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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2009 Rhif 1551 (Cy.151)**

**2009 No. 1551 (W.151)**

**GARDDWRIAETH**

**HORTICULTURE**

Rheoliadau Marchnata Cynnyrch  
Garddwriaethol Ffres (Cymru)  
2009

The Marketing of Fresh  
Horticultural Produce (Wales)  
Regulations 2009

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Mae'r Rheoliadau hyn yn darparu fframwaith statudol newydd ar gyfer gorfodi rheoliadau marchnata'r Gymuned Ewropeaidd yn y sector ffrwythau a llysiau ffres y darperir ar ei gyfer yn Erthyglau 113 a 113a o Reoliad y Cyngor (EC) Rhif 1234/2007 (OJ Rhif L 299, 16.11.2007, t.1) sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac ar ddarpariaethau penodol ar gyfer rhai cynhyrchion amaethyddol (Rheoliad Sengl CMO), ac a gynhwysir yn Nheitl II o Reoliad y Comisiwn (EC) Rhif 1580/2007 (OJ Rhif L 350, 31.12.2007, t.1) sy'n gosod rheolau gweithredu Rheoliadau'r Cyngor (EC) Rhif 2200/96, (EC) Rhif 2201/96 ac (EC) Rhif 1182/2007 yn y sector ffrwythau a llysiau. Yn benodol, maent yn rhoi ar waith y diwygiadau a wnaed i reolau marchnata'r Gymuned a gyflwynwyd gan Reoliad y Comisiwn (EC) Rhif 1221/2008 (OJ Rhif L 336, 13.12.2008, t.1) sy'n diwygio Rheoliad (EC) Rhif 1580/2007 sy'n gosod rheolau gweithredu Rheoliadau'r Cyngor (EC) Rhif 2200/96, (EC) Rhif 2201/96 ac (EC) Rhif 1182/2007 yn y sector ffrwythau a llysiau o ran safonau marchnata.

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Graddio Cynnyrch Garddwriaethol (Diwygio) 1973 (O.S. 1973/22), Rheoliadau Graddio Cynnyrch Garddwriaethol (Ffurfiâu Labeli) 1982 (O.S. 1982/387) a Rheoliadau Graddio Cynnyrch Garddwriaethol (Diwygio) 1983 (O.S. 1983/1053).

Maent yn datgymhwyso Deddf Amaethyddiaeth a Garddwriaeth 1964 (p.28) a Deddf Cynnyrch Garddwriaethol 1986 (p. 20), sy'n addasu Deddf 1964, o reolau marchnata'r Gymuned yn y sector ffrwythau a

These Regulations provide a new statutory framework for the enforcement of the European Community marketing rules in the fresh fruit and vegetable sector provided for in Articles 113 and 113a of Council Regulation (EC) No 1234/2007 (OJ No L 299, 16.11.2007, p.1) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), and contained in Title II of Commission Regulation (EC) No 1580/2007 (OJ No L 350, 31.12.2007, p.1) laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector. In particular, they implement the revisions made to the Community marketing rules introduced by Commission Regulation (EC) No 1221/2008 (OJ No L 336, 13.12.2008, p.1) amending Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector as regards marketing standards.

These Regulations revoke the Grading of Horticultural Produce (Amendment) Regulations 1973 (S.I. 1973/22), the Grading of Horticultural Produce (Forms of Labels) Regulations 1982 (S.I. 1982/387) and the Grading of Horticultural Produce (Amendment) Regulations 1983 (S.I. 1983/1053).

They disapply the Agriculture and Horticulture Act 1964 (c.28) and the Horticultural Produce Act 1986 (c. 20) which modifies the 1964 Act from the Community marketing rules in the fresh fruit and vegetable sector.

llyisiau ffres. Maent hefyd yn datgymhwyso Deddfau Cynnyrch Amaethyddol (Graddio a Marcio) 1928 a 1931 (p. 19 a p. 40 yn eu trefn) a Deddf Marchnata Amaethyddol 1958 (p. 47).

Maent yn dynodi Gweinidogion Cymru yn gorff arolygu dros Gymru o dan Erthygl 8(1)(b) o Reoliad y Comisiwn (EC) Rhif 1580/2007, yn darparu y caiff Gweinidogion Cymru ddatgelu gwybodaeth, neu os bydd yn ofynnol gwneud hynny, roi gwybodaeth i'r Ysgrifennydd Gwladol, i gyrff arolygu Gogledd Iwerddon a'r Alban neu i'r Comisiwn Ewropeaidd ac y caiff Gweinidogion Cymru benodi swyddogion awdurdodedig (rheoliad 3).

Mae'r Rheoliadau yn gwneud methiant i gydymffurfio ag Erthygl 113a(3) o Reoliad y Cyngor (EC) Rhif 1234/2007, ac â darpariaethau Rheoliad y Comisiwn (EC) Rhif 1580/2007 a grybwyllir yn yr Atodlen, yn dramgwydd. Maent yn cynnwys tramgwyddau ychwanegol sy'n angenrheidiol er mwyn gorfodi rheolau marchnata'r Gymuned yn effeithlon (rheoliad 4 a'r Atodlen).

Maent yn arfer y rhanddirymiad yn Erthygl 3(3) o Reoliad y Comisiwn (EC) Rhif 1580/2007 (rheoliad 5). Mae'r rhanddirymiad hwn yn esemptio cynhyrchion a gyflwynir i'w manwerthu i ddefnyddwyr at eu defnydd personol rhag y safonau marchnata penodol cyn belled â'u bod wedi'u labelu "product intended for processing", neu â geiriau eraill cyfatebol, ac nad yw'r cynhyrchion wedi'u bwriadu ar gyfer prosesu diwydiannol.

Mae rheoliad 6 yn darparu na cheir arfer y pwerau o dan Rannau 3 a 4 o'r Rheoliadau mewn mangre, neu unrhyw ran o fangre, a ddefnyddir yn gyfan gwbl fel tŷ annedd. Mae'r Rheoliadau yn rhoi pwerau mynediad (rheoliad 7) a phwerau eraill (rheoliad 8), gan gynnwys pwerau cymryd i feddiant sy'n ei gwneud yn ofynnol i swyddogion awdurdodedig gyflawni dyletswyddau penodol mewn perthynas ag unrhyw eitemau a gymerir i feddiant. Maent yn cynnwys pwerau penodol i osod labeli sy'n dangos gwahanol fathau o ddiffyg cydymffurfio â rheolau marchnata'r Gymuned (rheoliadau 9, 10 ac 11).

Maent yn rhoi pwerau i swyddogion awdurdodedig i reoli symud cynnyrch garddwriaethol ac yn rhoi hawl i adolygiad i'r rheini a gyflwynir â hysbysiad ysgrifenedig yn eu hysbysu o arfer y pŵer hwnnw (rheoliad 12). Maent yn rhoi'r pŵer i osod label hysbysiad atal sy'n rhoi rhybudd o arfer y pŵer hwnnw (rheoliad 13). Mae yna ddarpariaeth ar gyfer cydsynio i symud cynnyrch garddwriaethol sydd dan reolaeth pan fo amodau penodol wedi'u bodloni (rheoliad 14).

Mae rheoliadau 15, 16, 17 ac 19 yn cynnwys darpariaethau ar dramgwyddau sy'n ymwneud â chynnyrch garddwriaethol sydd dan reolaeth, â rhwystru swyddog awdurdodedig, â chyflawni tramgwydd oherwydd bai person arall ac â chyflawni

They also disapply the Agricultural Produce (Grading and Marking) Acts 1928 and 1931 (c. 19 and c. 40 respectively) and the Agricultural Marketing Act 1958 (c. 47).

They designate the Welsh Ministers as inspection body for Wales under Article 8(1)(b) of Commission Regulation (EC) No 1580/2007, provide that the Welsh Ministers may disclose or where required to do so provide information to the Secretary of State, the Northern Ireland and Scotland inspection bodies or the European Commission and that the Welsh Ministers may appoint authorised officers (regulation 3).

The Regulations make the failure to comply with Article 113a(3) of Council Regulation (EC) No 1234/2007, and the provisions of Commission Regulation (EC) No 1580/2007 mentioned in the Schedule, an offence. They contain additional offences necessary for the effective enforcement of the Community marketing rules (regulation 4 and the Schedule).

They exercise the derogation in Article 3(3) of Commission Regulation (EC) No 1580/2007 (regulation 5). This derogation exempts products presented for retail sale to consumers for their personal use from the specific marketing standards provided they are labelled "product intended for processing", or with other equivalent wording, and the products are not intended for industrial processing.

Regulation 6 provides that the powers under Parts 3 and 4 of the Regulations may not be exercised on premises, or part of any premises, used wholly as a dwelling-house. The Regulations confer powers of entry (regulation 7) and other powers (regulation 8), including seizure powers which require authorised officers to fulfil certain duties in relation to any items seized. They contain powers to affix labels indicating various types of non-conformity with the Community marketing rules (regulations 9, 10 and 11).

They confer power on authorised officers to control the movement of horticultural produce and give a right of review to those served with a written notice informing of the exercise of that power (regulation 12). They confer power to affix a stop notice label warning of its exercise (regulation 13). There is provision for giving consent to the movement of controlled horticultural produce when certain conditions are met (regulation 14).

Regulations 15, 16, 17 and 19 contain provisions on offences relating to controlled horticultural produce, to the obstruction of an authorised officer, to the commission of an offence due to the fault of another person and to the commission of offences by bodies

tramgwyddau gan gyrff corfforaethol etc. Mae rheoliad 18 yn darparu'r amddiffyniadau o fod yn gweithredu gydag awdurdod cyfreithlon neu o arfer diwydrwydd dyladwy a chymryd rhagofalon rhesymol. Yn olaf, mae rheoliad 20 yn darparu y cosbir tramgwyddau ar gollfarn ddiannod â dirwy heb fod uwchlaw lefel 5 ar y raddfa safonol.

Mae asesiad effaith rheoleiddiol ar yr effaith y bydd yr offeryn hwn yn ei gael ar gostau busnes a'r sector gwirfoddol ar gael gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

corporate etc. Regulation 18 provides for defences of acting with lawful authority or exercising due diligence and taking reasonable precautions. Finally, regulation 20 provides that the penalty for offences is on summary conviction a fine not exceeding level 5 on the standard scale.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.

**2009 Rhif 1551 (Cy.151)**

**GARDDWRIAETH**

**Rheoliadau Marchnata Cynnyrch  
Garddwriaethol Ffres (Cymru)  
2009**

*Gwnaed* 23 Mehefin 2009  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 24 Mehefin 2009  
*Yn dod i rym* 16 Gorffennaf 2009

CYNNWYS

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6. Arfer pwerau mewn mangre

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Pwerau swyddogion awdurdodedig

7. Pwerau mynediad
8. Pwerau eraill swyddog awdurdodedig
9. Pŵer i osod label ailraddio
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**2009 No. 1551 (W.151)**

**HORTICULTURE**

**The Marketing of Fresh  
Horticultural Produce (Wales)  
Regulations 2009**

*Made* 23 June 2009  
*Laid before the National  
Assembly for Wales* 24 June 2009  
*Coming into force* 16 July 2009

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Mae'r Rheoliadau hyn yn cael eu gwneud drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, a pharagraff 1A o Atodlen 2 iddi(1).

Mae Gweinidogion Cymru wedi'u dynodi(2) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd.

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SCHEDULE — Provisions under Commission Regulation 1580/2007

These Regulations are made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(1).

The Welsh Ministers are designated(2) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the common agricultural policy of the European Community.

(1) 1972 p. 68. Mewnosodwyd paragraff 1A yn Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

(2) O. S. 2005/2766. Yn rhinwedd adrannau 59(1) ac 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 Weinidogion Cymru.

(1) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

(2) S.I. 2005/2766. By virtue of sections 59(1) and 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.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac fe ymddengys i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau at ddarpariaethau offerynnau'r Gymuned gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygiwyd o bryd i'w gilydd.

Cafwyd ymgynghoriad cyhoeddus agored a thryloyw yn ystod cyfnod paratoi'r Rheoliadau hyn 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, sy'n sefydlu Awdurdod Diogelwch Bwyd Ewrop ac sy'n gosod gweithdrefnau ym materion diogelwch bwyd(1).

Yn unol â hynny, mae Gweinidog Cymru dros Faterion Gwledig yn gwneud y Rheoliadau a ganlyn.

## RHAN 1

### Rhagymadrodd

#### Enwi, cychwyn, rhychwantu a chymhwysu

1. Enw'r Rheoliadau hyn yw Rheoliadau Marchnata Cynnyrch Garddwriaethol Ffres (Cymru) 2009 a deuant i rym ar 16 Gorffennaf 2009 ac maent yn gymwys o ran Cymru.

#### Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "Rheoliad y Comisiwn 1580/2007" ("*Commission Regulation 1580/2007*") yw Rheoliad y Comisiwn (EC) Rhif 1580/2007 sy'n gosod rheolau gweithredu Rheoliadau'r Cyngor (EC) Rhif 2200/96, (EC) Rhif 2201/96, ac (EC) Rhif 1182/2007 yn y sector ffrwythau a llysiau(2) fel y'i diwygiwyd o bryd i'w gilydd.

(2) Yn y Rheoliadau hyn—

mae "cynhwysydd" ("*container*") yn cynnwys unrhyw faged, bwced, hambwrdd, pecyn neu lestr o unrhyw fath, p'un ai a yw'n benagored neu wedi cau;

ystyr "cynnyrch garddwriaethol" ("*horticultural produce*") yw ffrwythau a llysiau a restrir yn Rhan IX o Atodiad I i Reoliad y Cyngor 1234/2007 y mae rheolau marchnata'r Gymuned yn gymwys iddynt;

(1) OJ Rhif L 31, 1.2.2002, t.1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 202/2008 (OJ Rhif L 60, 5.3.2008, t.17).

(2) OJ Rhif L 350, 31.12.2007, t.1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 313/2009 (OJ Rhif L 98, 17.4.2009, t.24).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Welsh Ministers that it is expedient for references to provisions of Community instruments to be construed as a reference to those provisions as amended from time to time.

There has been open and transparent public consultation during the preparation of these Regulations as required by Article 9 of Regulation (EC) No 178/2002(1) 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.

Accordingly, the Welsh Minister for Rural Affairs makes the following Regulations.

## PART 1

### Introduction

#### Title, commencement, extent and application

1. The title of these Regulations is The Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 and they come into force on 16 July 2009 and apply in relation to Wales.

#### Interpretation

2.—(1) In these Regulations—

"Commission Regulation 1580/2007" ("*Rheoliad y Comisiwn 1580/2007*") means Commission Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector(2) as amended from time to time.

(2) In these Regulations—

"authorised officer" ("*swyddog awdurdodedig*") means an officer appointed by the Welsh Ministers in accordance with regulation 3(3) of these Regulations;

"Community marketing rules" ("*rheolau marchnata'r Gymuned*") means the general marketing standard and the specific marketing standards covering fresh fruit and vegetables listed

(1) OJ No L 31, 1.2.2002, p.1, last amended by Commission Regulation (EC) No 202/2008 (OJ No L 60, 5.3.2008, p.17).

(2) OJ No L 350, 31.12.2007, p.1, last amended by Commission Regulation (EC) No 313/2009 (OJ No L 98, 17.4.2009, p.24).

mae "label" ("*label*") yn cynnwys unrhyw ddyfais i gyfleu gwybodaeth drwy nodau ysgrifenedig neu symbolau eraill, ac unrhyw nodau neu symbolau wedi eu stampio neu eu gosod fel arall yn uniongyrchol ar unrhyw gynnyrch garddwriaethol neu gynhwysydd, a dehonglir cyfeiriadau at osod label yn unol â hynny;

mae i "label ailraddio" ("*re-graded label*") yr ystyr a roddir yn rheoliad 9;

mae i "label allraddio" ("*out-graded label*") yr ystyr a roddir yn rheoliad 10;

mae i "label hysbysiad atal" ("*stop notice label*") yr ystyr a roddir yn rheoliad 13;

mae i "label labelu diffygiol" ("*labelling defect label*") yr ystyr a roddir yn rheoliad 11;

mae "mangre" ("*premises*") yn cynnwys unrhyw le, cerbyd neu ôl-gerbyd, stondin, llestr, cynhwysydd, adeiledd symudol, awyren, neu hofranlong;

ystyr "rheolau marchnata'r Gymuned" ("*Community marketing rules*") yw'r safon farchnata gyffredinol a'r safonau marchnata penodol sy'n cwmpasu ffrwythau a llysiau ffres a restrir yn Rhan IX o Atodiad I i Reoliad y Cyngor 1234/2007, ac sy'n cynnwys y rheolau sy'n ymwneud â'r safonau hynny a geir yn Erthyglau 113 ac 113a o Reoliad y Cyngor 1234/2007 ac yn Nheitl II o Reoliad y Comisiwn 1580/2007;

ystyr "Rheoliad y Cyngor 1234/2007" ("*Council Regulation 1234/2007*") yw Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu trefniadaeth gyffredin o farchnadoedd amaethyddol ac ar ddarpariaethau penodol ar gyfer cynhyrchion amaethyddol penodol (Rheoliad Sengl CMO)(1) fel y'i diwygiwyd o dro i dro;

ystyr "safonau marchnata cyffredinol" ("*general marketing standard*") yw gofynion Erthygl 113a(1) o Reoliad 1234/2007 fel y'u rhoddir yn Erthygl 2a(1) a Rhan A o Atodiad I i Reoliad y Comisiwn 1580/2007;

ystyr "safonau marchnata penodol" ("*specific marketing standards*") yw'r safonau marchnata y darperir ar eu cyfer o dan Erthygl 113(1)(b) o Reoliad y Cyngor 1234/2007 fel y'u rhoddir yn Erthygl 2a(2) a Rhan B o Atodiad I i Reoliad y Comisiwn 1580/2007(2), ac ystyr "safon farchnata benodol" ("*specific marketing standard*") yw un o'r safonau marchnata penodol hynny;

in Part IX of Annex I to Council Regulation 1234/2007, and includes the rules relating to those standards contained in Articles 113 and 113a of Council Regulation 1234/2007 and Title II of Commission Regulation 1580/2007;

"container" ("*cynhwysydd*") includes any basket, pail, tray, package or receptacle of any kind, whether open or closed;

"controlled" ("*sydd dan reolaeth*") in relation to horticultural produce, means that the power conferred by regulation 12(1) (stop notice) has been exercised in relation to it and that the stop notice is for the time being in force;

"Council Regulation 1234/2007" ("*Rheoliad y Cyngor 1234/2007*") means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(1) as amended from time to time;

"general marketing standard" ("*safonau marchnata cyffredinol*") means the requirements of Article 113a(1) of Regulation 1234/2007 as detailed in Article 2a(1) and Part A of Annex I to Commission Regulation 1580/2007;

"horticultural produce" ("*cynnyrch garddwriaethol*") means fruit and vegetables listed in Part IX of Annex I to Council Regulation 1234/2007 to which Community marketing rules apply;

"label" ("*label*") includes any device for conveying information by written characters or other symbols, and any characters or symbols stamped or otherwise placed directly on to any horticultural produce or container, and references to the affixing of a label are construed accordingly;

"labelling defect label" ("*label labelu diffygiol*") has the meaning given in regulation 11;

"out-graded label" ("*label allraddio*") has the meaning given in regulation 10;

"premises" ("*mangre*") includes any place, vehicle or trailer, stall, vessel, container, moveable structure, aircraft, or hovercraft;

"re-graded label" ("*label ailraddio*") has the meaning given in regulation 9;

(1) OJ Rhif L 299, 16.11.2007, t.1, fel y'i diwygiwyd gan Reoliad y Comisiwn (EC) Rhif 183/2009 (OJ Rhif L 63, 7.3.2009, t 9).

(2) Mae Rhan B o Atodiad I i Reoliad y Comisiwn 1580/2007 yn cynnwys safonau marchnata penodol ar gyfer y cynhyrchion canlynol: afalau, ffrwythau sitraidd, ffrwythau ciwi, letus, endifau cyrliogddail a llydanddail, eirin gwlanog a nectarinau, gellyg, mefus, pupurau melys, grawnwin bwyta a thomatos.

(1) OJ No L 299, 16.11.2007, p.1, last amended by Commission Regulation (EC) No 183/2009 (OJ No L 63, 7.3.2009, p 9).

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw swyddog a benodwyd gan Weinidogion Cymru yn unol â rheoliad 3(3) o'r Rheoliadau hyn;

ystyr "sydd dan reolaeth" ("*controlled*") mewn perthynas â chynnyrch garddwriaethol, yw fod y pŵer a roddir gan reoliad 12(1) (hysbysiad atal) wedi cael ei arfer mewn perthynas ag ef a bod yr hysbysiad atal mewn grym am y tro.

(3) Oni bai bod y rheoliad hwn yn darparu'n wahanol, mae i dermau Cymraeg a ddefnyddir yn y Rheoliadau hyn yr un ystyr ag sydd i'r termau Saesneg cyfatebol a ddefnyddir yn y Rheoliadau hyn ac yn Rheoliad y Cyngor 1234/2007 a Rheoliad y Comisiwn 1580/2007.

### **Dynodiadau, darparu gwybodaeth, a phenodi swyddogion awdurdodedig**

3.—(1) Mae Gweinidogion Cymru wedi eu dynodi fel y corff arolygu o dan Erthygl 8(1)(b) o Reoliad y Comisiwn 1580/2007.

(2) At ddibenion cyflawni'r rhwymedigaethau ar gyrff arolygu a geir yn rheolau marchnata'r Gymuned ac er mwyn gorfodi'r Rheoliadau hyn, caiff Gweinidogion Cymru, yn ôl fel sydd yn briodol neu os yw'n ofynnol iddynt wneud hynny, ddarparu gwybodaeth i'r Ysgrifennydd Gwladol, i gyrff arolygu Gogledd Iwerddon a'r Alban neu i'r Comisiwn Ewropeaidd.

(3) Caiff Gweinidogion Cymru benodi swyddogion at ddibenion gorfodi'r Rheoliadau hyn, y cyfeirir atynt yn y Rheoliadau hyn fel swyddogion awdurdodedig.

## **RHAN 2**

Tramgwyddau cyffredinol, rhanddirymiad ac arfer pwerau mewn mangre

### **Tramgwyddau rheolau marchnata'r Gymuned**

4.—(1) Mae person yn euog o dramgwydd os yw'n arddangos, yn cynnig gwerthu, yn cyflenwi neu'n marchnata mewn unrhyw ddull arall, gynnyrch garddwriaethol mewn modd sy'n groes i, neu heb fod yn cydymffurfio â—

(a) y safon farchnata gyffredinol, os yw'n gymwys; neu

"specific marketing standards" ("*safonau marchnata penodol*") means the marketing standards provided for under Article 113(1)(b) of Council Regulation 1234/2007 as detailed in Article 2a(2) and Part B of Annex I to Commission Regulation 1580/2007(1), and "specific marketing standard" ("*safon farchnata benodol*") means one of those specific marketing standards;

"stop notice label" ("*label hysbysiad atal*") has the meaning given in regulation 13.

(3) Unless otherwise provided in this regulation, terms used in these Regulations have the same meaning as they have in Council Regulation 1234/2007 and Commission Regulation 1580/2007.

### **Designations, provision of information, and appointment of authorised officers**

3.—(1) The Welsh Ministers are designated as the inspection body under Article 8(1)(b) of Commission Regulation 1580/2007.

(2) For the purposes of fulfilling the obligations on inspection bodies contained in the Community marketing rules and for the enforcement of these Regulations, the Welsh Ministers may as appropriate or where required to do so provide information to the Secretary of State, the Northern Ireland and Scotland inspection bodies or the European Commission.

(3) The Welsh Ministers may appoint officers for the purposes of the enforcement of these Regulations, in these Regulations referred to as authorised officers.

## **PART 2**

General offences, derogation and exercise of powers on premises

### **Community marketing rules offences**

4.—(1) A person is guilty of an offence if they display, offer for sale, deliver or market in any other manner, horticultural produce in contravention of or which is not compliant with—

(a) the general marketing standard, if applicable; or

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(1) Part B of Annex I to Commission Regulation 1580/2007 contains specific marketing standards for the following products: apples, citrus fruit, kiwifruit, lettuces, curled leaved and broad-leaved endives, peaches and nectarines, pears, strawberries, sweet peppers, table grapes and tomatoes.



(b) unrhyw safon farchnata benodol sy'n gymwys i'r cynnyrch garddwriaethol hwnnw.

(2) Ni fydd paragraff (1) yn gymwys yn yr amgylchiadau a grybwyllir yn rheoliad 5.

(3) Mae person yn euog o dramgwydd os yw'n methu â chydymffurfio ag unrhyw ddarpariaeth yn Rheoliad y Comisiwn 1580/2007 a grybwyllir yng ngholofn 1 o'r Atodlen, fel y'i darllenir gydag unrhyw ddarpariaeth a grybwyllir mewn unrhyw gofnod cyfatebol yng ngholofn 2 o'r Atodlen honno.

(4) Os bydd—

(a) swyddog awdurdodedig wedi arolygu cynnyrch garddwriaethol ac wedi canfod nad yw'n cydymffurfio â rheolau marchnata'r Gymuned, a

(b) y person sydd â'r gofal dros y cynnyrch garddwriaethol hwnnw wedi rhoi ymrwymiad, neu wedi bod yn gyfrifol dros roi ymrwymiad mewn perthynas â'r cynnyrch garddwriaethol hwnnw,

y mae'n dramgwydd i'r person hwnnw weithredu'n groes i'r ymrwymiad neu i beri neu ganiatáu i'w asiant neu i'w gyflogai weithredu'n groes i'r ymrwymiad.

(5) Mae person yn euog o dramgwydd os yw, tra'n honni ei fod yn darparu manylion yr wybodaeth sy'n ofynnol gan reolau marchnata'r Gymuned ar gyfer cynnyrch garddwriaethol, yn rhoi disgrifiad diffygiol neu ffug o'r cynnyrch garddwriaethol hwnnw, ar label a osodir arno neu mewn dogfen sy'n mynd gydag ef.

(6) Mae person, ac eithrio swyddog awdurdodedig, yn euog o dramgwydd os yw'n gosod, neu'n peri neu'n caniatáu gosod, label ailraddio, label allraddio, neu label labelu diffygiol, ar gynhwysydd cynnyrch garddwriaethol neu ar y cynnyrch garddwriaethol ei hun, neu ar unrhyw hysbysiad neu ddogfen y mae'n ofynnol gan reolau marchnata'r Gymuned ei fod neu ei bod yn mynd gyda'r cynnyrch garddwriaethol hwnnw.

(7) Mae person, ac eithrio swyddog awdurdodedig, yn euog o dramgwydd os yw'n symud ymaith, yn cuddio, yn difwyno neu'n altro, neu'n peri neu ganiatáu symud ymaith, cuddio, difwyno neu altro—

(a) unrhyw hysbysiad neu ddogfen y mae'n ofynnol gan reolau marchnata'r Gymuned iddo neu iddi fynd gyda chynnyrch garddwriaethol neu unrhyw label y mae'n ofynnol gan reolau marchnata'r Gymuned iddo gael ei osod ar y cynnyrch garddwriaethol hwnnw neu ar ei gynhwysydd;

(b) label ailraddio, label allraddio, neu label labelu diffygiol a osodwyd gan swyddog awdurdodedig wrth weithredu'r Rheoliadau hyn ar y cynnyrch garddwriaethol neu ar ei gynhwysydd;

(b) any specific marketing standard applying to that horticultural produce.

(2) Paragraph (1) does not apply in the circumstances mentioned in regulation 5.

(3) A person is guilty of an offence if they fail to comply with any provision of Commission Regulation 1580/2007 mentioned in column 1 of the Schedule, as read with any provision mentioned in any corresponding entry in column 2 of that Schedule.

(4) Where—

(a) an authorised officer has inspected horticultural produce and found it not to be compliant with Community marketing rules, and

(b) the person in charge of that horticultural produce has given an undertaking, or has been responsible for the giving of an undertaking in relation to that horticultural produce,

it is an offence for that person to act in breach of the undertaking or to cause or permit their agent or employee to act in breach of the undertaking.

(5) A person is guilty of an offence if, in purporting to provide the information particulars required by Community marketing rules for horticultural produce, they give an inaccurate or false description of that horticultural produce on a label affixed to, or in a notice or document accompanying, that horticultural produce.

(6) A person, other than an authorised officer, is guilty of an offence if they affix, or cause or permit to be affixed, a re-graded label, an out-graded label or a labelling defect label to the container of horticultural produce, or to the horticultural produce itself, or to any notice or document which is required by Community marketing rules to accompany that horticultural produce.

(7) A person, other than an authorised officer, is guilty of an offence if they remove, conceal, deface or alter, or cause or permit to be removed, concealed, defaced or altered—

(a) any notice or document which is required by Community marketing rules to accompany horticultural produce or any label required by Community marketing rules to be affixed to that horticultural produce or to its container;

(b) a re-graded label, an out-graded label or a labelling defect label which has been applied by an authorised officer in the execution of these Regulations to the horticultural produce or to its container;

- (c) unrhyw dâp nodi neu ddeunydd arall a ddefnyddiwyd gan swyddog awdurdodedig yn unol â rheoliad 8(1)(dd) i ddynodi cynnyrch garddwriaethol neu lot benodol o gynnyrch garddwriaethol y canfyddir nad yw'n cydymffurfio â rheolau marchnata'r Gymuned.

(8) Mae person yn euog o dramgwydd os yw'n allforio neu'n mewnforio unrhyw lwyth o gynnyrch garddwriaethol i unrhyw fan neu o unrhyw fan y tu allan i'r Gymuned Ewropeaidd heb ddogfen, label neu hysbysiad y mae'n ofynnol gan reolau marchnata'r Gymuned iddi neu iddo fynd gyda'r cynnyrch garddwriaethol hwnnw.

### Rhanddirymiad rhag safonau marchnata penodol

5. Nid yw'n ofynnol i gynnyrch garddwriaethol y mae safon farchnata benodol yn gymwys iddo gydymffurfio(1) â'r safon farchnata benodol honno os yw'r cynnyrch garddwriaethol hwnnw yn cydymffurfio â'r safon farchnata gyffredinol ac os yw—

- (a) yn cael ei gyflwyno i'w fanwerthu i ddefnyddwyr at eu defnydd personol;
- (b) wedi'i labelu "product intended for processing" neu â geiriau cyfatebol eraill; ac
- (c) nad oes bwriad i'w brosesu'n ddiwydiannol.

### Arfer pwerau mewn mangre

6. Ni cheir arfer y pwerau o dan Ran 3 a Rhan 4 o'r Rheoliadau hyn mewn mangre oedd, neu mewn rhan o unrhyw fangre, a ddefnyddir yn unig fel tŷ annedd.

## RHAN 3

### Pwerau swyddogion awdurdodedig

#### Pwerau mynediad

7.—(1) Caiff swyddog awdurdodedig fynd i mewn i unrhyw fangre ar unrhyw adeg resymol at ddibenion gorfodi'r Rheoliadau hyn.

(2) Rhaid i swyddog awdurdodedig ddangos dogfen awdurdodi a ddilyswyd yn briodol os gofynnir iddo wneud hynny.

- (3) Caiff swyddog awdurdodedig—
  - (a) fynd gydag ef—

(1) Mae Rheoliad 5 yn arfer y rhanddirymiad yn Erthygl 3(3) o Reoliad y Comisiwn (EC) Rhif 1580/2007, fel y'i disodlwyd gan destun newydd yn rhinwedd Erthygl 1(c) o Reoliad y Comisiwn (EC) Rhif 1221/2008 sy'n diwygio Rheoliad (EC) Rhif 1580/2007 sy'n gosod rheolau gweithredu Rheoliadau'r Cyngor (EC) Rhif 2200/96, (EC) Rhif 2201/96 ac (EC) Rhif 1182/2007 yn y sector ffirwythau a llysiau o ran safonau marchnata (OJ Rhif L 336, 13.12.2008, t 1 fel y'i cywirwyd gan Corrigendwm (OJ Rhif L 36, 5.2.2009, t.84)).

- (c) any demarcation tape or other material used by an authorised officer in accordance with regulation 8(1)(f) to identify horticultural produce or a specific lot of horticultural produce which is found not to be compliant with Community marketing rules.

(8) A person is guilty of an offence if they export or import any consignment of horticultural produce to or from any place outside the European Community without a document, label or notice required by Community marketing rules to accompany that horticultural produce.

### Derogation from specific marketing standards

5. Horticultural produce to which a specific marketing standard applies is not required to comply(1) with that specific marketing standard if that horticultural produce complies with the general marketing standard and if it is—

- (a) presented for retail sale to consumers for their personal use;
- (b) labelled "product intended for processing" or with any other equivalent wording; and
- (c) not intended for industrial processing.

### Exercise of powers on premises

6. The powers under Part 3 and Part 4 of these Regulations may not be exercised on premises, or part of any premises, used only as a dwelling-house.

## PART 3

### Powers of authorised officers

#### Powers of entry

7.—(1) An authorised officer may enter any premises at any reasonable hour for the purposes of the enforcement of these Regulations.

(2) An authorised officer must, if requested to do so, produce a duly authenticated authorisation document.

- (3) An authorised officer may—
  - (a) be accompanied by—

(1) Regulation 5 exercises the derogation in Article 3(3) of Commission Regulation (EC) No 1580/2007, as replaced with new text by virtue of Article 1(c) of Commission Regulation (EC) No 1221/2008 amending Regulation (EC) No 1580/2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector as regards marketing standards (OJ No L 336, 13.12.2008, p 1 as corrected by Corrigendum (OJ No L 36, 5.2.2009, p.84)).

- (i) unrhyw bersonau eraill sydd ym marn y swyddog awdurdodedig yn angenrheidiol;
  - (ii) unrhyw gynrychiolydd o'r Comisiwn Ewropeaidd sy'n gweithredu at ddibenion gorfodi rhwymedigaeth ar ran y Gymuned;
- a
- (b) dod ag unrhyw gyfarpar i'r fangre sydd ym marn y swyddog awdurdodedig yn angenrheidiol.

(4) Os bodlonir ynad heddwch, ar hysbysiad ysgrifenedig ar lw, fod yna sail resymol i fynd i mewn i unrhyw fangre at ddibenion gorfodi'r Rheoliadau hyn, ac naill ai—

- (a) bod mynediad i swyddog awdurdodedig wedi ei wrthod, neu y disgwylir y bydd yn cael ei wrthod, ac (yn y naill achos a'r llall) fod hysbysiad wedi ei roi i'r meddiannydd o'r bwriad i wneud cais am warant; neu
- (b) y byddai gwneud cais am fynediad i'r fangre, neu roi hysbysiad o'r fath, yn trechu bwriad y mynediad, neu
- (c) fod y fangre heb ei meddiannu neu fod ei meddiannydd yn absennol ohoni dros dro; neu
- (ch) fod brys ynglŷn â'r achos,

caiff yr ynad roi awdurdod, drwy warant a lofnodwyd, i'r swyddog awdurdodedig fynd i mewn i'r fangre, â grym rhesymol os bydd angen hynny.

(5) Mae gwarant o dan y rheoliad hwn yn ddilys am dri mis.

(6) Rhaid i swyddog awdurdodedig sy'n mynd i mewn i unrhyw fangre nad yw wedi'i meddiannu, neu y mae ei meddiannydd yn absennol ohoni dros dro, yn rhinwedd y rheoliad hwn, ei gadael wedi ei chau yr un mor effeithiol rhag mynediad heb awdurdod ag yr ydoedd cyn iddo fynd i mewn iddi.

(7) Mae'n dramgwydd i berson a ddaeth ar draws gybodaeth gyfrinachol tra'n gweithredu at ddibenion gorfodi'r Rheoliadau hyn i ddatgelu'r wybodaeth gyfrinachol y daeth ar ei thraws, p'un ai a ddaeth ar ei thraws mewn mangre yr aethpwyd i mewn iddi o dan y Rheoliadau hyn, neu yn eu rhinwedd neu mewn modd arall, onis gwneir y datgeliad wrth i'r person hwnnw wneud ei ddyletswydd neu yn unol ag adran 17(2) o Ddeddf Gwrth-derfysgaeth, Trosedd a Diogeledd 2001(1).

### Pwerau eraill swyddog awdurdodedig

8.—(1) Caiff swyddog awdurdodedig sydd wedi mynd i mewn i fangre yn gyfreithlon at ddibenion gorfodi'r Rheoliadau hyn, wneud y canlynol at y dibenion hynny—

- (a) ei gwneud yn ofynnol i unrhyw berson ddarparu'r fath gymorth, y fath wybodaeth neu'r fath gyfleusterau ag y dichon y swyddog awdurdodedig yn rhesymol eu mynnu;

- (i) such other persons as the authorised officer considers necessary;
  - (ii) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation; and
- (b) bring on to the premises such equipment as the authorised officer considers necessary.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes of enforcing these Regulations, and either—

- (a) admission to an authorised officer has been refused, or a refusal is expected, and (in either case) that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) that an application for admission to the premises, or the giving of such a notice, would defeat the object of the entry, or
- (c) that the premises are unoccupied or the occupier is temporarily absent; or
- (d) that the case is one of urgency,

the justice may by signed warrant authorise the authorised officer to enter the premises, if need be by reasonable force.

(5) A warrant under this regulation is valid for three months.

(6) An authorised officer who enters by virtue of this regulation any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

(7) It is an offence for a person who has obtained confidential information in the course of acting for the purposes of the enforcement of these Regulations to disclose the confidential information obtained, whether it was obtained on premises entered under or by virtue of these Regulations or otherwise, unless the disclosure is made in the performance of that person's duty or in accordance with section 17(2) of the Anti-terrorism, Crime and Security Act 2001(1).

### Other powers of an authorised officer

8.—(1) An authorised officer who has lawfully entered premises for the purposes of the enforcement of these Regulations, may for those purposes —

- (a) require any person to provide such assistance, information or facilities as the authorised officer may reasonably require;

(1) 2001 p. 24.

(1) 2001 c. 24.

- (b) gwneud unrhyw ymholiadau, sylwi ar unrhyw weithgaredd neu broses, a thynnu ffotograffau;
- (c) arolygu a chwilio'r fangre;
- (ch) arolygu unrhyw beirianwaith neu gyfarpar, ac unrhyw beth arall yn y fangre;
- (d) arolygu a chymryd samplau o unrhyw gynnyrch garddwriaethol a ganfuwyd yn y fangre;
- (dd) dynodi, gyda thâp dynodi neu ddeunydd arall, cynnyrch garddwriaethol neu lot benodol o gynnyrch garddwriaethol y canfyddir nad yw'n cydymffurfio â rheolau marchnata'r Gymuned;
- (e) arolygu, cymryd i feddiant a dal dan gadwad unrhyw gynhwysydd a ddefnyddir mewn cysylltiad â chynnyrch garddwriaethol;
- (f) cael mynediad at, arolygu a chopïo unrhyw label, hysbysiad, dogfen neu gofnod (ar ba bynnag ffurf y'u cedwir), eu symud ymaith er mwyn gallu eu copïo neu ei gwneud yn ofynnol i gopïau ohonynt gael eu gwneud;
- (ff) tynnu ymaith, neu roi caniatâd i dynnu ymaith, unrhyw label ailraddio, label allraddio, label labelu diffygiol neu label hysbysiad atal pan nad yw'r rhesymau dros eu gosod bellach yn gymwys;
- (g) cael mynediad at, arolygu a gwirio data ar unrhyw gyfrifiadur, a sut mae'r cyfrifiadur hwnnw'n gweithio, ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddiwyd neu sy'n cael ei ddefnyddio mewn cysylltiad â label, hysbysiad, dogfen neu gofnod a grybwyllir yn y rheoliad hwn, gan gynnwys data sy'n ymwneud â ffeiliau a ddilewyd a logiau gweithgaredd; ac at y diben hwn caiff fynnu bod unrhyw berson sy'n gyfrifol am y cyfrifiadur, neu unrhyw berson sy'n ymwneud newn modd arall â'i weithredu, neu weithredu'r cyfarpar neu'r deunydd yn rhoi cynorthwy o'r fath (gan gynnwys rhoi cyfrineiriau) ag y gellir yn rhesymol ei fynnu, ac, os yw'r eitemau hynny'n cael eu cadw ar gyfrifiadur, caiff fynnu eu bod yn eu dangos ar ffurf y gellir eu cymryd ymaith ynddi;
- (ng) cymryd meddiant o unrhyw gyfrifiadur a chyfarpar cysylltiedig at ddibenion copïo unrhyw ddata, ond dim ond os oes gan y swyddog awdurdodedig hwnnw amheuaeth resymol fod tramgwydd o dan y Rheoliadau wedi ei gyflawni, a chyhyd ag y cânt eu dychwelyd cyn gynted ag y bo modd ymarferol;
- (h) cymryd meddiant a dal dan gadwad unrhyw eitemau yn is-baragraff (f) os oes gan y swyddog awdurdodedig hwnnw reswm dros gredu y bydd eu hangen fel tystiolaeth mewn achos o dan y Rheoliadau hyn.
- (b) make any enquiries, observe any activity or process, and take photographs;
- (c) inspect and search the premises;
- (d) inspect any machinery or equipment, and any other article on the premises;
- (e) inspect and take samples of any horticultural produce found on the premises;
- (f) identify, with demarcation tape or other material, horticultural produce or a specific lot of horticultural produce which is found not to be compliant with Community marketing rules;
- (g) inspect, seize and detain any container used in connection with horticultural produce;
- (h) have access to, inspect and copy any label, notice, document or record (in whatever form they are held), remove them to enable them to be copied or require copies to be made;
- (i) detach, or give permission to be detached, any re-graded label, out-graded label, labelling defect label or stop notice label when the reasons for their being affixed no longer apply;
- (j) have access to, inspect and check the data on, and operation of, any computer and any associated apparatus or material that is or has been in use in connection with a label, notice, document or record mentioned in this regulation, including data relating to deleted files and activity logs; and for this purpose may require any person having charge of, or otherwise concerned with the operation of the computer, apparatus or material to afford such assistance (including the provision of passwords) as may reasonably be required and, where these items are kept by means of a computer, may require them to be produced in a form in which they may be taken away;
- (k) seize any computers and associated equipment for the purpose of copying any data, but only if that authorised officer has a reasonable suspicion that an offence under these Regulations has been committed, and provided they are returned as soon as practicable;
- (l) seize and detain any items in sub-paragraph (h) if that authorised officer has reason to believe that they may be required as evidence in proceedings under these Regulations.

(2) Os yw swyddog awdurdodedig yn cymryd sampl crynswth o gynnyrch garddwriaethol o lot benodol yn unol ag Atodiad VI i Reoliad y Comisiwn 1580/2007 ac yn canfod nad yw'r cynnyrch garddwriaethol hwnnw yn cydymffurfio â rheolau marchnata'r Gymuned, caiff arfer y pŵer i osod—

- (a) label ailraddio o dan reoliad 9(1);
- (b) label allraddio o dan reoliad 10(1);
- (c) label labelu diffygiol o dan reoliad 11(1);
- (ch) label hysbysiad atal o dan reoliad 13(1),

mewn perthynas â phob neu unrhyw gynnyrch garddwriaethol neu gynhwysyddion cynnyrch garddwriaethol o fewn y lot honno yn yr un modd ac mewn perthynas â'r sampl crynswth a gymerwyd.

(3) Rhaid i swyddog awdurdodedig—

- (a) cyn gynted ag y bo'n rhesymol ymarferol, ddarparu i'r person yr ymddengys ei fod yn gyfrifol am unrhyw eitemau y mae'r swyddog awdurdodedig hwnnw yn cymryd meddiant ohonynt ac yn eu dal dan gadwad o dan baragraff (1) dderbynneb ysgrifenedig yn dynodi'r eitemau hynny; a
- (b) cyn gynted ag y bo'n rhesymol ymarferol ar ôl penderfynu nad oes bellach angen yr eitemau hynny, eu dychwelyd, ar wahân i'r rheini sydd i'w defnyddio fel tystiolaeth mewn achos llys.

(4) Os yw swyddog awdurdodedig wedi cymryd i'w feddiant eitemau o dan baragraff (1) ac wedi eu dal dan gadwad i'w defnyddio fel tystiolaeth mewn achos llys ac—

- (a) fe benderfynir yn ddiweddarach—
  - (i) nad oes achos llys i gael ei ddwyn; neu
  - (ii) nad oes angen yr eitemau hynny bellach fel tystiolaeth mewn achos llys; neu
- (b) fod yr achos llys wedi ei gwblhau ac na wnaeth y llys orchymyn mewn perthynas â'r eitemau hynny,

rhaid i swyddog awdurdodedig ddychwelyd yr eitemau cyn gynted ag y bo'n rhesymol ymarferol.

### **Pŵer i osod label ailraddio**

9.—(1) Os yw swyddog awdurdodedig, sydd wedi mynd i mewn i fangre yn gyfreithlon at ddibenion gorfodi'r Rheoliadau hyn, yn canfod fod yna ar gynnyrch garddwriaethol sy'n ddarostyngedig i safon farchnata benodol label neu fod gydag ef hysbysiad neu ddogfen sy'n ofynnol yn ôl rheolau marchnata'r Gymuned, neu ei fod mewn cynhwysydd â label o'r fath wedi ei osod arno neu fod yna hysbysiad neu ddogfen o'r fath yn mynd gydag ef—

- (a) sy'n dangos yn y naill achos a'r llall fod y cynnyrch garddwriaethol hwnnw o ddosbarth arbennig o dan y safon farchnata benodol berthnasol, ond

(2) Where an authorised officer takes a bulk sample of horticultural produce from a specific lot in accordance with Annex VI to Commission Regulation 1580/2007 and finds that horticultural produce not to be compliant with the Community marketing rules, the power to affix—

- (a) a re-graded label under regulation 9(1);
- (b) an out-graded label under regulation 10(1);
- (c) a labelling defect label under regulation 11(1);
- (d) a stop notice label under regulation 13(1),

may be exercised in relation to all or any of the horticultural produce or containers of horticultural produce within that lot in the same way as in relation to the bulk sample taken.

(3) An authorised officer must—

- (a) as soon as is reasonably practicable, provide to the person appearing to be responsible for any items that that authorised officer seizes and detains under paragraph (1) a written receipt identifying those items; and
- (b) as soon as is reasonably practicable after deciding that those items are no longer required, return them, apart from those to be used as evidence in court proceedings.

(4) Where an authorised officer has seized and detained items under paragraph (1) for use in evidence in court proceedings and—

- (a) it is subsequently decided—
  - (i) that no court proceedings are to be brought; or
  - (ii) that those items are no longer needed as evidence in court proceedings; or
- (b) the court proceedings are completed and no order in relation to those items has been made by the court,

an authorised officer must return the items as soon as is reasonably practicable.

### **Power to affix a re-graded label**

9.—(1) Where an authorised officer, who has lawfully entered premises for the purposes of the enforcement of these Regulations, finds horticultural produce subject to a specific marketing standard which has affixed to it a label or is accompanied by a notice or a document required by Community marketing rules, or is in a container to which such a label is affixed or which is accompanied by such a notice or document—

- (a) indicating in either case that that horticultural produce is of a particular class under the relevant specific marketing standard, but

- (b) fod gan y swyddog awdurdodedig achos rhesymol dros gredu ei fod o ddsbarth is o dan y safon farchnata benodol honno,

caiff y swyddog awdurdodedig ddiwygio neu ganslo'r label, yr hysbysiad neu'r ddogfen a chaiff osod ar y cynnyrch garddwriaethol, neu, yn ôl y digwydd, ar yr hysbysiad neu'r cynhwysydd, label sy'n dynodi'r ffaith honno ("label ailraddio").

(2) Label yw'r label ailraddio—

- (a) sy'n dangos yr wybodaeth a ganlyn—

- (i) y rhif personol a roddwyd i'r swyddog awdurdodedig a wnaeth yr arolygiad;
- (ii) dyddiad yr arolygiad;
- (iii) logoteip Llywodraeth Cynulliad Cymru neu olynydd Llywodraeth Cynulliad Cymru;
- (iv) logoteip yr Asiantaeth Taliadau Gwledig y dangosir ei ddyluniad ar y wefan: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) a'r geiriad—

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neu eiriad cyfatebol y cytunir arno rhwng unrhyw olynydd i'r Asiantaeth Taliadau Gwledig a Gweinidogion Cymru, a logoteip yr olynydd hwnnw;

- (v) y geiriad—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

- (b) sy'n dangos un o'r canlynol, yn ôl ei briodoldeb—

- (i) y geiriau "RE-GRADED CLASS I"; neu
- (ii) y geiriau "RE-GRADED CLASS II".

### Pŵer i osod label allraddio

**10.**—(1) Os yw swyddog awdurdodedig, sydd wedi mynd i mewn i fangre yn gyfreithlon at ddibenion gorfodi'r Rheoliadau hyn, yn canfod fod yna ar unrhyw gynnyrch garddwriaethol naill ai label neu fod yna hysbysiad neu ddogfen yn mynd gydag ef sy'n ofynnol gan reolau marchnata'r Gymuned, neu os yw mewn cynhwysydd y mae label o'r fath wedi ei osod arno neu sydd â hysbysiad neu ddogfen o'r fath yn dod gydag ef, sy'n dangos yn y naill achos a'r llall fod un o'r sefyllfaoedd ym mharagraffau (2) i (4) yn gymwys, caiff y swyddog awdurdodedig ddiwygio neu ganslo'r label, yr hysbysiad neu'r ddogfen a chaiff osod ar y cynnyrch garddwriaethol, neu, yn ôl y digwydd, ar yr

- (b) which the authorised officer has reasonable cause to believe to be of an inferior class under that specific marketing standard,

the authorised officer may amend or cancel the label, notice or document and may affix to the horticultural produce, or, as the case may be, to the notice or container, a label indicating that fact (a "re-graded label").

(2) The re-graded label is a label which—

- (a) shows the following information—

- (i) the personal number assigned to the authorised officer who carried out the inspection;
- (ii) the date of the inspection;
- (iii) the logotype of the Welsh Assembly Government or the Welsh Assembly Government's successor;
- (iv) the logotype of the Rural Payments Agency the design of which is displayed on the website: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) and the wording—

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or equivalent wording agreed by any successor to the Rural Payments Agency with the Welsh Ministers, and that successor's logotype;

- (v) the wording—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

- (b) shows one of the following, as appropriate—

- (i) the words "RE-GRADED CLASS I"; or
- (ii) the words "RE-GRADED CLASS II".

### Power to affix an out-graded label

**10.**—(1) Where an authorised officer, who has lawfully entered premises for the purposes of the enforcement of these Regulations, finds any horticultural produce which either has affixed to it a label or is accompanied by a notice or a document required by Community marketing rules, or is in a container to which such a label is affixed or which is accompanied by such a notice or document, indicating in either case that one of the situations in paragraphs (2) to (4) applies, an authorised officer may amend or cancel the label, notice or document and may affix to the horticultural produce, or, as the case may be, to the notice or container, a label indicating that fact (an "out-

hysbysiad neu'r cynhwysydd, label sy'n dynodi'r ffaith honno ("label allraddio").

(2) Sefyllfa 1 yw pan fo'r label, yr hysbysiad neu'r ddogfen yn dangos fod y cynnyrch garddwriaethol o ddsbarth marchnatwy o dan y safon farchnata benodol sy'n gymwys iddo ond fod gan y swyddog awdurdodedig achos rhesymol dros gredu nad yw'r cynnyrch garddwriaethol yn cydymffurfio ag unrhyw ddsbarth o'r safon farchnata benodol honno ond dim ond yn cydymffurfio â'r safon farchnata gyffredinol.

(3) Sefyllfa 2 yw pan fo'r label, yr hysbysiad neu'r ddogfen yn dangos fod y cynnyrch garddwriaethol o ddsbarth marchnatwy o dan y safon farchnata benodol sy'n gymwys iddo ond fod gan y swyddog awdurdodedig achos rhesymol dros gredu nad yw'r cynnyrch garddwriaethol o safon farchnatwy o dan reolau marchnata'r Gymuned.

(4) Sefyllfa 3 yw pan fo'r label, yr hysbysiad neu'r ddogfen yn dangos fod y cynnyrch garddwriaethol yn cydymffurfio â'r safon farchnata gyffredinol ond fod gan y swyddog awdurdodedig achos rhesymol dros gredu nad yw'r cynnyrch garddwriaethol o safon farchnatwy o dan reolau marchnata'r Gymuned.

(5) Label yw'r label allraddio—

(a) sy'n dangos yr wybodaeth a ganlyn-

- (i) y rhif personol a roddwyd i'r swyddog awdurdodedig a wnaeth yr arolygiad;
- (ii) dyddiad yr arolygiad;
- (iii) logoteip Llywodraeth Cynulliad Cymru neu olynnydd Llywodraeth Cynulliad Cymru;
- (iv) logoteip yr Asiantaeth Taliadau Gwledig y dangosir ei ddyluniad ar y wefan: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) a'r geiriad—

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neu eiriad cyfatebol y cytunir arno rhwng unrhyw olynnydd i'r Asiantaeth Taliadau Gwledig a Gweinidogion Cymru, a logoteip yr olynnydd hwnnw;

(v) y geiriad—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

(b) sy'n dangos un o'r canlynol, yn ôl ei briodoldeb—

graded label").

(2) Situation 1 is where the label, notice or document indicates that horticultural produce is of a class marketable under the specific marketing standard applicable to it but the authorised officer has reasonable cause to believe that the horticultural produce does not comply with any class of that specific marketing standard but only complies with the general marketing standard.

(3) Situation 2 is where the label, notice or document indicates that horticultural produce is of a class marketable under the specific marketing standard applicable to it but the authorised officer has reasonable cause to believe that the horticultural produce is not of a standard marketable under Community marketing rules.

(4) Situation 3 is where the label, notice or document indicates that horticultural produce complies with the general marketing standard but the authorised officer has reasonable cause to believe that the horticultural produce is not of a standard marketable under Community marketing rules.

(5) The out-graded label is a label which—

(a) shows the following information—

- (i) the personal number assigned to the authorised officer who carried out the inspection;
- (ii) the date of the inspection;
- (iii) the logotype of the Welsh Assembly Government or the Welsh Assembly Government's successor;
- (iv) the logotype of the Rural Payments Agency the design of which is displayed on the website:[www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) and the wording—

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or equivalent wording agreed by any successor to the Rural Payments Agency with the Welsh Ministers, and that successor's logotype;

(v) the wording—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

(b) shows one of the following, as appropriate—

- (i) Yn achos paragraff (2) o'r rheoliad hwn y geiriau "SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD COMPLIANT";
- (ii) Yn achos paragraff (3) o'r rheoliad hwn y geiriau "SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD NON-COMPLIANT";
- (iii) Yn achos paragraff (4) o'r rheoliad hwn y geiriau "GENERAL MARKETING STANDARD NON-COMPLIANT".

- (i) in the case of paragraph (2) of this regulation the words "SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD COMPLIANT";
- (ii) in the case of paragraph (3) of this regulation the words "SPECIFIC MARKETING STANDARD OUTGRADED; GENERAL MARKETING STANDARD NON-COMPLIANT";
- (iii) in the case of paragraph (4) of this regulation the words "GENERAL MARKETING STANDARD NON-COMPLIANT".

### **Pŵer i osod labelu diffygiol**

**11.**—(1) Os yw swyddog awdurdodedig, sydd wedi mynd i mewn i fangre yn gyfreithlon at ddibenion gorfodi'r Rheoliadau hyn, yn canfod unrhyw gynnyrch garddwriaethol, neu gynhwysydd sy'n dal cynnyrch garddwriaethol,—

- (a) nad oes wedi'i osod arno label sy'n ofynnol gan reolau marchnata'r Gymuned; neu
- (b) nad oes gydag ef hysbysiad neu ddogfen sy'n ofynnol gan reolau marchnata'r Gymuned; neu
- (c) ag arno, neu ar ei gynhwysydd, label sy'n ofynnol gan reolau marchnata'r Gymuned, ond ei bod yn ymddangos i'r swyddog awdurdodedig fod y label yn anghywir (heblaw mewn perthynas â dosbarth arbennig o dan y safon farchnata benodol sy'n gymwys i'r cynnyrch garddwriaethol hwnnw, os yw'n gymwys), neu ei fod wedi cael ei altro neu ei ddifwyno; neu
- (ch) y mae gydag ef hysbysiad neu ddogfen sy'n ofynnol gan reolau marchnata'r Gymuned ond ei bod yn ymddangos i'r swyddog awdurdodedig fod yr hysbysiad neu'r ddogfen yn anghywir (heblaw mewn perthynas â dosbarth arbennig o dan y safon farchnata benodol sy'n gymwys i'r cynnyrch garddwriaethol hwnnw, os yw'n gymwys), neu ei fod wedi cael ei altro neu ei ddifwyno, ac o ganlyniad ei fod yn anghywir,

caiff y swyddog awdurdodedig, yn ôl y priodoldeb, ddiwygio neu ganslo'r label, yr hysbysiad neu'r ddogfen a chaiff osod ar y cynnyrch garddwriaethol, neu, yn ôl y digwydd, ar y cynhwysydd, label sy'n dynodi'r ffaith honno (label "labelu diffygiol").

(2) Label yw'r labelu diffygiol sy'n dangos yr wybodaeth a ganlyn—

- (a) y rhif personol a roddwyd i'r swyddog awdurdodedig a wnaeth yr arolygiad;
- (b) dyddiad yr arolygiad;
- (c) logoteip Llywodraeth Cynulliad Cymru neu

### **Power to affix a labelling defect label**

**11.**—(1) Where an authorised officer, who has lawfully entered premises for the purposes of the enforcement of these Regulations, finds any horticultural produce, or container holding horticultural produce, which—

- (a) does not have a label required by the Community marketing rules affixed to it; or
- (b) is not accompanied by a notice or document required by the Community marketing rules; or
- (c) has a label required by the Community marketing rules affixed to it, or to its container, but the label appears to the authorised officer to be incorrect (other than in relation to a particular class under the specific marketing standard applying to that horticultural produce, if applicable), or to have been altered or defaced; or
- (d) is accompanied by a notice or document required by the Community marketing rules but which appears to the authorised officer to be incorrect (other than in relation to a particular class under the specific marketing standard applying to that horticultural produce, if applicable), or to have been altered or defaced with the result that it is incorrect,

the authorised officer may, as appropriate, amend or cancel the label, notice or document and may affix to the horticultural produce, or, as the case may be, to the container, a label indicating that fact (a "labelling defect" label).

(2) The labelling defect label is a label which shows the following information—

- (a) the personal number assigned to the authorised officer who carried out the inspection;
- (b) the date of the inspection;
- (c) the logotype of the Welsh Assembly



olynydd Llywodraeth Cynulliad Cymru;

- (ch) logoteip yr Asiantaeth Taliadau Gwledig y dangosir ei ddyluniad ar y wefan: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) a'r geiriad—

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neu eiriad cyfatebol y cytunir arno rhwng unrhyw olynnydd i'r Asiantaeth Taliadau Gwledig a Gweinidogion Cymru, a logoteip yr olynnydd hwnnw;

- (d) y geiriad—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

- (dd) y geiriau "LABELLING DEFECT".

Government or the Welsh Assembly Government's successor;

- (d) the logotype of the Rural Payments Agency the design of which is displayed on the website: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) and the wording—

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or equivalent wording agreed by any successor to the Rural Payments Agency with the Welsh Ministers, and that successor's logotype;

- (e) the wording—

*"It is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009 to remove, conceal, deface or alter this label without lawful authority";*

- (f) the words "LABELLING DEFECT".

#### RHAN 4

Cynnyrch garddwriaethol sydd dan reolaeth a phwerau a thramgwyddau cysylltiedig

#### Pwerau i reoli symud cynnyrch garddwriaethol

**12.**—(1) Caiff swyddog awdurdodedig, drwy hysbysiad ysgrifenedig ("hysbysiad atal") yn unol â pharagraff (2), wahardd symud unrhyw gynnyrch garddwriaethol os yw'r swyddog awdurdodedig yn amau'n rhesymol fod tramgwydd o dan y Rheoliadau hyn yn cael ei gyflawni mewn perthynas â'r cynnyrch garddwriaethol hwnnw.

(2) Rhaid cyflwyno'r hysbysiad ysgrifenedig y cyfeirir ato ym mharagraff (1) i'r person yr ymddengys i'r swyddog awdurdodedig sydd â gofal y cynnyrch garddwriaethol dan sylw a rhaid i'r hysbysiad—

- datgan dyddiad ac amser cyflwyno'r hysbysiad;
- nodi'r sawl sy'n derbyn yr hysbysiad;
- pennu'r cynnyrch garddwriaethol y cafodd y pŵer ei arfer mewn perthynas ag ef;
- datgan y rheswm dros ei ddal dan gadwad;
- cadarnhau fod opsiynau wedi cael eu trafod ar gyfer peri i'r cynnyrch garddwriaethol gydymffurfio â rheolau marchnata'r Gymuned o fewn amser penodedig neu ar gyfer gwerthu neu waredu'r cynnyrch garddwriaethol hwnnw'n briodol o fewn amser penodedig yn y fath fodd fel na fydd tramgwydd o dan y

#### PART 4

Controlled horticultural produce and related powers and offences

#### Powers to control the movement of horticultural produce

**12.**—(1) An authorised officer may, by written notice (a "stop notice") pursuant to paragraph (2), prohibit the movement of any horticultural produce if the authorised officer reasonably suspects that an offence under these Regulations is being committed in respect of that horticultural produce.

(2) The written notice referred to in paragraph (1) must be served on the person appearing to the authorised officer to be in charge of the horticultural produce concerned and must—

- state the date and time of service of the notice;
- identify the recipient of the notice;
- specify the horticultural produce in relation to which the power has been exercised;
- state the reason for its detention;
- confirm that options for bringing the horticultural produce into conformity with the Community marketing rules within a specified time or for the appropriate sale or disposal of that horticultural produce within a specified time in such a manner that no offence under these Regulations will be committed in respect

Rheoliadau hyn yn cael ei gyflawni mewn perthynas ag ef rhwng y swyddog awdurdodedig a'r person yr ymddengys ei fod â gofal y cynnyrch garddwriaethol;

- (dd) datgan lleoliad y cynnyrch garddwriaethol;
- (e) datgan fod rhaid peidio symud y cynnyrch garddwriaethol o'r lleoliad hwnnw heb gydsyniad ysgrifenedig y swyddog awdurdodedig; ac
- (f) cynnwys gwybodaeth ynghylch yr hawl i gael adolygiad o'r hysbysiad ysgrifenedig o dan y rheoliad hwn, pa bryd a pha fodd y gellir ei arfer a manylion cyswllt personau y mae'n rhaid eu hysbysu o arfer yr hawl hwnnw.

(3) Caiff y person y cyflwynwyd yr hysbysiad atal iddo, neu berchennog y cynnyrch garddwriaethol neu asiant neu gyflogai sy'n gweithredu ar ran y perchennog, wneud cais am adolygiad.

(4) Rhaid gwneud y cais yn y modd y darperir ar ei gyfer ym mharagraff (8) cyn gynted ag y bo'n rhesymol ymarferol, a pha un bynnag, o fewn y terfyn amser a bennir ym mharagraff (5) neu (7) fel sy'n gymwys.

(5) Y terfyn amser ar gyfer person y cyflwynwyd iddo hysbysiad atal yw 48 awr o amser cyflwyno iddo'r hysbysiad atal.

(6) Pan nad yw'r person y cyflwynwyd hysbysiad iddo yn berchennog, nac yn asiant nac yn gyflogai sy'n gweithredu ar ran y perchennog, rhaid i'r swyddog awdurdodedig wneud pob ymdrech i ganfod person o'r fath ac i ddwyn cynnwys yr hysbysiad atal i sylw'r person hwnnw o fewn 48 awr i amser cyflwyno'r hysbysiad.

(7) Y terfyn amser ar gyfer person y cyfeirir ato ym mharagraff (6) yw o fewn 48 awr i'r amser pan ddaeth cynnwys yr hysbysiad atal i sylw'r person hwnnw neu o fewn 96 awr i amser cyflwyno'r hysbysiad, pa un bynnag a ddigwydd gyntaf.

(8) Rhaid arfer cais am adolygiad drwy hysbysu'r swyddog awdurdodedig naill ai yn y cnawd, neu dros y ffôn, gan gadarnhau yn ysgrifenedig cyn gynted ag y bo'n rhesymol ymarferol, neu drwy e-bost neu ffacs at y manau cyswllt a ddynodwyd yn yr hysbysiad atal.

(9) Rhaid i Weinidogion Cymru gynnal trefniadau sy'n galluogi swyddog awdurdodedig nad yw'n gysylltiedig â'r penderfyniad gwreiddiol gynnal adolygiad i ddyfarnu ar a oedd yna seiliau dilys dros gyflwyno'r hysbysiad atal.

(10) Caiff y swyddog awdurdodedig sy'n cynnal yr adolygiad ganslo'r hysbysiad neu ei gadarnhau, gydag addasiadau neu hebddynt.

(11) Rhaid i'r swyddog awdurdodedig gwblhau'r adolygiad cyn gynted ag y bo'n rhesymol ymarferol a pha un bynnag, o fewn 48 awr i'r cais, a hysbysu'r person a wnaeth y cais, ac os yw hwnnw'n berson

of it have been discussed between the authorised officer and the person appearing to be in charge of the horticultural produce;

- (f) state the location of the horticultural produce;
- (g) state that the horticultural produce must not be moved from that location without the written consent of an authorised officer; and
- (h) contain information regarding the right to a review of the written notice under this regulation, when and how it may be exercised and contact details of persons to whom notice of exercise of the right must be given.

(3) The person on whom the stop notice is served, or the owner of the horticultural produce or an agent or employee acting on behalf of the owner, may request a review.

(4) The request must be made in the manner provided for in paragraph (8) as soon as reasonably practicable, and in any event within the time limit specified in paragraph (5) or (7) as is applicable.

(5) The time limit for a person on whom the stop notice was served is 48 hours from service of the stop notice.

(6) Where the person on whom the notice is served is not the owner, or an agent or employee acting on behalf of the owner, the authorised officer must use best endeavours to identify such a person and bring the contents of the stop notice to that person's attention within 48 hours from service of the notice.

(7) The time limit for a person referred to in paragraph (6) is within 48 hours of the contents of the stop notice coming to that person's attention or within 96 hours from the time of service of the notice whichever is the sooner.

(8) A request for a review must be exercised by informing an authorised officer either in person, or by telephone to be confirmed in writing as soon as reasonably practicable, or by email or fax at the contact details indicated in the stop notice.

(9) The Welsh Ministers must maintain arrangements for the conduct of a review by an authorised officer unconnected with the original decision to determine whether there were valid grounds for serving the stop notice.

(10) The authorised officer conducting the review may cancel the notice or confirm it, with or without modification.

(11) The authorised officer must complete the review as soon as reasonably practicable and in any event within 48 hours of the request, and notify the person who requested it, and, if different, the person on whom

gwahanol, y person y cyflwynwyd yr hysbysiad iddo ac unrhyw berson arall y mae'r cynnyrch garddwriaethol yn ei feddiant, o'r canlyniad, cyn gynted ag y bo'n rhesymol ymarferol.

#### **Pŵer i osod label hysbysiad atal**

**13.**—(1) Caiff swyddog awdurdodedig osod ar unrhyw gynnyrch garddwriaethol sydd dan reolaeth, neu ar unrhyw gynhwysydd y mae'r cynnyrch garddwriaethol sydd dan reolaeth wedi ei bacio ynddo, label yn rhoi rhybudd fod y pŵer yn rheoliad 12(1) wedi ei arfer ("label hysbysiad atal").

(2) Label yw label hysbysiad atal sy'n dangos yr wybodaeth a ganlyn—

- (a) y rhif personol a roddwyd i'r swyddog awdurdodedig a wnaeth yr arolygiad;
- (b) dyddiad gosod y label hysbysiad atal;
- (c) y rhif a roddodd y swyddog awdurdodedig i'r hysbysiad atal;
- (ch) logoteip Llywodraeth Cynulliad Cymru neu olynnydd Llywodraeth Cynulliad Cymru;
- (d) logoteip yr Asiantaeth Taliadau Gwledig y dangosir ei ddyluniad ar y wefan: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) a'r geiriad—

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neu eiriad cyfatebol y cytunir arno rhwng unrhyw olynnydd i'r Asiantaeth Taliadau Gwledig a Gweinidogion Cymru, a logoteip yr olynnydd hwnnw;

(dd) y geiriau—

*"This lot is subject to a Stop Notice. Any unauthorised movement of the horticultural produce to which this label applies or the removal of this label is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009".*

#### **Cynnyrch garddwriaethol sydd dan reolaeth — darpariaeth bellach**

**14.**—(1) Caiff swyddog awdurdodedig, ar unrhyw bryd, roi cydsyniad ysgrifenedig i symud cynnyrch garddwriaethol sydd dan reolaeth ac i godi'r hysbysiad atal.

(2) Rhaid i swyddog awdurdodedig, os caiff gais i wneud hynny, roi cydsyniad ysgrifenedig i symud cynnyrch garddwriaethol sydd dan reolaeth ac i godi'r hysbysiad atal os yw'r amgylchiadau ym mharagraff (3) yn gwmwys.

the notice was served and any other person in possession of the horticultural produce, of the outcome, as soon as reasonably practicable.

#### **Power to affix a stop notice label**

**13.**—(1) An authorised officer may affix to any controlled horticultural produce, or to any container in which the controlled horticultural produce is packed, a label warning of the exercise of the power in regulation 12(1) (a "stop notice label").

(2) The stop notice label is a label which shows the following information—

- (a) the personal number assigned to the authorised officer;
- (b) the date the stop notice label is affixed;
- (c) the number assigned by the authorised officer to the stop notice label;
- (d) the logotype of the Welsh Assembly Government or the Welsh Assembly Government's successor;
- (e) the logotype of the Rural Payments Agency the design of which is displayed on the website: [www.rpa.gov.uk/rpa/index.nsf/home](http://www.rpa.gov.uk/rpa/index.nsf/home) and the wording—

*"The Rural Payments Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra) acting in Wales on behalf of the Welsh Ministers "*

or equivalent wording agreed by any successor to the Rural Payment Agency with the Welsh Ministers, and that successor's logotype;

(f) the words—

*"This lot is subject to a Stop Notice. Any unauthorised movement of the horticultural produce to which this label applies or the removal of this label is an offence under the Marketing of Fresh Horticultural Produce (Wales) Regulations 2009".*

#### **Controlled horticultural produce — further provision**

**14.**—(1) An authorised officer may, at any time, give written consent to the movement of controlled horticultural produce and to the lifting of the stop notice.

(2) An authorised officer must, upon request, give written consent to the movement of controlled horticultural produce and to the lifting of the stop notice if the circumstances in paragraph (3) apply.

(3) Dyma'r amgylchiadau y mae'r paragraff hwn yn gymwys oddi tanynt—

- (a) mae'r swyddog awdurdodedig wedi'i fodloni na fyddai tramgwydd o dan y Rheoliadau hyn yn cael ei gyflawni mewn perthynas â'r cynnyrch garddwriaethol pe gwerthid ef dan amgylchiadau y mae rheolau marchnata'r Gymuned yn gymwys iddynt; neu
- (b) fe roddwyd i'r swyddog awdurdodedig, neu i swyddog awdurdodedig arall, ymrwymiad ysgrifenedig y bydd y cynnyrch garddwriaethol yn cael ei werthu neu ei waredu mewn modd penodol ac mae'r swyddog awdurdodedig wedi'i fodloni os gwerthir y cynnyrch garddwriaethol yn y modd hwnnw neu os gwaredir ef felly na fydd tramgwydd o dan y Rheoliadau hyn yn cael ei gyflawni mewn perthynas ag ef ac nid oes gan y swyddog awdurdodedig unrhyw reswm dros amau na fydd telerau'r ymrwymiad yn cael eu bodloni.

(4) Rhaid i swyddog awdurdodedig, os caiff gais i wneud hynny, roi cydsyniad ysgrifenedig i symud cynnyrch garddwriaethol sydd dan reolaeth os yw'r amgylchiadau ym mharagraff (5) yn gymwys.

(5) Dyma'r amgylchiadau y mae'r paragraff hwn yn gymwys oddi tanynt—

- (a) fe roddwyd i'r swyddog awdurdodedig, neu i swyddog awdurdodedig arall, ymrwymiad ysgrifenedig i'r perwyl—
  - (i) y bydd y cynnyrch garddwriaethol yn cael ei symud i fan a gymeradwywyd gan swyddog awdurdodedig;
  - (ii) fe gymerir y camau gofynnol yn y man a gymeradwywyd i sicrhau y bydd modd gwerthu'r cynnyrch garddwriaethol dan amgylchiadau y bydd rheolau marchnata'r Gymuned yn gymwys iddynt heb fod tramgwydd o dan y Rheoliadau hyn yn cael ei gyflawni mewn perthynas ag ef;
  - (iii) ni fydd y cynnyrch garddwriaethol yn cael ei symud o'r fan honno heb gydsyniad ysgrifenedig y swyddog awdurdodedig; a
- (b) nid oes gan y swyddog awdurdodedig unrhyw reswm dros amau na fydd telerau'r ymrwymiad yn cael eu bodloni.

(6) Rhaid i gydsyniad a roddir gan swyddog awdurdodedig o dan y rheoliad hwn—

- (a) pennu'r cynnyrch garddwriaethol y mae'n berthnasol iddo; a
- (b) pan roddir y cydsyniad o dan baragraff (4), datgan fod y cynnyrch garddwriaethol yn dal dan reolaeth.

(3) The circumstances in which this paragraph applies are where—

- (a) the authorised officer is satisfied that no offence under these Regulations would be committed in respect of the horticultural produce if it were sold in circumstances in which Community marketing rules apply; or
- (b) the authorised officer, or another authorised officer, has been given a written undertaking that the horticultural produce will be sold or disposed of in a specified manner and the authorised officer is satisfied that if the horticultural produce is sold or disposed of in that manner no offence under these Regulations will be committed in respect of it and the authorised officer has no reason to doubt that the terms of the undertaking will be met.

(4) An authorised officer must, upon request, give written consent to the movement of controlled horticultural produce if the circumstances in paragraph (5) apply.

(5) The circumstances in which this paragraph applies are where—

- (a) the authorised officer, or another authorised officer, has been given a written undertaking to the effect that—
  - (i) the horticultural produce will be moved to a place approved by an authorised officer;
  - (ii) at the approved place the steps required to ensure that the horticultural produce may be sold in circumstances in which Community marketing rules apply without an offence under these Regulations being committed in respect of it will be taken;
  - (iii) the horticultural produce will not be moved from that place without the written consent of an authorised officer; and
- (b) the authorised officer has no reason to doubt that the terms of the undertaking will be met.

(6) A consent given by an authorised officer under this regulation must—

- (a) specify the horticultural produce to which it relates; and
- (b) where the consent is given under paragraph (4), state that the horticultural produce continues to be controlled.

## **Tramgwyddau yn ymwneud â symud cynnyrch garddwriaethol sydd dan reolaeth**

**15.—(1)** Mae person yn euog o dramgwydd os yw'n symud cynnyrch garddwriaethol sydd dan reolaeth neu gynhwysydd gyda chynnyrch garddwriaethol sydd dan reolaeth ynddo, neu'n peri neu'n caniatáu iddynt gael eu symud, heb gydsyniad ysgrifenedig swyddog awdurdodedig.

(2) Mae person, ac eithrio swyddog awdurdodedig, yn euog o dramgwydd os yw'n symud ymaith oddi ar y cynnyrch garddwriaethol sydd dan reolaeth hwnnw, neu'n peri neu'n caniatáu symud oddi arno neu oddi ar ei gynhwysydd, label hysbysiad atal a osodwyd gan swyddog awdurdodedig o dan reoliad 13.

(3) Mae person yn euog o dramgwydd os yw'n methu â chydymffurfio â'r ymrwymiad a roddwyd ganddo at ddibenion rheoliad 14.

## **RHAN 5**

### **Darpariaethau gorfodi ychwanegol**

#### **Rhwystro**

**16.—(1)** Mae person yn euog o dramgwydd os yw—

- (a) heb esgus rhesymol, y bydd y rheidrwydd arno ef i'w brofi, yn rhwystro swyddog awdurdodedig sy'n gweithredu at ddibenion gorfodi'r Rheoliadau hyn, neu berson sy'n mynd gyda'r cyfryw swyddog awdurdodedig o dan rheoliad 7(3)(a);
- (b) heb esgus rhesymol, y bydd y rheidrwydd arno ef i'w brofi, yn methu â rhoi i swyddog awdurdodedig sy'n gweithredu at ddibenion gorfodi'r Rheoliadau hyn unrhyw gynorthwy neu unrhyw wybodaeth neu i ddarparu unrhyw gofnod neu unrhyw gyfleusterau y gallant yn rhesymol ofyn amdanynt;
- (c) heb esgus rhesymol, y bydd y rheidrwydd arno ef i'w brofi, yn methu â gwneud cais am arolygiad pan fo'n ofynnol gan reolau marchnata'r Gymuned iddo wneud hynny, neu'n methu â rhoi unrhyw hysbysiad neu unrhyw wybodaeth sy'n ofynnol gan reolau marchnata'r Gymuned.

(2) Mae person sydd, heb esgus rhesymol, y bydd y rheidrwydd arno ef i'w brofi, yn rhoi i swyddog awdurdodedig sy'n gweithredu at ddibenion gorfodi'r Rheoliadau hyn unrhyw wybodaeth gan wybod ei fod yn ffug neu'n gamarweiniol yn euog o dramgwydd.

#### **Tramgwydd oherwydd bai person arall**

**17.—(1)** Pan gyflawnwyd tramgwydd gan berson ("A") o dan y Rheoliadau hyn oherwydd gweithred neu

## **Offences relating to movement of controlled horticultural produce**

**15.—(1)** A person is guilty of an offence if they move controlled horticultural produce or a container with controlled horticultural produce in it, or cause or permit them to be moved without the written consent of an authorised officer.

(2) A person, other than an authorised officer, is guilty of an offence if they remove or cause or permit to be removed from that controlled horticultural produce or its container a stop notice label affixed by an authorised officer under regulation 13.

(3) A person is guilty of an offence if they fail to comply with the undertaking they gave for the purposes of regulation 14.

## **PART 5**

### **Additional enforcement provisions**

#### **Obstruction**

**16.—(1)** A person is guilty of an offence if they—

- (a) without reasonable excuse, proof of which lies on that person, obstructs an authorised officer acting for the purposes of the enforcement of these Regulations, or a person accompanying such an authorised officer under regulation 7(3)(a);
- (b) without reasonable excuse, proof of which lies on that person, fails to give an authorised officer acting for the purposes of the enforcement of these Regulations any assistance or information or to provide any record or facilities that they may reasonably require;
- (c) without reasonable excuse, proof of which lies on that person, fails to make any request for inspection when so required by Community marketing rules or fails to give any notice or information required by Community marketing rules.

(2) A person who without reasonable excuse, proof of which lies on that person, supplies to an authorised officer acting for the purposes of the enforcement of these Regulations any information knowing it to be false or misleading is guilty of an offence.

#### **Offence due to fault of another person**

**17.—(1)** Where the commission by a person ("A") of an offence under these Regulations was due to an act or

ddiffyg gweithred person arall ("B"), mae B yn euog o dramgwydd.

(2) Fe ddichon B gael ei gyhuddo o'r tramgwydd a'i gollfarnu ohono pa un ai a ddygir achos yn erbyn A ai peidio.

### **Amddiffyniadau**

**18.**—(1) Mae'n amddiffyniad i berson a gyhuddir ("A") o dramgwydd o dan y Rheoliadau hyn, ac eithrio i'r tramgwyddau yn rheoliad 16, i brofi iddo wneud yr hyn a wnaed gydag awdurdod cyfreithlon neu iddo gymryd pob cam rhesymol ac arfer pob diwydrwydd dyladwy er mwyn osgoi cyflawni'r tramgwydd.

(2) Os bydd A yn dymuno dibynnu ar yr amddiffyniad ym mharagraff (1), rhaid i A gyflwyno i'r erlynydd hysbysiad ysgrifenedig o'r ffaith honno yn unol â pharagraff (4).

(3) Os yw'r amddiffyniad a ddarperir gan baragraff (1) yn cynnwys honiad mai oherwydd gweithred neu ddiffyg gweithred person arall y cyflawnwyd y tramgwydd, nid oes hawl gan A, heb ganiatâd y llys, i ddibynnu ar yr amddiffyniad hwnnw oni bai bod A wedi cyflwyno i'r erlynydd hysbysiad ysgrifenedig yn unol â pharagraff (4) yn rhoi'r fath wybodaeth yn enwi neu yn cynorthwyo i enwi'r person hwnnw ag a oedd ym meddiant A ar yr adeg honno.

(4) Rhaid cyflwyno'r hysbysiad—

- (a) o leiaf saith niwrnod clir cyn y gwrandawriad, a
- (b) os yw A wedi ymddangos yn flaenorol gerbron llys mewn cysylltiad â'r tramgwydd honedig, o fewn mis i ymddangosiad cyntaf A o'r fath.

### **Tramgwyddau gan gyrff corfforaethol etc.**

**19.**—(1) Os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan gorff corfforaethol—

- (a) wedi cael ei gyflawni gyda chydsyniad neu ymoddefiad swyddog, neu
- (b) i'w dadogi i unrhyw esgeulustod ar ei ran,

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

(2) Ym mharagraff (1) ystyr "swyddog" ("*officer*") mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, rheolwr, ysgrifennydd, neu swyddog cyffelyb arall o'r corff, neu berson sy'n honni gweithredu mewn unrhyw swyddogaeth o'r fath.

(3) Os yw materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â swyddogaethau rheoli'r aelod hwnnw megis petai'r aelod hwnnw yn gyfarwyddwr o'r corff corfforaethol.

default of another person ("B"), B is guilty of an offence.

(2) B may be charged with and convicted of the offence whether or not proceedings are taken against A.

### **Defences**

**18.**—(1) It is a defence for a person charged ("A") with an offence under these Regulations, except for the offences in regulation 16, to prove that their actions were carried out with lawful authority or that they took all reasonable precautions and exercised all due diligence to avoid committing the offence.

(2) Where A wishes to rely on the defence in paragraph (1), A must serve on the prosecutor a written notice of that fact in accordance with paragraph (4).

(3) Where the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to the act or default of another person, A is not, without leave of the court, entitled to rely on that defence unless A has served on the prosecutor a written notice in accordance with paragraph (4) giving such information identifying or assisting in the identification of that person as was then in A's possession.

(4) The notice must be served—

- (a) at least seven clear days before the hearing, and
- (b) where A has previously appeared before a court in connection with the alleged offence, within one month of A's first such appearance.

### **Offences by bodies corporate etc.**

**19.**—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to any neglect on their part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In paragraph (1) "*officer*" ("*swyddog*") in relation to the body corporate, means a director, manager, secretary, or other similar officer of the body, or a person purporting to act in any such capacity.

(3) 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 that member's functions of management as if that member were a director of the body corporate.

(4) Os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan bartneriaeth—

- (a) wedi'i gyflawni gyda chydysyniad neu ymoddefiad partner, neu
- (b) i'w dadogi i unrhyw esgeulustod ar ran y partner hwnnw,

mae'r partner yn ogystal â'r bartneriaeth yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(5) Ym mharagraff (4) mae "partner" ("*partner*") yn cynnwys person sy'n honni gweithredu fel partner.

(6) Os profir bod tramgwydd o dan y Rheoliadau hyn a gyflawnwyd gan gymdeithas anghorfforedig (ac eithrio partneriaeth)—

- (a) wedi'i gyflawni gyda chydysyniad neu ymoddefiad un o swyddogion y gymdeithas neu aelod o'i chorff llywodraethu, neu
- (b) i'w briodoli i unrhyw esgeulustod ar ran y swyddog neu'r aelod hwnnw,

mae'r swyddog neu'r aelod hwnnw yn ogystal â'r gymdeithas yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(7) At ddibenion achos a ddygir yn enw partneriaeth neu gymdeithas anghorfforedig—

- (a) mae rheolau llys sy'n ymwneud â chyflwyno dogfennau i gael eu heffaith megis petai'r bartneriaeth neu'r gymdeithas anghorfforedig yn gorff gorfforaethol;
- (b) mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2) yn gymwys mewn perthynas â phartneriaeth neu gymdeithas anghorfforedig fel maent yn gymwys mewn perthynas â chorff corfforaethol.

(8) Mae dirwy a osodir ar bartneriaeth neu gymdeithas anghorfforedig ar eu collfarnu o

(4) If an offence under these Regulations committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to any neglect on the part of that partner,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4) "partner" ("*partner*") includes a person purporting to act as a partner.

(6) If an offence under these Regulations committed by an unincorporated association (other than a partnership) is proved—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) For the purposes of proceedings brought in the name of a partnership or an unincorporated association—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or the unincorporated association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Courts Act 1980(2) apply in relation to the partnership or unincorporated association as they apply in relation to a body corporate.

(8) A fine imposed on a partnership or unincorporated association on its conviction of an

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(1) 1925 p. 86. Diddymwyd is-adrannau (1) a (2) o adran 33 gan Ddeddf Llysoedd Ynadon 1952 (p. 55), adran 132 ac Atodlen 6; diwygiwyd is-adran (3) gan Ddeddf y Llysoedd 1971 (p. 23), adran 56(1) ac Atodlen 8, rhan II, paragraff 19; diwygiwyd is-adran (4) gan Ddeddf y Llysoedd 2003 (p. 39), adran 109(1) a (3), Atodlen 8, paragraff 71 ac Atodlen 10, a chan Ddeddf Llysoedd Ynadon 1980 (p. 43), adran 154 ac Atodlen 7, paragraff 5; diddymwyd is-adran (5) gan Ddeddf Llysoedd Ynadon 1952, adran 132, Atodlen 6.

(2) 1980 p. 43. Diwygiwyd is-baragraff 2(a) gan Ddeddf Trefniadaeth Droseddol ac Ymchwiliadau 1996 (p. 25), adran 47, Atodlen 1, paragraff 13, ac fe'i diddymwyd gan Ddeddf Cyfiawnder Troseddol 2003 (p. 44), adrannau 41 a 332, Atodlen 3, rhan 2, paragraff 51, is-baragraffau (1), (13)(a), ac Atodlen 37, rhan 4 (gydag effaith o ddyddiad sydd i'w benodi); diddymwyd paragraff 5 gan Ddeddf Cyfiawnder Troseddol 1991 (p. 53), adrannau 25(2) a 101(2) ac Atodlen 13; diwygiwyd paragraff 6 gan Ddeddf Cyfiawnder Troseddol 2003, adran 41, Atodlen 3, rhan 2, paragraff 51, is-baragraffau (1) ac (13)(b) (gydag effaith o ddyddiad sydd i'w benodi).

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(1) 1925 c. 86. Subsections (1) and (2) of section 33 were repealed by the Magistrates' Courts Act 1952 (c. 55), section 132 and Schedule 6; subsection (3) was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, part II, paragraph 19; subsection (4) was amended by the Courts Act 2003 (c. 39), section 109(1) and (3), Schedule 8, paragraph 71 and Schedule 10, and by the Magistrates' Courts Act 1980 (c. 43), section 154 and Schedule 7, paragraph 5; subsection (5) was repealed by the Magistrates' Court Act 1952, section 132, Schedule 6.

(2) 1980 c. 43. Sub-paragraph 2(a) was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 47, Schedule 1, paragraph 13, and was repealed by the Criminal Justice Act 2003 (c. 44), sections 41 and 332, Schedule 3, part 2, paragraph 51, sub-paragraphs (1), (13)(a), and Schedule 37, part 4 (with effect from a date to be appointed); paragraph 5 was repealed by the Criminal Justice Act 1991 (c. 53), sections 25(2) and 101(2) and Schedule 13; paragraph 6 was amended by the Criminal Justice Act 2003, section 41, Schedule 3, part 2, paragraph 51, sub-paragraphs (1) and (13)(b) (with effect from a date to be appointed).

dramgwydd o dan y Rheoliadau hyn i'w thalu allan o gronfeydd y bartneriaeth neu'r gymdeithas anghorfforedig.

### Cosbau

**20.** Mae person sy'n euog o dramgwydd o dan y Rheoliadau hyn yn atebol ar gollfarn ddiannod i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol.

offence under these Regulations is to be paid out of the funds of the partnership or the unincorporated association.

### Penalties

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

## RHAN 6

### Dirymiadau a datgymhwysiadau

#### Dirymiadau

**21.** Dirymir yr offerynnau statudol a ganlyn i'r graddau y maent yn gymwys i Gymru—

- (a) Rheoliadau Graddio Cynnyrch Garddwriaethol (Diwygio) 1973(1);
- (b) Rheoliadau Graddio Cynnyrch Garddwriaethol (Ffurfiâu Labeli) 1982(2);
- (c) Rheoliadau Graddio Cynnyrch Garddwriaethol (Diwygio) 1983(3).

#### Datgymhwysiad

**22.** Nid yw'r Deddfau a ganlyn yn gymwys yng Nghymru i gynnyrch garddwriaethol—

- (a) Deddf Amaethyddiaeth a Garddwriaeth 1964(4) a Deddf Cynnyrch Garddwriaethol 1986(5) sy'n ei haddasu;
- (b) Deddfau Cynnyrch Amaethyddol (Graddio a Marcio) 1928(6) a 1931(7);
- (c) Deddf Marchnata Amaethyddol 1958(8).

## PART 6

### Revocations and disapplications

#### Revocations

**21.** The following statutory instruments are revoked so far as they apply to Wales—

- (a) the Grading of Horticultural Produce (Amendment) Regulations 1973(1);
- (b) the Grading of Horticultural Produce (Forms of Labels) Regulations 1982(2);
- (c) the Grading of Horticultural Produce (Amendment) Regulations 1983(3).

#### Disapplication

**22.** The following Acts do not apply in Wales to horticultural produce—

- (a) the Agriculture and Horticulture Act 1964(4) and the Horticultural Produce Act 1986(5) which modifies it;
- (b) the Agricultural Produce (Grading and Marking) Acts 1928(6) and 1931(7);
- (c) the Agricultural Marketing Act 1958(8).

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(1) O.S. 1973/22.

(2) O.S. 1982/387.

(3) O.S. 1983/1053.

(4) 1964 p. 28.

(5) 1986 p. 20.

(6) 1928 p. 19.

(7) 1931 p. 40. Diwygiodd y Ddeddf hon Ddeddf Cynnyrch Amaethyddol (Graddio a Marcio) 1928 a gellir enwi'r ddwy Ddeddf gyda'i gilydd fel Deddfau Cynnyrch Amaethyddol (Graddio a Marcio) 1928 a 1931.

(8) 1958 p. 47.

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(1) S.I. 1973/22.

(2) S.I. 1982/387.

(3) S.I. 1983/1053.

(4) 1964 c. 28.

(5) 1986 c. 20.

(6) 1928 c. 19.

(7) 1931 c. 40. This Act amended the Agricultural Produce (Grading and Marking) Act 1928 and the two Acts may be cited together as the Agricultural Produce (Grading and Marking) Acts 1928 and 1931.

(8) 1958 c. 47.



*Elin Jones*

Y Gweinidog dros Faterion Gwledig, un o Minister for Rural Affairs, one of the Welsh Ministers  
Weinidogion Cymru

23 Mehefin 2009

23 June 2009

## YR ATODLEN

## SCHEDULE

Rheoliad 4(3)			Regulation 4(3)		
Darpariaethau o dan Reoliad y Comisiwn 1580/2007			Provisions under Commission Regulation 1580/2007		
Colofn 1	Colofn 2	Colofn 3	Column 1	Column 2	Column 3
<b>Darpariaeth berthnasol Rheoliad y Comisiwn 1580/2007</b>	<b>Darpariaeth Rheoliad y Comisiwn 1580/2007 i'w darllen gyda'r ddarpariaeth yng ngholofn 1</b>	<b>Y Pwnc</b>	<b>Relevant provision of Commission Regulation 1580/2007</b>	<b>Provision of Commission Regulation 1580/2007 to be read with the provision in column 1</b>	<b>Subject matter</b>
Erthygl 4(1)	Atodiad I, Erthygl 3(3), Erthygl 4(2), Erthygl 4(3), Erthygl 4(4), Erthygl 5, Erthygl 6(1), Erthygl 6(2), Erthygl 6(3)	Y gofynion cyffredinol ar gyfer manylion gwybodaeth	Article 4(1)	Annex I, Art. 3(3), Art. 4(2), Art. 4(3), Art. 4(4), Art. 5, Art. 6(1), Art. 6(2), Art. 6(3)	General requirements for information particulars
Erthygl 4(2)	Atodiad I Erthygl 4(1), Erthygl 4(3), Erthygl 4(4), Erthygl 6	Y gofynion ar gyfer manylion gwybodaeth mewn dogfennau sy'n mynd gyda llwythi crynswth a nwyddau a lwythir yn uniongyrchol ar gyfrwng cludo	Article 4(2)	Annex I, Art. 4(1), Art. 4(3), Art. 4(4), Art. 6	Requirements for information particulars in documents accompanying bulk shipments and goods loaded directly onto a means of transport
Erthygl 4(3)	Atodiad I, Erthygl 4(1), Erthygl 4(4), Erthygl 6(1), Erthygl 6(2), Erthygl 6(3)	Gofyniad i fanylion gwybodaeth yn achos contractau pellter fod ar gael cyn cwblhau'r pryniant	Article 4(3)	Annex I, Art. 4(1), Art. 4(4), Art. 6(1), Art. 6(2), Art. 6(3)	Requirement for information particulars in the case of distance contracts to be available before the purchase is concluded
Erthygl 4(4)	Atodiad I, Erthygl 4(1), Erthygl 4(2), Erthygl 4(3), Erthygl 6(1), Erthygl 6(2), Erthygl 6(3)	Gofyniad i roi manylion gwybodaeth ar anfonebau a dogfennau sy'n mynd gyda hwynt	Article 4(4)	Annex I, Art. 4(1), Art. 4(2), Art. 4(3), Art. 6(1), Art. 6(2), Art. 6(3)	Requirement for information particulars on invoices and accompanying documents
Erthygl 5	Atodiad I, Erthygl 3(3), Erthygl 6(1), Erthygl 6(2), Erthygl 6(3)	Gofyniad i roi manylion gwybodaeth yn y cam manwerthu	Article 5	Annex I, Art. 3(3), Art. 6(1), Art. 6(2), Art. 6(3)	Requirement for information particulars at the retail stage

Erthygl 6(1)	Atodiad I, Erthygl 3(3), Erthygl 5, Erthygl 6(2), Erthygl 6(3)	Y gofynion ar gyfer gwerthu cymysgeddau o wahanol fathau o ffrwythau a llysiau	Article 6(1)	Annex I, Art. 3(3), Art. 5, Art. 6(2), Art. 6(3)	Requirements for sale of mixes of different types of fruit and vegetables
Erthygl 9(5)	Erthygl 9(1), Erthygl 9(2), Erthygl 9(3), Erthygl 9(4)	Gofyniad ar fasnachwyr i ddarparu gwybodaeth a ystyrir gan Aelod—wladwriaethau yn angenrheidiol i'r bas data	Article 9(5)	Art. 9(1), Art. 9(2), Art. 9(3), Art. 9(4)	Requirement for traders to provide information that Member States consider necessary for the database
Erthygl 10(4)	Erthygl 10(1), Erthygl 10(2), Erthygl 10(3), Erthygl 11, Erthygl 12a, Atodiad III, Erthygl 13	Gofyniad ar fasnachwyr i ddarparu i gyrrff arolygu bob gwybodaeth sy'n ofynnol ganddynt i drefnu a chyflawni eu gwiriadau cydymffurfio	Article 10(4)	Art. 10(1), Art. 10(2), Art. 10(3), Art. 11, Art. 12a, Annex III, Art. 13	Requirement for traders to provide inspection bodies with all information required by them for organising and carrying out conformity checks
Erthygl 20(3), is-baragraff olaf	Erthygl 20(1) ac Atodiad VI, Erthygl 20(2), Erthygl 20(3), Erthygl 9	Gofyniad ar fasnachwyr i ddarparu pob gwybodaeth y bernir ei bod yn angenrheidiol gan y corff arolygu ar gyfer dull yr arolygiad	Article 20(3), final subparagraph	Art. 20(1) and Annex VI, Art. 20(2), Art. 20(3), Art. 9	Requirement for traders to supply all information deemed necessary by the inspection body for method of inspection

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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 1551 (Cy.151)**

**GARDDWRIAETH**

Rheoliadau Marchnata Cynnyrch  
Garddwriaethol Ffres (Cymru)  
2009

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 1551 (W.151)**

**HORTICULTURE**

The Marketing of Fresh  
Horticultural Produce (Wales)  
Regulations 2009