into Wales from other member States or other countries in the United Kingdom (articles 29 and 30).

Part 10 contains miscellaneous and enforcement provisions. Article 31 sets out a defence to the failure to identify an animal correctly in the case of emergency veterinary treatment. Article 32 confers various powers to inspectors and article 33 enables inspectors to prohibit the movement of a flock of sheep or a herd of goats to or from a holding. Articles 34 and 35 relate to the provisions of false or misleading information and to offences committed by bodies corporate. The Order is enforced by the local authority or the Welsh Ministers if so directed (article 36).

Breach of the Order is an offence under section 73 of the Animal Health Act 1981, punishable in accordance with section 75 of that Act.

A Regulatory Impact Assessment has not been produced for this Order.

2008 Rhif 130 (Cy.17)

2008 No. 130 (W.17)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Gorchymyn Defaid a Geifr
(Cofnodion, Adnabod a Symud)
(Cymru) 2008**

**The Sheep and Goats (Records,
Identification and Movement)
(Wales) Order 2008**

Gwnaed 21 Ionawr 2008
Yn dod i rym 22 Ionawr 2008

Made 21 January 2008
Coming into force 22 January 2008

CYNNWYS

CONTENTS

RHAN 1

PART 1

Cyflwyniad

Introduction

1. Enwi, cymhwyso a chychwyn
2. Dehongli
3. Yr awdurdod cymwys
4. Awdurdodiadau

1. Title, application and commencement
2. Interpretation
3. Competent authority
4. Authorisations

RHAN 2

PART 2

Adnabod anifeiliaid

Identification of animals

5. Adnabod anifeiliaid na chafodd eu hadnabod cyn 22 Ionawr 2008
6. Adnabod anifeiliaid a fwriadwyd ar gyfer eu cigydd
7. Adnabod anifeiliaid a gafodd eu hadnabod cyn 22 Ionawr 2008
8. Adnabod anifeiliaid na chafodd eu hadnabod cyn 22 Ionawr 2008 nad ydynt ar eu daliad geni
9. Adnabod anifeiliaid ar gyfer eu hallforio
10. Adnabod anifeiliaid a fewnforir o drydydd gwledydd

5. Identification of animals not identified before 22 January 2008
6. Identification of animals intended for slaughter
7. Identification of animals identified before 22 January 2008
8. Identification of animals not identified before 22 January 2008 which are not on their holding of birth
9. Identification of animals for export
10. Identification of animals imported from third countries

RHAN 3

PART 3

Tagiau adnabod

Identification tags

11. Cymeradwyo tagiau adnabod
12. Tagiau ychwanegol a thagiau â gwybodaeth ychwanegol
13. Tagiau clust coch

11. Approval of identification tags
12. Additional tags and tags with additional information
13. Red eartags

RHAN 4

Tynnu neu gyfnewid marciau adnabod

14. Tynnu neu gyfnewid marciau adnabod
15. Cyfnewid marciau adnabod â chod yn union yr un fath
16. Cyfnewid marciau adnabod â chod gwahanol
17. Cyfnewid y marc adnabod â chod gwahanol ar gyfer anifeiliaid â thagiau dwbl sydd wedi colli un marc adnabod
18. Cyfnewid y marc adnabod â chod gwahanol ar gyfer anifeiliaid â thagiau dwbl sydd wedi colli'r ddau farc adnabod
19. Cyfnewid y modd adnabod neu fodd adnabod hyn â chod gwahanol ar gyfer anifeiliaid â thagiau sengl
20. Cyfnewid marciau adnabod a gollwyd mewn marchnadoedd
21. Colli dulliau adnabod a osodwyd mewn trydydd gwledydd
22. Addasu tagiau adnabod

RHAN 5

Cofrestrï daliadau

23. Cofrestr y daliad

RHAN 6

Dogfennau symud

24. Dogfen symud
25. Cyflenwi dogfen symud

RHAN 7

Cronfa ddata ganolog

26. Stocrestr o anifeiliaid
27. Cyflenwi gwybodaeth

RHAN 8

Marchnadoedd

28. Marchnadoedd

RHAN 9

Anifeiliaid a ddygwyd i mewn i Gymru

29. Derbyn anifeiliaid o Aelod-wladwriaeth arall
30. Derbyn anifeiliaid o Loegr, yr Alban neu Ogledd Iwerddon

PART 4

Removal or replacement of identification marks

14. Removal or replacement of identification marks
15. Replacement of the identification marks with an identical code
16. Replacement of the identification marks with a different code
17. Replacement of the identification mark with a different code for double-tagged animals which have lost one identification mark
18. Replacement of the identification mark with a different code for double-tagged animals which have lost both identification marks
19. Replacement of the means of identification or older means of identification with a different code for single tagged animals
20. Replacement of identification marks lost at markets
21. Loss of methods of identification applied in a third country
22. Alteration of identification tags

PART 5

Holding registers

23. Holding register

PART 6

Movement documents

24. Movement document
25. Supply of movement document

PART 7

Central database

26. Inventory of animals
27. Supply of information

PART 8

Markets

28. Markets

PART 9

Animals brought into Wales

29. Receipt of animals from another member State
30. Receipt of animals from England, Scotland or Northern Ireland

RHAN 10

Amrywiol

31. Amddiffyniad ynghylch symud ar gyfer triniaeth filfeddygol frys
32. Pwerau arolygwyr
33. Pŵer i wahardd symud anifeiliaid
34. Gwybodaeth anwir
35. Tramgwyddau gan gyrrff corfforaethol
36. Gorfodi
37. Dirymu

ATODLENNI

ATODLEN 1	Cofrestr Daliad
ATODLEN 2	Dogfen symud

PART 10

Miscellaneous

31. Defence related to movement for emergency veterinary treatment
32. Powers of inspectors
33. Power to prohibit movement of animals
34. False information
35. Offences by bodies corporate
36. Enforcement
37. Revocations

SCHEDULES

SCHEDULE 1	Holding register
SCHEDULE 2	Movement document

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 1, 8(1), ac 83(2) o Ddeddf Iechyd Anifeiliaid 1981(1) ac a freiniwyd bellach ynddynt hwy(2).

The Welsh Ministers make the following Order in exercise of powers conferred by sections 1, 8(1), and 83(2) of the Animal Health Act 1981(1) and now vested in them(2).

RHAN 1

Cyflwyniad

Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2008, mae'n gymwys o ran Cymru a daw i rym ar 22 Ionawr 2008.

Dehongli

2.—(1) Yn y Gorchymyn hwn—

ystyr "anifail" ("*animal*") yw unrhyw anifail o rywogaeth y ddaedaf neu'r afr;

ystyr "allforio" ("*export*") yw anfon i Aelod-wladwriaeth arall neu i drydedd wlad;

ystyr "arolygydd" ("*inspector*") yw person a benodwyd yn arolygydd at ddibenion y Gorchymyn hwn gan Weinidogion Cymru neu gan awdurdod lleol;

PART 1

Introduction

Title, application and commencement

1. The title of this Order is the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2008, it applies in relation to Wales and comes into force on 22 January 2008.

Interpretation

2.—(1) In this Order—

"animal" ("*anifail*") means any animal of the ovine or caprine species;

"assembly centre" ("*canolfan ymgynnull*") means any holding, collection centre or market at which sheep or goats originating from different holdings are grouped together to form consignments of animals intended for export or which is used in the course of export;

(1) 1981. p.22 y mae iddi ddiwygiadau nad ydynt yn berthnasol i'r Gorchymyn hwn.

(2) *Gweler* adran 86(1) i gael y diffiniad o "the Ministers". Trosglwyddwyd swyddogaethau "the Ministers" i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd O.S. 1999/672 ac O.S. 2004/3044. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weinidogion Cymru yn rhinwedd paragraff 30 o Ddeddf Llywodraeth Cymru 2006 ac Atodlen 11 iddi.

(1) 1981. c.22 to which there are amendments not relevant to this Order.

(2) *See* section 86(1) for a definition of "the Ministers". The functions of "the Ministers" insofar as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of S.I. 1999/672 and S.I. 2004/3044. Functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers by virtue of paragraph 30 of and Schedule 11 to the Government of Wales Act 2006.

ystyr "awdurdod lleol" ("*local authority*") o ran ardal yw'r cyngor sir neu'r cyngor bwrdeistref sirol ar gyfer yr ardal honno;

ystyr "canolfan ymgynnull" ("*assembly centre*") yw unrhyw ddaliad, canolfan gasglu neu farchnad lle y mae defaid neu eifr sy'n tarddu o wahanol ddaliadau wedi'u grwpio ynghyd i ffurfio llwythi o anifeiliaid a fwriedir ar gyfer eu hallforio neu a ddefnyddir yn ystod allforio;

mae i "ceidwad" yr ystyr a roddir i "*keeper*" yn Erthygl 2 o Reoliad y Cyngor;

ystyr "cod adnabod" ("*identification code*") yw'r cod a osodir ar fodd adnabod fel sy'n ofynnol o dan y Gorchymyn hwn;

ystyr "cofrestr" ("*register*") yw'r gofrestr sy'n ofynnol gan Erthygl 5 o Reoliad y Cyngor ac sydd yn y ffurf a osodir y Atodlen 1;

ystyr "colofn 1 o adran 2 o'r gofrestr" ("*column 1 of section 2 of the register*") yw'r golofn sy'n dwyn y pennawd "Dyddiad gosod y tag cyfnewid" yn y Cofnod Tag Cyfnewid (tag R yn unig) yn Atodlen 2;

ystyr "colofn 2 o adran 2 o'r gofrestr" ("*column 2 of section 2 of the register*") yw'r golofn sy'n dwyn y pennawd "Rhif Tag Cyfnewid (R)" yn y Cofnod Tag Cyfnewid (tag R yn unig) yn Atodlen 2;

ystyr "colofn 3 o adran 2 o'r gofrestr" ("*column 3 of section 2 of the register*") yw'r golofn sy'n dwyn y pennawd "Llythrennau a Rhif Blaenorol Diadell neu Eifre (os yw'n hysbys)" yn y Cofnod Tag Cyfnewid (tag R yn unig) yn Atodlen 2;

ystyr "CPH" ("*CPH*") yn y ffurfiau yn Atodlenni 1 a 2, yw rhif y daliad ym mhlwyf y sir, a neilltuir i unrhyw fangre neu ran o fangre gan Weinidogion Cymru;

ystyr "Cyfarwyddeb y Cyngor 92/102/EEC" ("*Council Directive 92/102/EEC*") yw Cyfarwyddeb y Cyngor 92/102/EEC ynglŷn ag adnabod a chofrestru anifeiliaid(1);

mae i "daliad" yr ystyr a roddir i "*holding*" yn Erthygl 2 o Reoliad y Cyngor;

ystyr "y daliad tarddu" ("*holding of origin*") yw'r daliad lle yr oedd yr anifail yn bresennol arno yn union cyn symud i ganolfan ymgynnull neu, os traddodir anifail ar gyfer ei allforio heblaw drwy ganolfan ymgynnull, y daliad lle y mae anifail yn bresennol arno yn union cyn ei allforio;

ystyr "dogfen symud" ("*movement document*") yw'r ddogfen symud sy'n ofynnol gan Erthygl 6 o Reoliad y Cyngor;

"column 1 of section 2 of the register" ("*colofn 1 o adran 2 o'r gofrestr*") means the column headed "Date of replacement tag being applied" within the Replacement Tag Record (R tag only) in Schedule 2.

"column 2 of section 2 of the register" ("*colofn 2 o adran 2 o'r gofrestr*") means the column headed "Replacement (R) tag number" within the Replacement Tag Record (R tag only) in Schedule 2;

"column 3 of section 2 of the register" ("*colofn 3 o adran 2 o'r gofrestr*") means the column headed "Letters and Previous Flock or Herd Number (if known)" within the Replacement Tag Record (R tag only) in Schedule 2;

"Council Directive 92/102/EEC" ("*Cyfarwyddeb y Cyngor 92/102/EEC*") means Council Directive 92/102/EEC on the identification and registration of animals(1);

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No. 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No. 1782/2003 and Directives 92/102/EEC and 64/432/EEC(2);

"CPH" ("*CPH*") in the forms in Schedules 1 and 2, means the county parish holding number assigned to any premises of part of any premises by the Welsh Ministers;

"export" ("*allforio*") means sending to another member State or a third country;

"flockmark" ("*nod y ddiadell*") means the number allocated by the Welsh Ministers in respect of a flock of sheep on a holding;

"herdmark" ("*nod yr eifre*") means the number allocated by the Welsh Ministers in respect of a herd of goats on a holding;

"holding" ("*daliad*") has the meaning given in Article 2 of the Council Regulation;

"holding of origin" ("*y daliad tarddu*") means the holding on which an animal was present immediately before moving to an assembly centre or, where an animal is consigned for export other than through an assembly centre, the holding on which an animal is present immediately prior to export;

"identification code" ("*cod adnabod*") means the code set out on a means of identification as required under this Order;

(1) OJ Rhif L 355, 5.12.92, t.32.

(1) OJ No L 355, 5.12.92, p.32.

(2) OJ No. L 5, 9.1.04, p. 8 to which there are amendments not relevant to this Order.

ystyr "dull adnabod" ("*method of identification*") yw tag clust neu datw̄ a osodir mewn Aelod-wladwriaeth arall neu drydedd gwlad;

ystyr "y Gorchymynion blaenorol" ("*the previous Orders*") yw —

- (a) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Lloegr) 2005(1);
- (b) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Lloegr) (Rhif 2) (Diwygio) 2002(2);
- (c) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Lloegr) 2002(3);
- (ch) Gorchymyn Adnabod Defaid a Geifr (Lloegr) 2000(4);
- (d) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2006(5);
- (dd) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) (Rhif 2) 2002(6);
- (e) Gorchymyn Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) 2002(7);
- (f) Rheoliadau Adnabod a Symud Defaid a Geifr (Mesurau Dros Dro) (Cymru) 2002(8);
- (ff) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Gogledd Iwerddon) 2005(9);
- (g) Gorchymyn Adnabod a Symud Defaid a Geifr (Gogledd Iwerddon) 2004(10);
- (ng) Gorchymyn Adnabod a Symud Defaid a Geifr (Gogledd Iwerddon) 1997(11);
- (h) Rheoliadau Defaid a Geifr (Adnabod a Gallu Orlhain) (Yr Alban) 2006(12);
- (i) Gorchymyn Symud Defaid a Geifr (Mesurau Dros Dro) (Yr Alban) 2002(13); neu

"identification mark" ("*marc adnabod*") means a method of identification applied in another member State, a means of identification or an older means of identification;

"identification tag" ("*tag adnabod*") means an eartag approved by the Welsh Ministers in accordance with article 11 bearing the information set out in sub-paragraphs (a) to (c) of article 5(5);

"inspector" ("*arolygydd*") means a person appointed to be an inspector for the purposes of this Order by the Welsh Ministers or a local authority;

"keeper" ("*ceidwad*") has the meaning given in Article 2 of the Council Regulation

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

"market operator" ("*gweithredydd marchnad*") means a person responsible for managing the reception or the sale of animals in a market or a duly authorised representative of such a person;

"means of identification" ("*modd adnabod*") means an identification tag or an identification tattoo;

"method of identification" ("*dull adnabod*") means an eartag or tattoo applied in another member State or a third country;

"movement document" ("*dogfen symud*") means the movement document required by Article 6 of the Council Regulation;

"older means of identification" ("*modd hyn o adnabod*") means an eartag or tattoo applied under the previous Orders;

"the previous Orders" ("*y Gorchymynion blaenorol*") means—

-
- (1) O.S. 2005/3100, a ddiwygiwyd gan O.S. 2006/2987.
 - (2) O.S. 2002/2153, a ddiwygiwyd gan O.S. 2003/29, O.S. 2003/502 ac O.S. 2003/1728.
 - (3) O.S. 2002/240, a ddiwygiwyd gan O.S. 2002/764 ac O.S. 2002/1349.
 - (4) O.S. 2000/2027, a ddiwygiwyd gan O.S. 2001/281.
 - (5) O.S. 2006/1036 (Cy. 106) a ddiwygiwyd gan O.S. 2006/2926 (Cy. 261).
 - (6) O.S. 2002/2302 (Cy. 227), a ddiwygiwyd gan O.S. 2003/167 (Cy.27), O.S. 2003/946 (Cy. 127) ac O.S. 2003/1966 (Cy.211).
 - (7) O.S. 2002/1357 (Cy. 133).
 - (8) O.S. 2002/274 (Cy.30), a ddiwygiwyd gan O.S. 2002/811 (Cy.91).
 - (9) Rh.St. 2005/535 (GI) a ddiwygiwyd gan Rh.St. (GI) 2006/508.
 - (10) Rh.St. (GI) 2004 Rhif 491.
 - (11) Rh.St. (GI) 1997 Rhif 173, a ddiwygiwyd gan Rh.St. (GI) 1998 Rhif 393.
 - (12) O.S.A. 2006/73 a ddiwygiwyd gan O.S.A. 2006/594.
 - (13) O.S.A 2002/38, a ddiwygiwyd gan O.S.A. 2002/221.

(j) Rheoliadau Adnabod Defaid a Geifr (Yr Alban) 2000(1);

ystyr "gweithredydd lladd-dy" ("*slaughterhouse operator*") yw person sy'n rhedeg busnes lladd-dy neu gynrychiolydd i berson o'r fath a awdurdodwyd yn briodol;

ystyr "gweithredydd marchnad" ("*market operator*") yw person sy'n gyfrifol am reoli derbyn neu werthu anifeiliaid mewn marchnad neu gynrychiolydd i berson o'r fath a awdurdodwyd yn briodol;

ystyr "marc adnabod" ("*identification mark*") yw dull adnabod a osodir mewn Aelod-wladwriaeth arall, modd adnabod neu fodd hŷn o adnabod;

ystyr "modd adnabod" ("*means of identification*") yw tag adnabod neu datŵ adnabod;

ystyr "modd adnabod o'r newydd" ("*replacement means of identification*") yw tag cyfnewid neu datŵ cyfnewid;

ystyr "modd hŷn o adnabod" ("*older means of identification*") yw tag clust neu datŵ a osodwyd o dan y Gorchmynion blaenorol;

ystyr "nod y ddiadell" ("*flockmark*") yw'r rhif a ddyrannwyd gan Weinidogion Cymru o ran diadell o ddefaid ar ddaliad;

ystyr "nod yr eifre" ("*herdmark*") yw'r rhif a ddyrannwyd gan Weinidogion Cymru o ran geifre ar ddaliad;

ystyr "Rheoliad y Cyngor" ("*the Council Regulation*") yw Rheoliad y Cyngor (EC) Rhif 21/2004 sy'n sefydlu system ar gyfer adnabod a chofrestru defaid a geifr ac sy'n diwygio Rheoliad (EC) Rhif 1782/2003 a Chyfarwyddbau 92/102/EEC a 64/432/EEC(2);

(a) the Sheep and Goats (Records, Identification and Movement) (England) Order 2005(1);

(b) the Sheep and Goats Identification and Movement (Interim Measures) (England) (No.2) Order 2002(2);

(c) the Sheep and Goats Identification and Movement (Interim Measures) (England) Order 2002(3);

(d) the Sheep and Goats Identification (England) Order 2000(4);

(e) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(5);

(f) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) (No.2) Order 2002(6);

(g) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Order 2002(7);

(h) the Sheep and Goats Identification and Movement (Interim Measures) (Wales) Regulations 2002(8);

(i) the Sheep and Goats (Records, Identification and Movement) Order (Northern Ireland) 2005(9);

(j) Identification and Movement of Sheep and Goats Order (Northern Ireland) 2004(10);

(k) Identification and Movement of Sheep and Goats Order (Northern Ireland) 1997(11);

(l) the Sheep and Goats (Identification and Traceability) (Scotland) Regulations 2006(12);

(m) the Sheep and Goats Movement (Interim Measures) (Scotland) Order 2002(13); or

(n) the Sheep and Goats Identification (Scotland) Regulations 2000(14);

(1) O.S.A. 2000/418, a ddiwygiwyd gan O.S.A. 2002/531 ac O.S.A. 2002/39.

(2) OJ Rhif L 5, 9.1.04, t. 8 y mae iddo ddiwygiadau nad ydynt yn berthnasol i'r Gorchmynyn hwn.

(1) S.I. 2005/3100, amended by S.I. 2006/2987.

(2) S.I. 2002/2153, amended by S.I. 2003/29, S.I. 2003/502 and S.I. 2003/1728.

(3) S.I. 2002/240, amended by S.I. 2002/764 and S.I. 2002/1349.

(4) S.I. 2000/2027, amended by S.I. 2001/281.

(5) S.I. 2006/1036 (W. 106) amended by S.I. 2006/2926 (W. 261).

(6) S.I. 2002/2302 (W. 227), amended by S.I. 2003/167 (W.27), S.I. 2003/946 (W. 127) and S.I. 2003/1966 (W.211).

(7) S.I. 2002/1357 (W. 133).

(8) S.I. 2002/274 (W.30), amended by S.I. 2002/811 (W.91).

(9) S.R. 2005/535 (NI) amended by S.R. (NI) 2006/508.

(10) S.R. (NI) 2004 No. 491.

(11) S.R. (NI) 1997 No.173, amended by S.R. (NI) 1998 No. 393.

(12) S.S.I 2006/73 amended by S.S.I 2006/594.

(13) S.S.I 2002/38, amended by S.S.I 2002/221.

(14) S.S.I 2000/418, amended by S.S.I 2002/531 and S.S.I 2002/39.

ystyr "rhif unigryw" ("*unique number*") yw rhif sy'n unigryw i anifail mewn diadell neu eifre ac nad yw'n cynnwys mwy na 6 digid;

ystyr "tag adnabod" ("*identification tag*") yw tag clust a gymeradwywyd gan Weinidogion Cymru yn unol ag erthygl 11 sy'n dwyn yr wybodaeth a roddir yn is-baragraffau (a) i (c) yn erthygl 5(5);

ystyr "tag cyfnewid" ("*replacement tag*") yw tag clust coch a gymeradwywyd gan Weinidogion Cymru yn unol ag erthygl 11 gyda chod yn cynnwys yr wybodaeth ganlynol, wedi ei hargraffu yn y drefn sy'n dilyn—

- (a) y llythrennau "UK";
- (b) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y mae'r anifail pan osodir y tag adnabod;
- (c) rhif unigryw; ac
- (ch) y llythyren "R";

ystyr "tatŵ cyfnewid" ("*replacement tattoo*") yw tatŵ sy'n cynnwys yr wybodaeth ganlynol, wedi ei hargraffu yn y drefn sy'n dilyn—

- (a) y llythrennau "UK";
- (b) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y mae'r anifail pan osodir y tatŵ;
- (c) rhif unigryw; ac
- (ch) y llythyren "R".

(2) Mae gan yr ymadroddion nas diffinnir ym mharagraff (1) ac mae'r ymadroddion Saesneg sy'n cyfateb iddynt hefyd yn cael eu defnyddio yn Rheoliad y Cyngor, yr un ystyr yn y Gorchymyn hwn ag a roddir i'r ymadroddion Saesneg cyfatebol yn y Rheoliad hwnnw.

Yr awdurdod cymwys

3. Gweinidogion Cymru yw'r awdurdod cymwys at ddibenion Rheoliad y Cyngor.

Awdurdodiadau

4. Rhaid i unrhyw awdurdodi neu gymeradwyo a ddyroddir o dan y Gorchymyn hwn neu o dan Reoliad y Cyngor fod mewn ysgrifen. Gall fod yn ddarostyngedig i amodau a gellir ei ddiwygio, ei atal neu ei ddirymu trwy hysbysiad ar unrhyw adeg.

"register" ("*cofrestr*") means the register required by Article 5 of the Council Regulation and in the form set out in Schedule 1;

"replacement means of identification" ("*modd adnabod o'r newydd*") means a replacement tag or replacement tattoo;

"replacement tag" ("*tag cyfnewid*") means a red eartag approved by the Welsh Ministers in accordance with article 11 with a code comprising the following information, printed in the following order—

- (a) the letters "UK";
- (b) the flockmark or herdmark of the flock or herd the animal is in when the identification tag is applied;
- (c) a unique number; and
- (d) the letter "R";

"replacement tattoo" ("*tatw cyfnewid*") means a tattoo comprising the following information, printed in the following order—

- (a) the letters "UK";
- (b) the flockmark or herdmark of the flock or herd the animal is in when the tattoo is applied;
- (c) a unique number; and
- (d) the letter "R";

"slaughterhouse operator" ("*gweithredydd lladd-dy*") means a person carrying on the business of a slaughterhouse or the duly authorised representative of such a person;

"unique number" ("*rhif unigryw*") means a number that is unique to an animal in a flock or herd and contains no more than 6 digits.

(2) Expressions not defined in paragraph (1) which are used in this Order and which are also used in the Council Regulation have the same meaning in this Order as they have in that Regulation.

Competent authority

3. The Welsh Ministers are the competent authority for the purposes of the Council Regulation.

Authorisations

4. Any authorisations or approvals issued under this Order or the Council Regulation must be in writing, may be made subject to conditions and may be amended, suspended or revoked by notice at any time.

RHAN 2

Adnabod anifeiliaid

Adnabod anifeiliaid na chafodd eu hadnabod cyn 22 Ionawr 2008

5.—(1) Mae'r erthygl hon yn gymwys i—

- (a) anifeiliaid a anwyd cyn 22 Ionawr 2008 na chafodd eu hadnabod cyn y dyddiad hwnnw ac sydd ar eu daliad geni; a
- (b) anifeiliaid a anwyd ar neu ar ôl 22 Ionawr 2008.

(2) Rhaid i geidwad gydymffurfio ag Erthygl 4(1) (y paragraff cyntaf) ac Erthygl 4(2)(a) a (b) o Reoliad y Cyngor a'r erthygl hon onis awdurdodir y dull adnabod amgen a osodir yn erthygl 6.

(3) At ddibenion Erthygl 4(1) o Reoliad y Cyngor, y terfynau amser ar gyfer adnabod anifail yw—

- (a) 9 mis o'r dyddiad geni, yn achos anifail a gedwir o dan amodau ffermio llai dwys neu ar faes; neu
- (b) 6 mis o'r dyddiad geni, yn achos unrhyw anifail arall.

(4) Caniateir i dag clust a osodir fel y modd adnabod cyntaf neu'r ail fodd adnabod fod mewn unrhyw liw heblaw coch.

(5) Rhaid i'r cod adnabod ar fodd adnabod at ddibenion Adran A.2 o'r Atodiad i Reoliad y Cyngor fod fel a ganlyn—

- (a) y llythrennau "UK";
- (b) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y cafodd yr anifail ei eni; ac
- (c) rhif unigryw;

a rhaid iddynt fod yn union yr un fath ar y modd adnabod cyntaf ac ar yr ail fodd adnabod.

Adnabod anifeiliaid a fwriadwyd ar gyfer eu cigydda

6.—(1) Ar gyfer anifeiliaid a fwriadwyd ar gyfer eu cigydda cyn 12 mis oed ac nas bwriadwyd ar gyfer eu hallforio, awdurdodir y dull adnabod yn Adran A.7 o'r Atodiad i Reoliad y Cyngor fel dull amgen i'r modd adnabod y cyfeirir ato yn erthygl 4(2) o'r Rheoliad hwnnw.

(2) Rhaid i'r cod adnabod at ddibenion Adran A.7 o'r Atodiad i Reoliad y Cyngor fod yn union yr un fath â'r hyn a osodir yn is-baragraffau (a) i (c) o erthygl 5(5).

PART 2

Identification of animals

Identification of animals not identified before 22 January 2008

5.—(1) This article applies to—

- (a) animals born before 22 January 2008 which are not identified before that date and are on their holding of birth; and
- (b) animals born on or after 22 January 2008.

(2) A keeper must comply with Article 4(1) (first paragraph) and Article 4(2)(a) and (b) of the Council Regulation and this article unless the alternative method of identification set out in article 6 is authorised.

(3) For the purpose of Article 4(1) of the Council Regulation, the time limits for identifying an animal are—

- (a) 9 months from the date of birth, in the case of an animal kept in extensive or free range farming conditions; or
- (b) 6 months from the date of birth, in the case of any other animal.

(4) An eartag applied as the first or second means of identification may be any colour other than red.

(5) The identification code on a means of identification for the purposes of Section A.2 of the Annex to the Council Regulation must be—

- (a) the letters "UK";
- (b) the flockmark or herdmark of the flock or herd into which the animal is born; and
- (c) a unique number

and must be identical on the first and second means of identification.

Identification of animals intended for slaughter

6.—(1) For animals intended for slaughter before the age of 12 months and not intended for export, the identification method in Section A.7 of the Annex to the Council Regulation is authorised as an alternative to the means of identification referred to in Article 4(2) of that Regulation.

(2) The identification code for the purposes of Section A.7 of the Annex to the Council Regulation must be the same as that set out in sub-paragraphs (a) to (c) of article 5(5).

(3) Rhaid i unrhyw anifail sy'n cael ei adnabod drwy'r modd adnabod y cyfeirir ato ym mharagraff (1) ("y tag adnabod cyntaf"), gael ei adnabod drwy ail fodd adnabod yn unol â pharagraffau (4) i (6)—

- (a) os na chafodd ei gigydda cyn ei fod yn 12 mis oed; neu
- (b) os traddodwyd ef ar gyfer ei allforio.

(4) Rhaid i'r ail fodd adnabod fod naill ai—

- (a) yn dag adnabod ychwanegol neu, onid yw'n fwriad allforio'r anifail, yn datw, gyda'r un cod adnabod ag sydd ar y tag adnabod cyntaf; neu
- (b) yn ddau dag adnabod ychwanegol neu, onid yw'n fwriad allforio'r anifail, yn dag adnabod a thatw sy'n dwyn—
 - (i) y llythrennau "UK";
 - (ii) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y mae'r anifail pan osodir y modd adnabod ychwanegol; a
 - (iii) rhif unigryw.

(5) Os gosodir dau fodd adnabod ychwanegol rhaid i'r ceidwad—

- (a) beidio â thynnu na difwyno'r tag adnabod cyntaf;
- (b) cofnodi gwybodaeth am ychwanegu'r modd adnabod newydd gan gynnwys y cod adnabod llawn ar y modd adnabod ychwanegol a llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod gwreiddiol yng ngholofnau 1, 2 a 3 o'r gofrestr.

(6) Yn achos anifeiliaid a draddodir ar gyfer eu hallforio rhaid i'r ceidwad osod yr ail fodd adnabod cyn i'r anifail adael y daliad tarddu.

Adnabod anifeiliaid a gafodd eu hadnabod cyn 22 Ionawr 2008

7.—(1) Mae'r erthygl hon yn gymwys i anifeiliaid sy'n cael eu hadnabod cyn 22 Ionawr 2008.

(2) Dim ond y modd adnabod cyntaf, fel a osodir yn erthygl 4(2)(a) o Reoliad y Cyngor, sy'n ofynnol ar gyfer anifeiliaid a gafodd eu hadnabod â rhif unigryw cyn 22 Ionawr 2008.

(3) Yn achos anifeiliaid a gafodd eu hadnabod cyn 22 Ionawr 2008, ond pan nad yw'r marc adnabod presennol yn cynnwys rhif unigryw, rhaid i geidwad ailadnabod yr anifeiliaid hynny cyn eu symud o ddaliad fel eu bod yn dwyn dau fodd adnabod—

(3) Any animal identified by the means of identification referred to in paragraph (1) ("the first identification tag"), must be identified with a second means of identification in accordance with paragraphs (4) to (6) if it —

- (a) is not slaughtered before the age of 12 months; or
- (b) is consigned for export.

(4) The second means of identification must be either—

- (a) an additional identification tag or, unless the animal is destined for export, a tattoo, with the same identification code as on the first identification tag; or
- (b) two additional identification tags or, unless the animal is destined for export, an identification tag and a tattoo which bear—
 - (i) the letters "UK";
 - (ii) the flockmark or herdmark of the flock or herd where the additional means of identification are applied; and
 - (iii) a unique number.

(5) Where two additional means of identification are applied the keeper—

- (a) must not remove or deface the first identification tag;
- (b) must record information about the addition of the new means of identification including the full identification code on the additional means of identification and the letters and flockmark or herdmark on the original means of identification in columns 1, 2 and 3 of the register.

(6) In the case of animals consigned for export the keeper must apply the second means of identification before the animal leaves the holding of origin.

Identification of animals identified before 22 January 2008

7.—(1) This article applies to animals identified before 22 January 2008.

(2) Only the first means of identification, as set out in Article 4(2)(a) of the Council Regulation, is required for animals identified with a unique number before 22 January 2008.

(3) In the case of animals identified before 22 January 2008, but where the existing identification mark does not contain a unique number, a keeper must re-identify those animals before moving them from a holding so that they bear two means of identification which —

- (a) yn achos anifail sydd ar ei ddaliad geni, rhaid iddynt fod yn unol â'r darpariaethau yn Erthygl 4(2)(a) a (b) o Reoliad y Cyngor; neu
- (b) yn achos anifail nad yw ar ei ddaliad geni, rhaid iddynt fod yn ddau dag cyfnewid, ac yn yr achos hwnnw rhaid i'r ceidwad gofnodi gwybodaeth am ychwanegu'r modd adnabod newydd gan gynnwys y cod adnabod yn llawn ar y tagiau cyfnewid a llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod blaenorol yng ngholofnau 1, 2 a 3 o'r gofrestr.

Adnabod anifeiliaid na chafodd eu hadnabod cyn 22 Ionawr 2008 nad ydynt ar eu daliad geni

8. Rhaid i'r ceidwad adnabod anifeiliaid na chawsant eu hadnabod cyn 22 Ionawr 2008 nad ydynt mwyach ar eu daliad geni gyda dau dag cyfnewid cyn i'r anifeiliaid adael daliad.

Adnabod anifeiliaid ar gyfer eu hallforio

9.—(1) Rhaid i geidwad adnabod pob anifail ar gyfer ei allforio drwy'r modd adnabod cyntaf a'r ail fodd adnabod fel a osodir yn Erthygl 4(2)(a) a (b) o Reoliad y Cyngor neu erthygl 6(4)(b), ac eithrio bod yn rhaid i'r ail fodd adnabod fod yn dag adnabod ac nid yn datw.

- (2) Ni chaiff neb draddodi anifail af gyfer ei allforio—
 - (a) os cafodd ei dagio yn unol ag erthygl 8;
 - (b) os cafodd ei aildagio yn unol ag erthygl 7(3)(b), 18(3)(a), 18(4)(a) 19(5)(a) neu 19(6)(a); neu
 - (c) os cafodd ei aildagio yn unol ag erthygl 17(4) ac o ganlyniad caiff ei adnabod drwy ddau fodd adnabod o'r newydd.

Adnabod anifeiliaid a fewnforir o drydydd gwledydd

10.—(1) Rhaid i geidwad gydymffurfio ag Erthygl 4(4) o Reoliad y Cyngor a'r erthygl hon.

(2) At ddibenion Erthygl 4(4) (y paragraff cyntaf) o Reoliad y Cyngor, y cyfnod ar gyfer adnabod anifail yw 14 o ddiwrnodau.

(3) Rhaid i fodd adnabod ar gyfer anifeiliaid a fewnforir o drydydd gwledydd fod yr un fath â'r hyn a osodir yn Erthygl 4(2)(a) a (b) o Reoliad y Cyngor a'r cod adnabod at ddibenion Adran A.2 o'r Atodiad yw—

- (a) y llythrennau "UK";

- (a) in the case of an animal which is on its holding of birth, must be in accordance with the provisions in Article 4 (2)(a) and (b) of the Council Regulation; or
- (b) in the case of an animal which is not on its holding of birth, must be two replacement tags, in which case the keeper must record information about the addition of the new means of identification including in full the identification code on the replacement tags and the letters and flockmark or herdmark on the previous means of identification in columns 1, 2 and 3 of the register.

Identification of animals not identified before 22 January 2008 which are not on their holding of birth

8. The keeper must identify animals not identified before 22 January 2008 which are no longer on their holding of birth with two replacement tags before the animals leave a holding.

Identification of animals for export

9.—(1) A keeper must identify all animals for export by the first and second means of identification as set out in Article 4(2)(a) and (b) of the Council Regulation or article 6(4)(b), except the second means of identification must be an identification tag and not a tattoo.

- (2) No person may consign an animal for export where it has been—
 - (a) tagged in accordance with article 8;
 - (b) re-tagged in accordance with article 7(3)(b), 18(3)(a), 18(4)(a) 19(5)(a) or 19(6)(a); or
 - (c) re-tagged in accordance with article 17(4) and as a consequence is identified by two replacement means of identification.

Identification of animals imported from third countries

10.—(1) A keeper must comply with Article 4(4) of the Council Regulation and this article.

(2) For the purposes of Article 4(4) (first paragraph) of the Council Regulation, the period for identifying an animal is 14 days.

(3) The means of identification for animals imported from a third country must be the same as that set out in Article 4(2)(a) and (b) of the Council Regulation and the identification code for the purposes of Section A.2 of the Annex is—

- (a) the letters "UK";

- (b) nod y ddiadell neu nod yr eifre ar gyfer y ddiadell neu'r eifre lle y cafodd yr anifail ei fewnforio iddi;
- (c) rhif unigryw.

(4) Os cafodd anifail ei fewnforio o drydedd gwlad a chael ei ailadnabod yn unol â'r erthygl hon, rhaid i'r ceidwad gofnodi ychwanegu modd adnabod newydd gan gynnwys y cod adnabod llawn ar y modd adnabod newydd a'r cod adnabod llawn ar y dull adnabod a osodir yn y drydedd gwlad yng ngholofnau 1, 2 a 3 o'r gofrestr.

- (b) the flockmark or herdmark of the flock or herd into which the animal is imported;
- (c) a unique number.

(4) Where an animal is imported from a third country and re-identified according to this article, the keeper must record the addition of the new means of identification including the full identification code on the new means of identification and the full identification code on the method of identification applied in the third country in columns 1, 2 and 3 of the register.

RHAN 3

Tagiau adnabod

Cymeradwyo tagiau adnabod

11. Rhaid i Weinidogion Cymru gymeradwyo tagiau clust at ddibenion y Gorchymyn hwn.

Tagiau ychwanegol a thagiau â gwybodaeth ychwanegol

12.—(1) Ar gais ceidwad, caiff gweithgynhyrchydd tagiau adnabod ychwanegu gwybodaeth atodol at dag adnabod neu dag cyfnewid ar yr amod—

- (a) bod yr wybodaeth atodol yn gwbl wahanol i'r cod adnabod; a
- (b) bod y cod adnabod yn parhau'n ddarllenadwy ac y gellir ei weld yn eglur bob amser.

(2) Caiff ceidwad osod tag ychwanegol ar anifail ond rhaid iddo beidio â chynnwys y llythrennau "UK" na dwyn nod y ddiadell neu nod yr eifre, onis awdurdodir gan Weinidogion Cymru.

Tagiau clust coch

13. Ni chaiff neb osod tag clust coch ar unrhyw anifail, ar wahân i dag cyfnewid.

RHAN 4

Tynnu neu gyfnewid marciau adnabod

Tynnu neu gyfnewid marciau adnabod

14.—(1) Ni chaiff neb dynnu neu gyfnewid dull adnabod gwreiddiol anifail sy'n tarddu o Aelod-wladwriaeth arall yn groes i Erthygl 4(5) o Reoliad y Cyngor.

PART 3

Identification tags

Approval of identification tags

11. The Welsh Ministers must approve eartags for the purposes of this Order.

Additional tags and tags with additional information

12.—(1) At the request of a keeper, a manufacturer of identification tags may add supplementary information to an identification tag or replacement tag provided that—

- (a) the supplementary information is distinct from the identification code; and
- (b) the identification code remains legible and clearly distinguishable at all times.

(2) A keeper may apply an additional tag to an animal but it must not contain the letters "UK" or bear a flockmark or herdmark, unless authorised by the Welsh Ministers.

Red eartags

13. No person may attach a red eartag to any animal, other than a replacement tag.

PART 4

Removal or replacement of identification marks

Removal or replacement of identification marks

14.—(1) No person may remove or replace the original method of identification of an animal originating in another member State in contravention of Article 4(5) of the Council Regulation.

(2) Ni chaiff neb fynd yn groes i neu fethu â chydymffurfio ag Erthygl 4(6) (y paragraff cyntaf) o Reoliad y Cyngor, onid yw'n unol ag erthyglau 16 i 19.

(3) Rhaid i geidwad gyfnewid marc adnabod sydd ar goll neu'n annarllenadwy, yn unol ag erthyglau 15 i 19, cyn gynted â phosibl ar ôl tynnu'r marc adnabod neu ddarganfod ei fod ar goll neu'n annarllenadwy, ond beth bynnag a ddigwyddo—

- (a) dim hwyrach na 28 o ddiwrnodau ar ôl ei dynnu neu ddarganfod ei fod ar goll neu'n annarllenadwy, a
- (b) cyn bod yr anifail yn cael ei symud o'r daliad.

(4) Mae'n amddiffyniad i unrhyw berson a gyhuddir o dramgwydd iddo fynd yn groes i groes i baragraffau (1) neu (2) neu sy'n methu â chydymffurfio â hwy brofi bod—

- (a) y marc adnabod wedi cael ei dynnu i atal poen neu ddiodefaint diangen i anifail; a
- (b) y gosodwyd modd adnabod o'r newydd sy'n dwyn yr un cod adnabod ar yr anifail cyn gynted â phosibl.

Cyfnewid marciau adnabod â chod yn union yr un fath

15. Os yw'n ofynnol i geidwad yn ôl erthygl 14(3) i gyfnewid marc adnabod sydd ar goll neu'n annarllenadwy caiff wneud hynny gyda modd adnabod sydd â chod adnabod yn union yr un fath ac yn yr achos hwnnw rhaid iddo gofnodi'r wybodaeth am y cyfnewid yng ngholofnau 1 a 2 o adran 2 o'r gofrestr.

Cyfnewid marciau adnabod â chod gwahanol

16.—(1) Caiff ceidwad, fel dewis amgen i'r dull cyfnewid a ddisgrifir yn erthygl 15, yn lle hynny gyfnewid marc adnabod sydd ar goll neu'n annarllenadwy â modd adnabod sy'n dwyn cod adnabod gwahanol i'r marc adnabod gwreiddiol yn unol ag erthyglau 17 i 19, ar yr amod na chyfaddawdir yr amcan o allu olrhain.

Cyfnewid y marc adnabod â chod gwahanol ar gyfer anifeiliaid â thagiau dwbl sydd wedi colli un marc adnabod

17.—(1) Mae'r erthygl hon yn gymwys pan fo un marc adnabod gan anifail â ffurf adnabod dwbl ar goll neu'n annarllenadwy ond bod un marc adnabod yn parhau.

(2) Yn yr erthygl hon ac yn erthygl 18 ystyr "anifail â ffurf adnabod dwbl" yw anifail sy'n cael ei adnabod â dau farc adnabod.

(3) Os yw'r anifail ar ei ddaliad geni rhaid i'r ceidwad gyfnewid modd adnabod neu fodd adnabod hŷn sydd ar goll neu'n annarllenadwy â modd adnabod arall ac—

(2) No person may contravene or fail to comply with Article 4(6)(first paragraph) of the Council Regulation, unless in accordance with articles 16 to 19.

(3) A keeper must replace a lost or illegible identification mark, in accordance with articles 15 to 19, as soon as possible after the original identification mark is removed or discovered to be lost or illegible, but in any event—

- (a) no later than 28 days after it was removed or discovered to be lost or illegible, and
- (b) before the animal is moved from the holding.

(4) It is a defence for any person charged with an offence of contravening or failing to comply with paragraphs (1) or (2) prove that—

- (a) the identification mark was removed to prevent unnecessary pain to an animal; and
- (b) a replacement means of identification bearing the same identification code was applied to the animal as soon as possible.

Replacement of the identification marks with an identical code

15. Where a keeper is required by article 14(3) to replace a lost or illegible identification mark he or she may do so with a means of identification with an identical identification code and in that case he or she must record information about the replacement in columns 1 and 2 of section 2 of the register.

Replacement of the identification marks with a different code

16.—(1) A keeper may, as an alternative to the method of replacement described in article 15, instead replace a lost or illegible identification mark with a means of identification bearing a different identification code to the original identification mark in accordance with articles 17 to 19, provided the objective of traceability is not compromised.

Replacement of the identification mark with a different code for double-tagged animals which have lost one identification mark

17.—(1) This article applies where one identification mark from a double-identified animal is lost or illegible but one legible identification mark remains.

(2) In this article and article 18 "double-identified animal" means an animal identified with two identification marks.

(3) If the animal is on its holding of birth the keeper must replace a lost or illegible means of identification or older means of identification with another means of identification and —

- (a) sicrhau bod o leiaf un modd adnabod neu fodd adnabod hŷn ar anifail yn dag clust; a
- (b) cofnodi gwybodaeth am ychwanegu'r modd adnabod newydd gan gynnwys y cod adnabod yn llawn ar y tagiau cyfnewid yng ngholofnau 1 a 2 o adran 2 o'r gofrestr.

(4) Os nad yw'r anifail bellach ar ei ddaliad geni rhaid i'r ceidwad gyfnewid marc adnabod sydd ar goll neu'n annarllenadwy â modd adnabod o'r newydd ac—

- (a) sicrhau bod o leiaf un marc adnabod ar anifail yn dag clust; a
- (b) cofnodi gwybodaeth am y cyfnewid gan gynnwys y cod adnabod llawn ar y modd adnabod o'r newydd yng ngholofn 1 a 2 o adran 2 o'r gofrestr.
- (c) cofnodi llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod sy'n dal yno neu'r modd adnabod hyn, neu'r cod llawn ar ddull adnabod yng ngholofn 3 o adran 2 o'r gofrestr.

Cyfnewid y marc adnabod â chod gwahanol ar gyfer anifeiliaid â thagiau dwbl sydd wedi colli'r ddau farc adnabod

18.—(1) Mae'r erthygl hon yn gymwys pan fo'r ddau farc adnabod gan anifail â ffurf adnabod dwbl ar goll neu'n annarllenadwy.

(2) Os yw'r anifail ar ei ddaliad geni rhaid i'r ceidwad—

- (a) cyfnewid y modd adnabod neu fodd adnabod hyn sydd ar goll neu'n annarllenadwy â dau dag adnabod newydd neu dag adnabod a thatŵ; a
- (b) cofnodi gwybodaeth am y cyfnewid yng ngholofn 1, 2 a 3 o adran 2 o'r gofrestr.

(3) Os bydd nod gwreiddiol y ddiadell neu nod gwreiddiol yr eifre ar anifail neu'r cod ar fodd adnabod o'r newydd ar goll neu'n annarllenadwy yn hysbys ac nad yw'r anifail ar ei ddaliad geni, rhaid i'r ceidwad naill ai—

- (a) cyfnewid y marciau adnabod sydd ar goll neu'n annarllenadwy â dau dag cyfnewid neu â thag cyfnewid a thatŵ cyfnewid ac—
 - (i) cofnodi gwybodaeth am y cyfnewid gan gynnwys y cod adnabod llawn ar y modd adnabod o'r newydd yng ngholofnau 1 a 2 o adran 2 o'r gofrestr; a
 - (ii) cofnodi yng ngholofn 3 o adran 2 o'r gofrestr
 - (aa) os yw'n hysbys, llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod neu'r modd adnabod hyn sydd ar goll neu'n annarllenadwy, neu'r cod llawn ar ddull adnabod; neu

- (a) ensure that at least one means of identification or older means of identification on an animal is an eartag; and
- (b) record information about the addition of the new means of identification including in full the identification code on the replacement tags in columns 1 and 2 of section 2 of the register.

(4) If the animal is no longer on its holding of birth the keeper must replace a lost or illegible identification mark with a replacement means of identification and

- (a) ensure that at least one identification mark on an animal is an eartag; and
- (b) record information about the replacement including the full identification code on the replacement means of identification in columns 1 and 2 of section 2 of the register.
- (c) record the letters and flockmark or herdmark on the remaining means of identification or older means of identification, or the full code on a method of identification in column 3 of section 2 of the register.

Replacement of the identification mark with a different code for double-tagged animals which have lost both identification marks

18.—(1) This article applies where both identification marks on a double-identified animal are lost or illegible.

(2) If the animal is on its holding of birth the keeper must—

- (a) replace the lost or illegible means of identification or older means of identification with two new identification tags or an identification tag and a tattoo; and
- (b) record information about the replacement in columns 1, 2 and 3 of section 2 of the register.

(3) If the original flockmark or herdmark of the animal or the code on a lost or illegible replacement means of identification is known and the animal is not on its holding of birth, the keeper must either—

- (a) replace the lost or illegible identification marks with two replacement tags or a replacement tag and a replacement tattoo and—
 - (i) record information about the replacement including the full identification code on the replacement means of identification in columns 1 and 2 of section 2 of the register; and
 - (ii) record in column 3 of section 2 of the register
 - (aa) if known, the letters and flockmark or herdmark on the lost or illegible means of identification or older means of identification, or the full code on a method of identification; or

(bb) os nad yw'r pethau hyn yn hysbys, llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod o'r newydd sydd ar goll neu'n annarllenadwy; neu

(b) cyfnewid y modd adnabod neu fodd adnabod hyn sydd ar goll neu'n annarllenadwy â dau dag adnabod sy'n dwyn nod y ddiadell neu nod yr eifre o ddaliad geni'r anifail.

(4) Os nad yw nod gwreiddiol y ddiadell neu nod gwreiddiol yr eifre yn hysbys, rhaid i'r ceidwad:

(a) cyfnewid y marciau adnabod sydd ar goll neu'n annarllenadwy â dau dag cyfnewid neu â thag cyfnewid a thatw cyfnewid; a

(b) cofnodi gwybodaeth am y cyfnewid yng ngholofn 1 a 2 o adran 2 o'r gofrestr.

Cyfnewid y modd adnabod neu fodd adnabod hŷn â chod gwahanol ar gyfer anifeiliaid â thagiau sengl

19.—(1) Mae'r erthygl hon yn gymwys pan fo modd adnabod neu fodd adnabod hŷn gan anifail â ffurf adnabod sengl ar goll neu'n annarllenadwy.

(2) Yn yr erthygl hon ystyr "anifail â ffurf adnabod sengl" yw—

(a) anifail sy'n cael ei adnabod yn unol â pharagraffau (1) a (2) neu erthygl 6 o ddarpariaethau tebyg sy'n rhoi effaith i Reoliad y Cyngor yn Lloegr, yr Alban neu Ogledd Iwerddon; neu

(b) anifail sy'n cael ei adnabod gydag un modd adnabod hyn yn unig a osodwyd o dan Orchmynion blaenorol.

(3) Os bydd ceidwad yn cyfnewid tag sydd ar goll neu'n annarllenadwy ar anifail a anwyd ar ôl 9 Gorffennaf 2005 rhaid i fodd adnabod newydd neu fodd adnabod o'r newydd fod yn dag adnabod ac nid yn datw.

(4) Os yw'r anifail ar ei ddaliad geni rhaid i'r ceidwad—

(a) cyfnewid y modd adnabod neu fodd adnabod hŷn sydd ar goll neu'n annarllenadwy â modd adnabod newydd; a

(b) cofnodi gwybodaeth am y cyfnewid yng ngholofn 1 a 2 o adran 2 o'r gofrestr.

(5) Os yw nod gwreiddiol y ddiadell neu nod gwreiddiol yr eifre yn hysbys ac nad yw'r anifail ar ei ddaliad geni, rhaid i'r ceidwad naill ai—

(a) cyfnewid y modd adnabod neu fodd adnabod hŷn sydd ar goll neu'n annarllenadwy â modd adnabod o'r newydd a—

(i) cofnodi gwybodaeth am y cyfnewid gan gynnwys y cod adnabod llawn ar y modd

(bb) if those things are not known, the letters and flockmark or herdmark on the lost or illegible replacement means of identification; or

(b) replace the lost or illegible means of identification or older means of identification with two identification tags which have on them the flockmark or herdmark of the holding of birth of the animal.

(4) If the original flockmark or herdmark is not known, the keeper must:

(a) replace the lost or illegible identification marks with two replacement tags or a replacement tag and a replacement tattoo; and

(b) record information about the replacement in columns 1 and 2 of the section 2 of the register.

Replacement of the means of identification or older means of identification with a different code of single-tagged animals

19.—(1) This article applies where the means of identification or older means of identification on a single-identified animal is lost or illegible.

(2) In this article "single-identified animal" means—

(a) an animal identified in accordance with paragraphs (1) and (2) of article 6 or similar provisions that give effect to the Council Regulation in England, Scotland or Northern Ireland; or

(b) an animal identified with only one older means of identification applied under previous Orders.

(3) If a keeper is replacing a lost or illegible tag on an animal born after 9 July 2005 a new or replacement means of identification must be an identification tag and not a tattoo.

(4) If the animal is on its holding of birth, the keeper must—

(a) replace the lost or illegible means of identification or older means of identification with a new means of identification; and

(b) record information about the replacement in columns 1 and 2 of section 2 of the register.

(5) If the original herdmark or flockmark is known and the animal is not on its holding of birth, the keeper must either—

(a) replace the lost or illegible means of identification or older means of identification with a replacement means of identification and—

(i) record information about the replacement including the full identification code on the

adnabod o'r newydd yng ngholofn 1 a 2 o adran 2 o gofrestr y daliad; a

- (ii) cofnodi llythrennau a nod y ddiadell neu nod yr eifre ar y modd adnabod gwreiddiol neu'r modd adnabod hŷn, yng ngholofn 3 o'r gofrestr; neu

- (b) cyfnewid y modd adnabod neu fodd adnabod hyn sydd ar goll neu'n annarllenadwy â thag adnabod sy'n dwyn nod y ddiadell neu nod yr eifre o ddaliad geni'r anifail.

(6) Os nad yw nod gwreiddiol y ddiadell neu nod gwreiddiol yr eifre yn hysbys, rhaid i'r ceidwad—

- (a) cyfnewid y modd adnabod neu fodd adnabod hŷn sydd ar goll neu'n annarllenadwy â modd adnabod o'r newydd; a
- (b) cofnodi gwybodaeth am y cyfnewid yng ngholofn 1 a 2 o adran 2 o'r gofrestr.

Cyfnewid marciau adnabod a gollwyd mewn marchnadoedd

20.—(1) Nid yw gofynion erthyglau 14 i 19 i gyfnewid marc adnabod yn gymwys i weithredydd marchnad neu weithredydd lladd-dy.

(2) Os caiff marc adnabod ei dynnu neu ei gollu neu os sylwir ei fod yn annarllenadwy tra bod anifail yn y farchnad, rhaid i'r ceidwad sy'n prynu'r anifail yn y farchnad osod marc adnabod o'r newydd yn unol â darpariaethau erthyglau 14 i 19.

Colli dulliau adnabod a osodwyd mewn trydydd gwledydd

21. Os caiff anifail ei fewnforio o drydedd gwlad a'i aildagio yn unol ag Erthygl 4(4) o Reoliad y Cyngor, nid yw'n ofynnol i'r ceidwad gyfnewid dull adnabod a osodwyd mewn trydedd gwlad os yw wedyn yn mynd ar goll neu'n annarllenadwy.

Addasu tagiau adnabod

22. Ni chaiff neb addasu, dileu neu ddifwyno'r wybodaeth ar unrhyw farc adnabod sydd wedi ei osod ar anifail o dan—

- (a) Rheoliad y Cyngor;
- (b) y Gorchymyn hwn neu unrhyw ddarpariaeth sy'n rhoi effaith i Reoliad y Cyngor yn Lloegr, yr Alban neu Ogledd Iwerddon;
- (c) y Gorchymynion blaenorol; neu
- (ch) Cyfarwyddeb y Cyngor 92/102/EEC, yn achos anifail a farciwyd mewn Aelod-wladwriaeth arall yn unol â'r Gyfarwyddeb honno.

replacement means of identification in columns 1 and 2 of section 2 of the holding register;and

- (ii) record the letters and flockmark or herdmark on the original means of identification or older means of identification in column 3 of the register; or

- (b) replace a lost or illegible means of identification or older means of identification with an identification tag which has on it the flockmark or herdmark of the holding of birth of the animal.

(6) If the original flockmark or herdmark is not known, the keeper must—

- (a) replace the lost or illegible means of identification or older means of identification with a replacement means of identification; and
- (b) record information about the replacement in columns 1 and 2 of section 2 of the register.

Replacement of identification marks lost at markets

20.—(1) The requirements of articles 14 to 19 to replace an identification mark do not apply to a market operator or slaughterhouse operator.

(2) If an identification mark is removed, lost or discovered to be illegible while an animal is at a market, the keeper who purchases the animal at the market must apply a replacement in accordance with the provisions of articles 14 to 19.

Loss of methods of identification applied in a third country.

21. Where an animal is imported from a third country and re-tagged in accordance with Article 4(4) of the Council Regulation, the keeper is not required to replace a method of identification applied in the third country if it subsequently becomes lost or illegible.

Alteration of identity tags

22. No person may alter, obliterate or deface the information on any identification mark attached to an animal under—

- (a) the Council Regulation;
- (b) this order or any provision that gives effect to the Council Regulation in England, Scotland or Northern Ireland;
- (c) the previous Orders; or
- (d) Council Directive 92/102/EEC, in the case of an animal marked in another member State in accordance with that Directive.

RHAN 5

Cofrestrï daliadau

Cofrestr y daliad

23.—(1) Rhaid i bob ceidwad, heblaw cludwr, gydymffurfio ag Erthygl 5(1), (3) a (5) o Reoliad y Cyngor.

(2) Pan gaiff anifail ei symud i'w ddaliad neu ohono, rhaid i'r ceidwad gofnodi—

- (a) yr wybodaeth sy'n ofynnol gan Adran B o'r Atodiad i Reoliad y Cyngor; a
- (b) nifer yr anifeiliaid a symudwyd.

(3) Rhaid cofnodi'r wybodaeth y cyfeirir ati ym mharagraff (2) o ran anifeiliaid a symudir i ddaliad gan y ceidwad drwy ei chofnodi yn adran 3 o'r gofrestr.

(4) Rhaid cofnodi'r wybodaeth y cyfeirir ati ym mharagraff (2) o ran anifeiliaid a symudir o ddaliad gan y ceidwad drwy ei chofnodi yn adran 3 o'r gofrestr.

(5) Os yw anifail wedi'i draddodi ar gyfer ei allforio rhaid i geidwad y daliad tarddu, yn ychwanegol at yr wybodaeth y cyfeirir ati ym mharagraff (2), gofnodi rhif unigryw yr anifail hwnnw wrth gofnodi ei symud i'r daliad tarddu ac ohono, drwy'r dulliau a osodir ym mharagraffau (3) a (4) yn eu trefn.

(6) At ddibenion Erthygl 5(3) o Reoliad y Cyngor, rhaid i'r gofrestr fod ar y ffurf a nodir yn Atodlen 1.

(7) Rhaid i'r ceidwad lenwi'r gofrestr—

- (a) yn achos symud anifail i'w ddaliad neu o'i ddaliad, neu o un lleoliad ar ddaliad i un arall, o fewn 36 awr i'r symud;
- (b) yn achos cyfnewid marc adnabod, o fewn 36 awr i'r cyfnewid.

(8) Os yw'r ceidwad yn symud ei anifeiliaid i ddaliad arall ond mae'n parhau i fod yn geidwad iddynt, nid oes raid i'r ceidwad gadw'r gofrestr ar y daliad hwnnw ond rhaid iddo allu ei dangos o fewn amser rhesymol i Weinidogion Cymru pan ofynnir amdani.

(9) At ddibenion Erthygl 5(3) o Reoliad y Cyngor, y cyfnod y mae'n rhaid sicrhau bod y gofrestr ar gael yw 3 blynedd o'r adeg pan wnaed y cofnod olaf.

PART 5

Holding Registers

Holding Register

23.—(1) Every keeper, other than a transporter, must comply with Article 5(1), (3) and (5) of the Council Regulation.

(2) When an animal is moved onto or from its holding, the keeper must record—

- (a) the information required by Section B of the Annex to the Council Regulation; and
- (b) the number of animals moved.

(3) The information referred to in paragraph (2) in respect of animals moving onto a holding must be recorded by the keeper by entering it in section 3 of the register.

(4) The information referred to in paragraph (2) in respect of animals moving from a holding must be recorded by the keeper by entering it in section 3 of the register.

(5) Where an animal is consigned for export the keeper at the holding of origin must, in addition to the information referred to in paragraph (2), record the unique number of that animal when recording its movement on to and off the holding of origin, by the methods set out in paragraphs (3) and (4) respectively.

(6) For the purposes of Article 5(3) of the Council Regulation, the register must be in the form set out in Schedule 1.

(7) The keeper must complete the register—

- (a) in the case of the movement of an animal on to or from a holding or from one location on a holding to another, within 36 hours of the movement;
- (b) in the case of the replacement of an identification mark, within 36 hours of the replacement.

(8) Where a keeper moves his or her animals to another holding but continues to be the keeper, the keeper does not have to keep the register on that holding but must be able to produce it within a reasonable amount of time to the Welsh Ministers upon request.

(9) For the purposes of Article 5(3) of the Council Regulation, the period for which the register must be available is 3 years from when the last entry was made.

RHAN 6

Dogfennau symud

Dogfen symud

24.—(1) Rhaid i geidwad gydymffurfio ag Erthygl 6(1) o Reoliad y Cyngor a llenwi'r ddogfen symud yn unol â'r erthygl hon.

(2) Rhaid i geidwad gydymffurfio ag Erthygl 6(3) o Reoliad y Cyngor ac at ddibenion yr Erthygl honno y cyfnod lleiaf y mae'n rhaid i'r ceidwad ar y daliad cyrchu gadw'r ddogfen symud yw 3 blynedd o ddyddiad symud anifail i'w ddaliad ef.

(3) Rhaid i'r ddogfen symud—

- (a) bod ar y ffurf a osodir yn Atodlen 2;
- (b) cael ei llenwi'n gyflawn gan y ceidwad priodol fel a bennir yn y ffurf honno; ac
- (c) yn ogystal â chynnwys yr wybodaeth sy'n ofynnol o dan Adran C o'r Atodiad i Reoliad y Cyngor, rhaid i'r ddogfen gael ei llenwi gan y ceidwad gyda'r wybodaeth yn Atodlen 2, gan gynnwys nifer yr anifeiliaid a symudwyd; ac
- (ch) cael ei chadw yn ôl trefn gronolegol gydag unrhyw ddogfennau symud eraill a gedwir gan y ceidwad yn y daliad cyrchu.

(4) Caiff gweithredydd marchnad lenwi dogfen symud a gynhyrchwyd yn electronig ar ffurf wahanol i'r hyn a osodir yn Atodlen 2, ar yr amod ei bod—

- (a) yn cynnwys yr wybodaeth yn Adran C o'r Atodiad i Reoliad y Cyngor a pharagraff (3)(c) o'r erthygl hon;
- (b) yn cynnwys cyfeiriad at y Gorchymyn hwn ar ddechrau'r ddogfen; ac
- (c) wedi ei hargraffu a'i llofnodi gan weithredydd y farchnad.

Cyflenwi dogfen symud

25.—(1) Yn achos anifail a symudwyd i ddaliad arall—

- (a) ar ôl i'r anifail gyrraedd y daliad arall hwnnw, rhaid i'r cludwr roi'r ddogfen symud i'r ceidwad yn y daliad hwnnw; a
- (b) rhaid i'r ceidwad yn y daliad hwnnw anfon copi o'r ddogfen symud i'r awdurdod lleol o fewn 3 diwrnod ar ôl i'r anifail gyrraedd y daliad.

(2) Yn achos anifail a symudwyd o ddaliad i borthladd i'w draddodi'r tu allan i Brydain Fawr, rhaid i'r ceidwad yn y daliad hwnnw anfon copi o'r ddogfen symud i'r awdurdod lleol o fewn 3 diwrnod ar ôl i'r anifail adael y daliad.

PART 6

Movement documents

Movement document

24.—(1) A keeper must comply with Article 6(1) of the Council Regulation and complete the movement document in accordance with this article.

(2) A keeper must comply with Article 6(3) of the Council Regulation and for the purposes of that Article the minimum period for which the keeper at the holding of destination must keep the movement document is 3 years from the date of the movement of an animal on to his or her holding.

(3) The movement document must—

- (a) be in the form set out in Schedule 2;
- (b) be completed in full by the appropriate keeper as specified in that form; and
- (c) in addition to containing the information required by Section C of the Annex to the Council Regulation, be completed by the keeper with the information in Schedule 2, including the number of animals moved; and
- (d) be kept in chronological order with any other movement documents retained by the keeper at the holding of destination.

(4) A market operator may complete an electronically generated movement document in a form other than that set out in Schedule 2, provided that it—

- (a) contains the information in Section C of the Annex to the Council Regulation and paragraph 3(c) of this article;
- (b) contains a reference to this Order at the head of the document; and
- (c) is printed and signed by the market operator.

Supply of movement document

25.—(1) In the case of an animal moved to another holding—

- (a) upon the animal's arrival at that other holding, the transporter must give the movement document to the keeper at that holding; and
- (b) the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal arriving at the holding.

(2) In the case of an animal moved from a holding to a port for consignment outside Great Britain, the keeper at that holding must send a copy of the movement document to the local authority within 3 days of the animal leaving the holding.

RHAN 7

Cronfa ddata ganolog

Stocrestr o anifeiliaid

26.—(1) At ddibenion Erthygl 7(2) o Reoliad y Cyngor, mae'n rhaid i geidwad sy'n cadw anifeiliaid yn barhaol wneud stocrestr o nifer yr anifeiliaid ar ei ddaliad ar 1 Ionawr bob blwyddyn.

(2) Rhaid i geidwad ddarparu canlyniad y stocrestr flynyddol i Weinidogion Cymru erbyn 1 Chwefror bob blwyddyn.

Cyflenwi gwybodaeth

27.—(1) Ar ôl derbyn hysbysiad o dan Erthygl 8(2) o Reoliad y Cyngor bod person wedi dod yn geidwad ar ddaliad, mae'n rhaid i Weinidogion Cymru, yn ddarostyngedig i baragraff (2), ddyrannu nod diadell mewn perthynas â phob diadell o ddefaid ar y daliad a nod geifre mewn perthynas â phob geifre ar y daliad.

(2) Lle bo'r daliad yn lladd-dy neu'n farchnad, rhaid i Weinidogion Cymru ddyrannu nod diadell neu nod geifre ond dim ond os ydynt yn ystyried ei bod yn briodol i wneud hynny.

(3) Rhaid i'r ceidwad hysbysu Gweinidogion Cymru mewn ysgrifen am unrhyw newid yn yr wybodaeth a bennir yn Erthygl 8(2)(a) o Reoliad y Cyngor o fewn 30 diwrnod i unrhyw newid o'r fath.

RHAN 8

Marchnadoedd

Marchnadoedd

28.—(1) Rhaid i weithredydd marchnad sicrhau bod yr holl anifeiliaid yn cael eu rhannu'n lotiau o un neu fwy o anifeiliaid yn syth ar ôl iddynt gyrraedd y farchnad a bod rhif lot yn cael ei ddyrannu i bob lot.

(2) Ni chaiff neb brynu anifail mewn marchnad oni bai ei fod yn prynu'r holl anifeiliaid eraill yn y lot y mae'r anifail yn perthyn iddo ac yn symud y lot cyfan o'r farchnad i'r un daliad.

(3) Ni chaiff neb werthu anifail mewn marchnad oni bai ei fod yn gwerthu'r holl anifeiliaid eraill yn y lot i'r un prynwr.

(4) Ni chaiff gweithredydd marchnad dderbyn anifail i farchnad oni bai—

- (a) ei fod wedi'i adnabod yn unol â Rhan 2; a
- (b) bod dogfen symud gyda'r anifail a gwblhawyd yn unol â Rhan 6.

PART 7

Central database

Inventory of animals

26.—(1) For the purpose of Article 7(2) of the Council Regulation, a keeper who keeps animals permanently must make an inventory of the number of animals on his or her holding as at the 1 January each year.

(2) A keeper must provide the result of the annual inventory to the Welsh Ministers by 1 February each year.

Supply of information

27.—(1) On receiving notification under Article 8(2) of the Council Regulation that a person has become the keeper on a holding, the Welsh Ministers must, subject to paragraph (2), allocate a flockmark in respect of each flock of sheep on the holding and a herdmark in respect of each herd of goats on the holding.

(2) When the holding is a slaughterhouse or a market, the Welsh Ministers must allocate a flockmark or herdmark only where they deem it appropriate to do so.

(3) The keeper must notify the Welsh Ministers in writing of any change in the information specified in Article 8(2)(a) of the Council Regulation within thirty days of such change.

PART 8

Markets

Markets

28.—(1) A market operator must ensure that all animals are divided into lots of one or more animals immediately upon their arrival at the market and that a lot number is allocated to each lot.

(2) No person may buy an animal at a market unless he or she buys all the other animals in the lot to which that animal belongs and moves the entire lot from the market to the same holding.

(3) No person may sell an animal at a market unless he or she also sells all the other animals in the lot to the same buyer.

(4) A market operator may not receive an animal onto a market unless —

- (a) it is identified in accordance with Part 2; and
- (b) it is accompanied by a movement document which is completed in accordance with Part 6.

RHAN 9

Anifeiliaid a ddygwyd i mewn i Gymru

Derbyn anifeiliaid o Aelod-wladwriaeth arall

29. Ni chaiff neb dderbyn anifail o Aelod-wladwriaeth arall oni bai ei fod wedi ei adnabod yn unol â—

- (a) Rheoliad y Cyngor, yn achos anifail a anwyd ar ôl 9 Gorffennaf 2005; neu
- (b) Cyfarwyddeb y Cyngor 92/102/EEC, yn achos anifail a anwyd ar neu cyn 9 Gorffennaf 2005.

Derbyn anifeiliaid o Loegr, yr Alban neu Ogledd Iwerddon

30. Ni chaiff neb dderbyn anifail o Loegr, yr Alban neu Ogledd Iwerddon oni bai bod yr anifail wedi ei adnabod a'i dagio a bod dogfen symud gydag ef yn unol â—

- (a) yn achos anifail a anwyd ar ôl 9 Gorffennaf 2005, Rheoliad y Cyngor, gan gynnwys unrhyw randdirymiad a arferwyd o dan Reoliad y Cyngor; neu
- (b) yn achos anifail a anwyd ar neu cyn 9 Gorffennaf 2005, unrhyw un o'r Gorchmynion blaenorol ac unrhyw ofynion ychwanegol sydd wedi eu gosod mewn deddfwriaeth sy'n gorfodi Rheoliad y Cyngor o ran y cyfryw anifail.

RHAN 10

Amrywiol

Amddiffyniad ynghylch symud ar gyfer triniaeth filfeddygol frys

31. Mae'n amddiffyniad i unrhyw berson sydd wedi ei gyhuddo o fynd yn groes i, neu beidio â chydymffurfio ag unrhyw ddarpariaeth yn y Gorchymyn hwn sy'n ymwneud â symud anifail o ddaliad heb roi neu osod arno y modd adnabod sy'n ofynnol i brofi bod yr anifail wedi cael ei symud o'r daliad er mwyn cael triniaeth frys gan filfeddyg.

Pwerau arolygwyr

32.—(1) Caiff arolygydd, at unrhyw ddiben sy'n ymwneud â gorfodi'r Gorchymyn hwn—

- (a) casglu, corlannu a marcio unrhyw anifail a'i gwneud yn ofynnol i geidwad drefnu casglu, corlannu, marcio a diogelu unrhyw anifail;
- (b) ei gwneud yn ofynnol i'r ceidwad ddangos neu gopïo unrhyw ddogfen neu gofnod;
- (c) symud neu gadw unrhyw ddogfen neu gofnod;

PART 9

Animals brought into Wales

Receipt of animals from another member State

29. No person may receive an animal from another member State unless it is identified in accordance with—

- (a) the Council Regulation, in the case of an animal born after 9 July 2005; or
- (b) Council Directive 92/102/EEC, in the case of an animal born on or before 9 July 2005.

Receipt of animals from England, Scotland or Northern Ireland

30. No person may receive an animal from England, Scotland or Northern Ireland unless it is identified, tagged and accompanied by a movement document in accordance with—

- (a) in the case of an animal born after 9 July 2005, the Council Regulation, including any derogation exercised under the Council Regulation; or
- (b) in the case of an animal born on or before 9 July 2005 any of the previous Orders and any additional requirements imposed in legislation enforcing the Council Regulation in relation to such an animal.

PART 10

Miscellaneous

Defence related to movement for emergency veterinary treatment

31. It is a defence for any person charged with contravening or failing to comply with any provision in this Order relating to the movement of an animal from a holding without attaching or applying the required means of identification to prove that the animal was moved from the holding for the purposes of emergency veterinary treatment.

Powers of inspectors

32.—(1) An inspector may, for any purpose relating to the enforcement of this Order—

- (a) collect, pen and mark any animal and require a keeper to arrange for the collection, penning, marking and securing of any animal;
- (b) require the keeper to produce or copy any document or record;
- (c) remove and retain any document or record;

- (ch) cael mynediad at, a gwirio gweithrediad, unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â chofnodion;
- (d) os cedwir cofnod drwy gyfrwng cyfrifiadur, ei gwneud yn ofynnol bod y cofnod yn cael ei ddangos ar ffurf y gellir ei dwyn ymaith;
- (dd) ei gwneud yn ofynnol i unrhyw dagiau adnabod nas defnyddiwyd, a chofnod o'u rhifau gael eu dangos;
- (e) mynd â chynrychiolydd o'r Comisiwn Ewropeaidd gydag ef sy'n gweithredu at ddibenion Erthygl 12 o Reoliad y Cyngor, neu fynd ag unrhyw bobl neu bethau gydag ef y mae o'r farn eu bod yn angenrheidiol.

(2) Os yw'n ofynnol i berson wneud unrhyw beth i arolygydd sy'n gweithredu o dan baragraff (1) rhaid iddo, oni fydd ganddo achos rhesymol, wneud hynny'n ddi—oed.

Pŵer i wahardd symud anifeiliaid

33.—(1) Caiff arolygydd, drwy gyflwyno hysbysiad i geidwad, wahardd symud diadell o ddefaid i'r daliad a bennir yn yr hysbysiad neu ohono, os yw wedi'i fodloni bod y gwaharddiad yn angenrheidiol ar gyfer gorfodi'n briodol y Gorchymyn hwn o ran y ddiadell honno.

(2) Caiff arolygydd, drwy gyflwyno hysbysiad i geidwad, wahardd symud geifre i'r daliad a bennir yn yr hysbysiad neu ohono, os yw wedi'i fodloni bod y gwaharddiad yn angenrheidiol ar gyfer gorfodi'n briodol y Gorchymyn hwn o ran yr eifre honno.

(3) Caniateir diwygio neu ddirymu hysbysiad a gyflwynir o dan yr erthygl hon drwy hysbysiad ychwanegol ar unrhyw adeg.

Gwybodaeth anwir

34. Rhaid i berson beidio â rhoi gwybodaeth y mae'n gwybod ei bod yn anwir neu'n gamarweiniol i berson sy'n gweithredu o dan y Gorchymyn hwn.

Tramgwyddau gan gyrff corfforaethol

35.—(1) Os dangosir bod tramgwydd wedi'i gyflawni yn erbyn Deddf Iechyd Anifeiliaid 1981 gan gorff corfforaethol—

- (a) gyda chydysyniad neu ymoddefiad swyddog; neu
- (b) os priodolir ef i unrhyw esgeulustod ar ei ran, bydd y swyddog yn ogystal â'r corff corfforaethol yn euog o dramgwydd ac yn atebol i gael achos yn eu herbyn a'u cosbi yn unol â hynny.

- (d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;
- (e) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away;
- (f) require the production of any unused identification tags, and record their numbers;
- (g) take with him or her a representative of the European Commission acting for the purposes of Article 12 of the Council Regulation, or any people or things he or she considers necessary.

(2) A person required to do anything by an inspector acting under paragraph (1) must, unless he or she has reasonable cause, do so without delay.

Power to prohibit movement of animals

33.—(1) An inspector may, by serving notice on a keeper, prohibit the movement of a flock of sheep onto or from the holding specified in the notice, if he or she is satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that flock.

(2) An inspector may, by serving notice on a keeper, prohibit the movement of a herd of goats onto or from the holding specified in the notice, if he or she is satisfied that the prohibition is necessary for the proper enforcement of this Order in relation to that herd.

(3) A notice served under this article may be amended or revoked by further notice at any time.

False information

34. A person must not furnish information which he or she knows to be false or misleading to a person acting under this Order.

Offences by bodies corporate

35.—(1) If an offence against the Animal Health Act 1981 committed by a body corporate is shown—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on his or her part, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Os bydd materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys o ran gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli fel pe bai'n gyfarwyddwr y corff corfforaethol.

(3) Ystyr "swyddog", o ran corff corfforaethol, yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforaethol, neu berson sy'n cymryd arno ei fod yn gweithredu yn y cyfryw swydd.

Gorfodi

36.—(1) Bydd y Gorchymyn hwn yn cael ei orfodi gan yr awdurdod lleol.

(2) Caiff Gweinidogion Cymru gyfarwyddo, mewn perthynas ag achosion o ddisgrifiad penodol neu unrhyw achos penodol, fod gorfodi dyletswydd a osodir ar awdurdod lleol o dan y Gorchymyn hwn i'w gyflawni gan Weinidogion Cymru ac nid gan yr awdurdod lleol.

Dirymu

37. Dirymir y canlynol—

(1) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2006(1); a

(2) Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Diwygio) (Cymru) 2006(2).

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Enforcement

36.—(1) This Order will be enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on a local authority by this Order must be discharged by the Welsh Ministers and not by the local authority.

Revocations

37. The following are revoked—

(1) the Sheep and Goats (Records, Identification and Movement) (Wales) Order 2006(1); and

(2) the Sheep and Goats (Records, Identification and Movement) (Amendment) (Wales) Order 2006(2).

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

21 Ionawr 2008

21 January 2008

(1) O.S. 2005/1036 a ddiwygiwyd gan O.S. 2006/2926.

(2) O.S. 2006/2926.

(1) S.I 2005/1036 amended by S.I 2006/2926.

(2) S.I 2006/2926.

ATODLEN 1

Erthygl 23(6)

Cofrestr daliad

ADRAN 1

Enw Masnachu

Cyfeiriad y Daliad

Cod post

Dynodiad y Daliad

(CPH)

Rhif y Ddiadell/ yr Eifre

Rhywogaeth

(defaid neu eifr)

Defaid

Geifr

Y Ddau

Math o gynnyrch

Cig

Gwlân

Llaeth

Stoc
Fridio

Arall

Lleoliad Daeryddol

(Cyfeirnod Map)

ADRAN 2

COFNOD TAG CYFNEWID (tag R yn unig)

Dyddiad pan osodir y tag cyfnewid	Rhif y tag cyfnewid (R)	Llythrennau a rhif blaenorol y ddiadell neu'r eifre

ADRAN 3

Stocrestr Flynyddol Defaid a Geifr

Rhif Lleoliad e.e. CPH	Cyfeiriad Lleoliad	Stocrestr am Flwyddyn Galendr Blwyddyn 20__	Stocrestr am Flwyddyn Galendr Blwyddyn 20__	Stocrestr am Flwyddyn Galendr Blwyddyn 20__	Stocrestr am Flwyddyn Galendr Blwyddyn 20__	Stocrestr am Flwyddyn Galendr Blwyddyn 20__

COFRESTR SYMUD

Dyddiad	Prynu/ gwerthu/ marw/geni/ colli/ canfod/ yn eisiau/ tac/ troglwyddo/ ffrwythloni artiffisial etc	Categori o anifeiliaid e.e. mamogiaid, wyn blwydd, wyn bach	Nifer y defaid/ geifr a symudwyd	Marc Adnabod e.e. rhifau UK, S neu R	Rhif Lot (os daeth o'r farchnad)	Symudwyd o: enw a chyfeiriad	Symudwyd i: enw a chyfeiriad	Enw'r cludwr	Rhif cofrestru'r cerbyd	Cyfanswm cyfredol yr holl ddefaid a geifr

SCHEDULE 1

Article 23(6)

Holding register

SECTION 1

Trading Title

Address of Holding

Postcode

Holding Identifier

(CPH)

Flock/Herd Number

Species

(sheep or goats)

Sheep

Goats

Both

Type of Production

Meat

Wool

Dairy

Breeding
Stock

Other

Geographical Location

(Map Reference)

SECTION 2
REPLACEMENT TAG RECORD (R tag only)

Date of Replacement tag being applied	Replacement (R) tag number	Letters and Previous flock or herd number

SECTION 3

Sheep and Goats Annual Inventory

Location No e.g. CPH	Location Address	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__	Inventory For Calendar Year 20__

MOVEMENT REGISTER

Date	Purchases/ sales/deaths/ births/losses/ found/missing/ tack/transfer/ artificial insemination etc	Category of animals e.g. ewes, yearlings, lambs	Number of sheep/goats moved	Identification mark e.g. UK, S or R numbers	Lot Number (if from market)	Moved from: name & address	Moved to: name & address	Name of haulier	Vehicle registration number	Running total of all sheep or goats

Dogfen symud

Gorchymyn Defaid a Geifr (Cofnodion, Adnabod a Symud) (Cymru) 2008

Adran A - Adnabod a gallu olrhain. (Llenwch adran C isod hefyd.)

I'w llenwi gan y Ceidwad yn y Daliad Ymadael

1. **Manylion Ymadael** Dychwelyd o Dac? Dychwelyd o Dreialon
 CPH Ymadael/ Cŵn Defaid?
 Cyf. Arall.

Dychwelyd ar ôl crynhoi o dir comin?

Enw'r ceidwad a chyfeiriad llawn y daliad ymadael

Cod Post

Nifer yr anifeiliad	Defaid neu Eifr	Rhif diadell a rhif unigol - sioeau/ unedau ynysu yn unig
Cyfanswm		

Yr wyf yn datgan bod y manylion uchod yn gywir

Llofnod y Ceidwad Dyddiad

Enw mewn PRIF lythrennau Rhif Ffôn
(gan gynnwys
cod deialu
cenedlaethol)

I'w llenwi gan y Cludwr

Adran B - Manylion y Cludwr

Enw a chyfeiriad llawn (os yw'n wahanol i'r uchod)

Cod Post

Rhif Cynllun Sier

Cyfnod disgwylidig y siwrnai arfaethedig

Llwytho

Dyddiad:
 Amser cychwyn

Amser a lle aros i orffwys ac a gafodd yr anifeiliad eu dyfrio a/neu eu bwydo (os yw dros 8 awr)

Cofrestrriad cerbyd (au)

/ ID y trelar

Dyddiad a lle y glanhawyd y cerbyd ddiwethaf

Rhif caniatâd y Cludwr
(os yw'n gymwys)

Dadlwytho

Dyddiad:
 Amser cychwyn

Rhif Ffôn (gan gynnwys
cod deialu cenedlaethol)

Llofnod y Cludwr (os yw'n wahanol i'r uchod)

Enw mewn PRIF lythrennau

I'w llenwi gan y Ceidwad yn y
Daliad Ymadael

Adran C- Manylion y Gyrcfan (1)

Enw a chyfeiriad llawn

Cod Post

**Rhowch y math o Farchnad neu Ganolfan Ymgynnull,
os yw'n briodol**

Cigydda dynodedig Arall

Adran CH - Manylion y Gyrcfan (2)

CPH/ Cyf. arall

Nifer yr anifeiliaid a
dderbyniwyd

Yr wyf yn datgan bod y manylion yn yr adran hon yn gywir.

Llofnod

Enw mewn PRIF lythrennau

Dyddiad

Rhif Ffôn (gan gynnwys
cod deialu cenedlaethol)

I'w llenwi gan y Ceidwad yn y
Daliad Ymadael

SCHEDULE 2

Article 24(3)(a)

Movement document

The Sheep and Goats (Record, Identification and Movement) (Wales) Order 2008

Section A - Identification and traceability. (Please also complete Section C below)

1. **Departure details** Return from Tack? Return from Sheep Dog Trials?
 Departure CPH/ Return from rounding up from common land?
 Other ref.

Keeper's name and full postal address of holding of departure

Postcode

Number of animals	Sheep or Goats	Flock and individual number - shows/isolation units only
Total		

I declare the above details are correct

Keeper's Signature Date

Name in BLOCK letters Tel. No.
 (incl. national dialling code)

Completion by Keeper at Departure Holding

Section B - Transporter details

Name and full postal address (where different from above)

Postcode

Assured Scheme number

Vehicle registration(s)/trailer ID

Date and place vehicle last cleansed

Transporters permit No. (where applicable)

Expected duration of intended journey

Completion by Transporter

Loading

Date:
 Start time:

Time and place where rest stops undertaken including if the animals were watered and/or fed (if over 8 hours)

Unloading

Date:
 Finish time:

Tel. No. (incl. nat. dialling code)

Transporter's Signature (where different from above)

Name in BLOCK letters

Section C - Destination details (1)

Completion by Keeper at
Departure Holding

Name and full postal address

Postcode

**State type of Market or Collecting Centre,
where appropriate**

· Dedicated slaughter · Other

Section D - Destination details (2)

Completion by Keeper at
Departure Holding

CPH/Other ref.

--	--	--

No. of animals received

--

I declare the details in this section are correct.

Signature

--

Name in BLOCK letters

--

Date

--

Tel. No. (incl. nat. dialling code)

--

©© Hawlfraint y Goron 2008

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2008

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.