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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 2470 (Cy.199)**

**ANIFEILIAID, CYMRU**

**Rheoliadau Adnabod Ceffylau  
(Cymru) 2009**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn gorfodi Rheoliad y Comisiwn (EC) Rhif 504/2008 ("Rheoliad y Comisiwn") mewn perthynas â Chymru, ac yn dirymu a disodli Rheoliadau Pasbortau Ceffylau (Cymru) 2005.

Mae'r Rheoliadau hyn yn darparu ar gyfer adnabod ceffylau ac equidae eraill drwy gyfrwng dogfen adnabod a microsglodyn electronig a osodir yn yr anifail. Bydd y microsglodyn electronig yn cynnwys rhif oes unigryw, a gofnodir hefyd ar y ddogfen adnabod ac mewn Cronfa Ddata Ceffylau Genedlaethol.

Yn Rhan 2 o'r Rheoliadau crëir tramgwyddau o dorri darpariaethau Rheoliad y Comisiwn, a darperir ar gyfer rhoi cynhyrchion meddyginiaethol milfeddygol i geffylau a fwriedir ar gyfer eu bwyta gan bobl. Yn y Rhan hon hefyd, gwneir darpariaethau arbennig ar gyfer poblogaethau penodedig o geffylau sy'n byw ar ddiroedd comin penodol.

Mae Rhan 3 yn darparu bod y Rheoliadau i'w gorfodi gan yr awdurdod lleol ac eithrio mewn rhai amgylchiadau penodedig, ac yn rhoi pwerau gorfodi i arolygwyr.

Mae torri'r Rheoliadau yn dramgwydd y gellir ei gosbi—

- (a) ar gollfarn ddiannod, gyda dirwy nad yw'n fwy na'r uchafswm statudol, neu
- (b) ar gollfarn ar ddiad, gyda dirwy.

Mae asesiad effaith reoleiddiol wedi ei baratoi ac y mae copïau ar gael o'r Adran Materion Gwledig, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ. Mae ar gael hefyd ar wefan Llywodraeth Cynulliad Cymru yn [www.cymru.gov.uk](http://www.cymru.gov.uk).

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 2470 (W.199)**

**ANIMALS, WALES**

**The Equine Identification (Wales)  
Regulations 2009**

**EXPLANATORY NOTE**

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

These Regulations enforce Commission Regulation (EC) No. 504/2008 ("the Commission Regulation") in relation to Wales, and revoke and replace the Horse Passports (Wales) Regulations 2005.

These Regulations provide for identification of horses and other equidae by means of an identification document and an electronic microchip inserted into the animal. The electronic microchip will contain a unique life number which is recorded on both the identification document and on a National Equine Database.

Part 2 of the Regulations create offences for breach of provisions of the Commission Regulation, and provide for the administration of veterinary medicinal products for horses intended for human consumption. This Part also makes special provisions for specified populations of horses living on certain commons.

Part 3 provides that the Regulations are enforced by the local authority, except in certain specified circumstances, and confers powers of enforcement upon inspectors.

Breach of the Regulations is an offence punishable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

A regulatory impact assessment has been prepared and copies are available from the Department for Rural Affairs, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ. It is also available on the Welsh Assembly Government website at [www.wales.gov.uk](http://www.wales.gov.uk).

**2009 Rhif 2470 (Cy.199)**

**ANIFEILIAID, CYMRU**

**Rheoliadau Adnabod Ceffylau  
(Cymru) 2009**

*Gwnaed* 7 Medi 2009  
*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 9 Medi 2009  
*Yn dod i rym* 1 Hydref 2009

CYNNWYS

RHAN 1

Cyflwyniad

1. Enwi, cymhwyso a chychwyn
2. Dehongli

RHAN 2

Gorfodi Rheoliad y Comisiwn

3. Awdurdod cymwys ar gyfer Rheoliad y Comisiwn
4. Gwerthu ceffylau
5. Adnabod ceffylau o fewn terfynau amser
6. Gwneud cais am ddogfennau adnabod: dogfennau dyblyg a dogfennau amnewid
7. Mewnforio
8. Canfod marcio gweithredol blaenorol mewn ceffylau
9. Trawsatebyddion
10. Cyfyngu ar symud ceffylau heb ddogfen adnabod
11. Symud ar gyfer cigydd
12. Dyroddi dogfennau adnabod: dogfennau dyblyg a dogfennau amnewid
13. Dychwelyd dogfen adnabod ar farwolaeth ceffyl

**2009 No. 2470 (W.199)**

**ANIMALS, WALES**

**The Equine Identification (Wales)  
Regulations 2009**

*Made* 7 September 2009  
*Laid before the National  
Assembly for Wales* 9 September 2009  
*Coming into force* 1 October 2009

CONTENTS

PART 1

Introduction

1. Title, application and commencement
2. Interpretation

PART 2

Enforcement of the Commission Regulation

3. Competent authority for the Commission Regulation
4. Sale of horses
5. Identification of horses within time limits
6. Application for duplicate and replacement identification documents
7. Importation
8. Detecting previous active marking of horses
9. Transponders
10. Restriction on movement of horses without an identification document
11. Movement for slaughter
12. Issue of duplicate and replacement identification documents
13. Return of identification document upon death of a horse

14. Gweithdrefn y corff dyroddi ar farwolaeth ceffyl
15. Triniaeth a ganiateir i geffylau a fwriedir i'w bwyta gan bobl
16. Cronfeydd data
17. Gwaharddiadau
18. Ceffylau penodol sy'n byw ar diroedd comin penodedig

14. Procedure by the issuing body upon death of a horse
15. Permitted treatment for horses intended for human consumption
16. Databases
17. Prohibitions
18. Certain horses living on specified commons

### RHAN 3

#### Pwerau a chosbau

19. Gorfodi
20. Pwerau arolygwyr
21. Rhwystro
22. Cosbau
23. Tramgwyddau gan gyrff corfforaethol
24. Tramgwyddau gan bartneriaethau a chymdeithasau anghorfforedig
25. Dirymiadau

Mae Gweinidogion Cymru wedi eu dynodi<sup>(1)</sup> at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972<sup>(2)</sup> o ran polisi amaethyddol cyffredin y Gymuned Ewropeaidd.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a chan baragraff 1A o Atodlen 2 i'r Ddeddf honno.

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, ac y mae'n ymddangos i Weiniogion Cymru yn hwylus bod y cyfeiriad yn rheoliad 2 at Reoliad y Comisiwn yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

### PART 3

#### Powers and penalties

19. Enforcement
20. Powers of inspectors
21. Obstruction
22. Penalties
23. Offences by bodies corporate
24. Offences by partnerships and unincorporated associations
25. Revocations

The Welsh Ministers have been designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community.

The Welsh Ministers make the following Regulations under the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972.

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 the reference in regulation 2 to the Commission Regulation to be a reference to that instrument as amended from time to time.

(1) O.S. 2005/2766. Yn rhinwedd adrannau 59(1) ac 162 o Ddeddf Llywodraeth Cymru 2006 (p.32), a pharagraffau 28 a 30 o Atodlen 11 i'r Ddeddf honno, mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru yn arferadwy gan Weiniogion Cymru.

(2) 1972 p.68.

(1) 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 (c. 32), functions conferred on the National Assembly for Wales are exercisable by the Welsh Ministers.

(2) 1972 c. 68.

## RHAN 1

### Cyflwyniad

#### Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adnabod Ceffylau (Cymru) 2009.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 1 Hydref 2009.

#### Dehongli

2.—(1) Yn y Rheoliadau hyn—

- (a) ystyr "ceffyl" ("*horse*") yw anifail carngaled, gwyllt neu ddof, o fewn y genws *Equus* o'r teulu *Equidae*, a chroesiadau rhwng anifeiliaid o'r fath;
- (b) ystyr "awdurdod lleol" ("*local authority*") mewn perthynas ag ardal yw'r cyngor sir neu'r cyngor bwrdeistref sirol ar gyfer yr ardal honno; ac
- (c) ystyr "Rheoliad y Comisiwn" ("*the Commission Regulation*") yw Rheoliad y Comisiwn (EC) Rhif 504/2008 (sy'n gweithredu Cyfarwyddebau y Cyngor 90/426/EEC a 90/427/EEC mewn perthynas â dulliau ar gyfer adnabod *equidae*(1)).

(2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at Rheoliad y Comisiwn yn gyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

(3) Mae i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn Rheoliad y Comisiwn yr un ystyron yn y Rheoliadau hyn ag sydd iddynt yn Rheoliad y Comisiwn.

(4) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at Erthygl â rhif yn gyfeiriad at yr Erthygl sydd â'r rhif hwnnw yn Rheoliad y Comisiwn.

## RHAN 2

### Gorfodi Rheoliad y Comisiwn

#### Awdurdod cymwys ar gyfer Rheoliad y Comisiwn

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

## PART 1

### Introduction

#### Title, application and commencement

1.—(1) The title of these Regulations is the Equine Identification (Wales) Regulations 2009.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 October 2009.

#### Interpretation

2.—(1) In these Regulations—

- (a) "horse" ("*ceffyl*") means wild or domesticated solipeds within the genus *Equus* of the family *Equidae*, and their crosses;
- (b) "local authority" ("*awdurdod lleol*") means in relation to an area the county council or county borough council for that area; and
- (c) "the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 504/2008 (implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of *equidae*(1)).

(2) Any reference in these Regulations to the Commission Regulation is a reference to that instrument as amended from time to time.

(3) Expressions used both in these Regulations and in the Commission Regulation have the same meaning in these Regulations as they have in the Commission Regulation.

(4) Any reference in these Regulations to a numbered Article is a reference to the Article so numbered in the Commission Regulation.

## PART 2

### Enforcement of the Commission Regulation

#### Competent authority for the Commission Regulation

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

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(1) OJ Rhif L 149, 7.6.2008, t. 3.

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(1) OJ No L 149, 7.6.2008, p. 3.

## Gwerthu ceffylau

4.—(1) Rhaid i unrhyw berson sy'n gwerthu ceffyl roi dogfen adnabod y ceffyl i'r prynwr ar adeg y gwerthu.

(2) Rhaid i'r prynwr, o fewn 30 diwrnod ar ôl prynu, ddychwelyd y ddogfen adnabod ar gyfer y ceffyl hwnnw at y corff dyroddi, gan hysbysu'r corff hwnnw o enw a chyfeiriad y prynwr.

(3) Yn y rheoliad hwn mae "gwerthu" ("sell") yn cynnwys unrhyw drosglwyddiad perchnogaeth.

(4) Mae peidio â chydymffurfio â'r rheoliad hwn yn dramgwydd.

## Adnabod ceffylau o fewn terfynau amser

5.—(1) Rhaid i berchennog ceffyl neu, os yw'n wahanol, y ceidwad sy'n bennaf cyfrifol am y ceffyl, gydymffurfio ag Erthygl 3(1).

(2) Mae peidio â chydymffurfio â pharagraff (1) yn dramgwydd.

(3) Yn unol ag Erthygl 5(5)—

- (a) perchennog yn unig a gaiff wneud cais am ddogfen adnabod, a
- (b) rhaid i'r perchennog wneud cais am ddogfen adnabod o fewn y terfynau amser a bennir yn Erthygl 5, ac y mae peidio â gwneud felly yn dramgwydd.

(4) Os ceir cais am ddogfen adnabod y tu allan i'r terfynau amser, rhaid i'r corff dyroddi stampio'r ddogfen adnabod i'r perwyl na fwriedir y ceffyl i'w gigydda ar gyfer ei fwyta gan bobl.

## Gwneud cais am ddogfennau adnabod: dogfennau dyblyg a dogfennau amnewid

6. Mae unrhyw berson sy'n gwneud cais am ddogfen adnabod yn ddogfen ddyblyg neu'n ddogfen amnewid yn groes i Erthygl 5(8) yn euog o dramgwydd.

## Mewnforio

7. Os yw perchennog ceffyl—

- (a) yn peidio â chydymffurfio ag Erthygl 8(1) (adnabod equidae a fewnforir), neu
- (b) yn peidio â gofyn, o fewn 30 diwrnod, i gorff dyroddi weithredu yn unol ag Erthygl 8(2) (darparu gwybodaeth ychwanegol),

mae'n euog o dramgwydd.

## Canfod marcio gweithredol blaenorol mewn ceffylau

8. Rhaid i filfeddyg sy'n mewnbllannu trawsatebydd mewn ceffyl gyflawni'r gweithdrefnau a bennir yn

## Sale of horses

4.—(1) Any person who sells a horse must give its identification document to the buyer at the time of the sale.

(2) The buyer must, within 30 days of purchase, return the identification document for that horse to the issuing body and must notify the issuing body of the buyer's name and address.

(3) In this regulation "sell" ("*gwerthu*") includes any transfer of ownership.

(4) Failure to comply with this regulation is an offence.

## Identification of horses within time limits

5.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it must comply with Article 3(1).

(2) Failure to comply with paragraph (1) is an offence.

(3) In accordance with Article 5(5)—

- (a) only an owner may apply for an identification document, and
- (b) the owner must apply for an identification document within the time limits set out in Article 5, and failure to do so is an offence.

(4) If an application for an identification document is received outside the time limits, the issuing body must stamp the identification document that the horse is not intended for slaughter for human consumption.

## Application for duplicate and replacement identification documents

6. Any person who applies for a duplicate or replacement identification document in contravention of Article 5(8) is guilty of an offence.

## Importation

7. The owner of a horse who—

- (a) fails to comply with Article 8(1) (identification of imported equidae), or
- (b) fails, within 30 days, to request an issuing body to act in accordance with Article 8(2) (provision of additional information),

is guilty of an offence.

## Detecting previous active marking of horses

8. A veterinary surgeon who implants a transponder into a horse must carry out the procedures set out in

Erthygl 10(1) (mesurau i ganfod marcio gweithredol blaenorol), ac y mae peidio â gwneud hynny yn dramgwydd.

### **Trawsatebyddion**

9.—(1) Rhaid i gorff dyroddi gydymffurfio ag Erthygl 11(1) (mewnblannu trawsatebydd).

(2) At ddibenion Erthygl 11, y cymhwyster gofynnol ar gyfer mewnblannu trawsatebydd yw, o leiaf, aelodaeth o Goleg Brenhinol y Milfeddygon.

(3) Mae peidio â chydymffurfio â'r rheoliad hwn yn dramgwydd.

### **Cyfyngu ar symud ceffylau heb ddogfen adnabod**

10.—(1) Rhaid i berchennog ceffyl neu, os yw'n wahanol, y ceidwad sy'n bennaf cyfrifol am y ceffyl, gydymffurfio ag—

- (a) Erthygl 13(1) (symud a chludo),
- (b) Erthygl 14(1) (rhanddirymiad ar gyfer cardiau call), neu
- (c) Erthygl 14(3) (dogfennau dros dro).

(2) Rhaid i fformat cerdyn call gael ei gymeradwyo gan Weinidogion Cymru o dan y rheoliad hwn, a rhaid i Weinidogion Cymru beidio ag awdurdodi cerdyn call oni fyddant wedi eu bodloni y bydd y cerdyn yn gweithredu'n effeithiol.

(3) Mae peidio â chydymffurfio â pharagraff (1) yn dramgwydd.

### **Symud ar gyfer cigydda**

11. Rhaid i berchennog ceffyl neu, os yw'n wahanol, y ceidwad sy'n bennaf cyfrifol am y ceffyl, gydymffurfio ag Erthygl 15(1) (symud ar gyfer cigydda), ac y mae peidio â gwneud hynny yn dramgwydd.

### **Dyroddi dogfennau adnabod: dogfennau dyblyg a dogfennau amnewid**

12.—(1) Pan fo corff dyroddi yn dyroddi dogfen adnabod yn ddogfen ddyblyg, rhaid iddo naill ai stampio'r ddogfen adnabod i'r perwyl ei bod yn ddogfen ddyblyg, neu ddosbarthu'r anifail fel un na fwriedir i'w gigydda ar gyfer ei fwyta gan bobl, yn unol ag Erthygl 16(1).

(2) Ni cheir gweithredu'r rhanddirymiad yn Erthygl 16(2) o Reoliad y Comisiwn.

(3) Pan fo corff dyroddi yn dyroddi dogfen adnabod yn ddogfen amnewid, rhaid iddo wneud hynny yn unol ag Erthygl 17 (dyroddi dogfennau amnewid).

Article 10(1) (measures to detect previous active marking), and failure to do so is an offence.

### **Transponders**

9.—(1) An issuing body must comply with Article 11(1) (implantation of a transponder).

(2) For the purposes of Article 11, the minimum qualification for implantation of a transponder is membership of the Royal College of Veterinary Surgeons.

(3) Failure to comply with this regulation is an offence.

### **Restriction on movement of horses without an identification document**

10.—(1) The owner of a horse or, if different, the keeper who has primary responsibility for it, must comply with—

- (a) Article 13(1) (movement and transport),
- (b) Article 14(1) (derogation for smart cards), or
- (c) Article 14(3) (temporary documents).

(2) A smart card must be in a format approved by the Welsh Ministers under this regulation, and the Welsh Ministers must only authorise a smart card on being satisfied that it will operate effectively.

(3) Failure to comply with paragraph (1) is an offence.

### **Movement for slaughter**

11. The owner of a horse or, if different, the keeper who has primary responsibility for it must comply with Article 15(1) (movement for slaughter), and failure to do so is an offence.

### **Issue of duplicate and replacement identification documents**

12.—(1) Where an issuing body issues a duplicate identification document it must stamp an identification document as a duplicate, or classify the animal as being not intended for slaughter for human consumption, in accordance with Article 16(1).

(2) The derogation in Article 16(2) of the Commission Regulation may not be exercised.

(3) Where an issuing body issues a replacement identification document it must do so in accordance with Article 17 (issuing replacement documents).



(4) Mae peidio â chydymffurfio â'r rheoliad hwn yn dramgwydd.

### **Dychwelyd dogfen adnabod ar farwolaeth ceffyl**

**13.**—(1) Pan fo ceffyl wedi ei gigydda neu wedi ei ladd at y dibenion o reoli clefyd, rhaid i'r milfeddyg swyddogol sy'n gyfrifol am y cigyddu neu'r lladd ddychwelyd y ddogfen adnabod at y corff dyroddi, yn unol ag Erthygl 19(2)(a)(i), cyn gynted ag y bo'n rhesymol ymarferol.

(2) Pan fo ceffyl wedi ei gigydda i'w fwyta gan bobl, rhaid i feddiannydd y lladd-dy, yn unol ag Erthygl 19(2)(a)(ii), roi'r ddogfen adnabod i'r milfeddyg swyddogol yn y lladd-dy, a rhaid i'r milfeddyg—

- (a) gofnodi rhif adnabod yr anifail;
- (b) marcio'r ddogfen adnabod yn briodol; ac
- (c) anfon y ddogfen adnabod ar ôl ei marcio, at y corff dyroddi cyn gynted ag y bo'n rhesymol ymarferol.

(3) Mewn unrhyw achos arall, er gwaethaf Erthygl 19(2)(b), rhaid i berchennog ceffyl neu, os yw'n wahanol, y ceidwad, ddychwelyd y ddogfen adnabod at y corff dyroddi o fewn 30 diwrnod ar ôl marwolaeth y ceffyl.

(4) Dychweliad y ddogfen adnabod o dan y rheoliad hwn yw'r ardystiad sy'n ofynnol o dan Erthygl 19(1)(c).

(5) Mae peidio â chydymffurfio â'r rheoliad hwn yn dramgwydd.

### **Gweithdrefn y corff dyroddi ar farwolaeth ceffyl**

**14.** Ar ôl cael ardystiad a ddychwelwyd yn unol ag Erthygl 19(1) rhaid i gorff dyroddi—

- (a) ddirymu'r ddogfen adnabod;
- (b) sicrhau na ellir aildefnyddio rhif y microsglodyn; ac
- (c) dinistrio'r ddogfen adnabod a ddirymwyd.

### **Triniaeth a ganiateir i geffylau a fwriedir i'w bwyta gan bobl**

**15.**—(1) Rhaid i filfeddyg gydymffurfio ag Erthygl 20.

(2) Rhaid i filfeddyg gofnodi mewn dogfen adnabod y manylion sy'n ofynnol o dan baragraffau 4 (Cofnod brechu), 5 (Profion iechyd labordy) a 7 (Rhoi cynhyrchion meddyginiaethol milfeddygol) o Ran A o Ran II (Gwybodaeth a ddangosir ar basbort) o Atodiad I i Reoliad y Comisiwn.

(4) Failure to comply with this regulation is an offence.

### **Return of identification document upon death of a horse**

**13.**—(1) When a horse is slaughtered or killed for disease control purposes, the official veterinary surgeon responsible for the slaughter or killing must, in accordance with Article 19(2)(a)(i), return the identification document to the issuing body as soon as is reasonably practicable.

(2) When a horse is slaughtered for human consumption, in accordance with Article 19(2)(a)(ii) the occupier of the slaughterhouse must give the identification document to the official veterinary surgeon at the slaughterhouse, who must—

- (a) record the identification number of the animal;
- (b) mark the identification document accordingly; and
- (c) send the marked identification document to the issuing body as soon as is reasonably practicable.

(3) In any other case, notwithstanding Article 19(2)(b), the owner of a horse or, if different, the keeper must return the identification document to the issuing body within 30 days of the death of the horse.

(4) The return of the identification document under this regulation is the attestation required under Article 19(1)(c).

(5) Failure to comply with this regulation is an offence.

### **Procedure by the issuing body upon death of a horse**

**14.** Upon receipt of an attestation returned in accordance with Article 19(1) an issuing body must—

- (a) invalidate the identification document;
- (b) ensure that the microchip number cannot be re-used; and
- (c) destroy the invalidated identification document.

### **Permitted treatment for horses intended for human consumption**

**15.**—(1) A veterinary surgeon must comply with Article 20.

(2) A veterinary surgeon must enter into an identification document the details required in paragraphs 4 (Vaccination record), 5 (Laboratory health tests) and 7 (Administration of veterinary medicinal products) of Part A of Part II (Information shown on passport) of Annex I to the Commission Regulation.

(3) Mae peidio â chydymffurfio â'r rheoliad hwn yn dramgwydd.

### **Cronfeydd data**

**16.—**(1) Mae corff dyroddi sy'n peidio â chydymffurfio ag Erthygl 21 (cofnodion mewn cronfa ddata) yn euog o dramgwydd.

(2) At ddibenion Erthygl 21(3), rhaid trosglwyddo'r wybodaeth i'r gronfa ddata ganolog yn unol â hysbysiad ysgrifenedig a gyflwynir i'r corff dyroddi gan Weinidogion Cymru.

### **Gwaharddiadau**

**17.** Mae'n dramgwydd i berson—

- (a) dinistrio neu ddifwyno dogfen adnabod;
- (b) newid unrhyw gofnod mewn dogfen adnabod;
- (c) gwneud cofnod ffug mewn dogfen adnabod;
- (ch) gwneud dogfen adnabod ffug;
- (d) bod â dogfen adnabod ffug yn ei feddiant, gan wybod hynny; neu
- (dd) darparu unrhyw wybodaeth mewn cais am ddogfen adnabod gan wybod bod yr wybodaeth honno'n ffug neu'n gamarweiniol.

### **Ceffylau penodol sy'n byw ar diroedd comin penodedig**

**18.—**(1) Arferir y rhan ddirymiad yn Erthygl 7.

(2) At ddibenion y rheoliad hwn, "ardaloedd dynodedig" ("*designated areas*") yw ardaloedd, yr hysbysir y Comisiwn ohonynt gan Weinidogion Cymru erbyn 1 Hydref 2009, sy'n cynnwys poblogaethau diffiniedig o geffylau yn byw o dan amodau gwyllt neu led wyllt, nad yw'n ofynnol eu hadnabod drwy gyfrwng dogfennau adnabod tra arhosant o fewn yr ardal ddynodedig.

(3) Os yw ceffyl nad oes dogfen adnabod ar ei gyfer mewn ardal ddynodedig, yn cael ei drin ag unrhyw gynnyrch meddyginiaethol milfeddygol rhaid i'w berchennog sicrhau bod y ceffyl yn cael ei adnabod yn llawn ac y gosodir microsglodyn ynddo yn unol â Rheoliad y Comisiwn o fewn 30 diwrnod ar ôl y driniaeth, ac y mae peidio â gwneud hynny yn dramgwydd.

(4) Mae'n dramgwydd symud ceffyl nad oes dogfen adnabod ar ei gyfer allan o'r ardal ddynodedig, onid yw'r ceffyl wedi ei farcio â sticer a ddyroddir gan gorff dyroddi, ac sy'n dwyn y dyddiad y'i gosodir ar y ceffyl ynghyd â rhif adnabod unigryw.

(5) Ac eithrio pan fo'r ceffyl yn iau na 12 mis oed ac yn cael ei gymryd i'w gigydda ar gyfer ei fwyta gan bobl, rhaid i gais am rif adnabod fynd gyda'r ceffyl

(3) Failure to comply with this regulation is an offence.

### **Databases**

**16.—**(1) An issuing body that fails to comply with Article 21 (records on a database) is guilty of an offence.

(2) For the purposes of Article 21(3), the communication of the information to the central database must be made in accordance with a written notice served on the issuing body by the Welsh Ministers.

### **Prohibitions**

**17.** It is an offence to—

- (a) destroy or deface an identification document;
- (b) alter any entry in an identification document;
- (c) make a false entry in an identification document;
- (d) make a forged identification document;
- (e) knowingly be in possession of a forged identification document; or
- (f) provide any information in an application for an identification document knowing it to be false or misleading.

### **Certain horses living on specified commons**

**18.—**(1) The derogation in Article 7 is exercised.

(2) For the purposes of this regulation, "designated areas" ("*ardaloedd dynodedig*") are areas notified by the Welsh Ministers to the Commission by 1 October 2009 containing defined populations of horses living under wild or semi-wild conditions that do not require to be identified with identification documents while they remain within the designated area.

(3) If a horse without an identification document in a designated area is treated with any veterinary medical product the owner must ensure that it is fully identified and microchipped in accordance with the Commission Regulation within 30 days of treatment, and failure to do so is an offence.

(4) It is an offence to move a horse without an identification document off the designated area unless it is marked with a sticker issued by an issuing body dated with the date on which it was attached to the horse and bearing a unique identification number.

(5) Unless the horse is aged under 12 months and is being taken for slaughter for human consumption it must also be accompanied by an application for an



hefyd, a rhaid i'r cais gynnwys silwét o'r ceffyl a rhif y sticer adnabod.

(6) Yn ddarostyngedig i baragraff (7), rhaid i'r perchennog wneud cais am ddogfen adnabod ar gyfer ceffyl o fewn 30 diwrnod ar ôl ymadawiad y ceffyl o'r ardal ddynodedig, ac y mae peidio â gwneud hynny yn dramgwydd.

(7) Nid yw paragraff (6) yn gymwys yn achos ceffyl a gymerir i ladd-dy i'w gigydda ar gyfer ei fwyta gan bobl, ond mae'n dramgwydd cigydda ceffyl o'r fath ar ôl cyfnod hwy na 7 diwrnod ar ôl y dyddiad sydd ar y sticer adnabod.

### RHAN 3

#### Pwerau a chosbau

##### Gorfodi

**19.**—(1) Gorfodir y Rheoliadau hyn gan yr awdurdod lleol.

(2) Caiff Gweinidogion Cymru roi cyfarwyddyd, mewn perthynas ag achosion o ddisgrifiad penodol neu unrhyw achos penodol, bod rhaid i ddyletswydd orfodi a osodir ar yr awdurdod lleol o dan y rheoliad hwn gael ei chyflawni gan Weinidogion Cymru ac nid gan yr awdurdod lleol.

##### Pwerau arolygwyr

**20.**—(1) Caiff arolygydd, wedi iddo ddangos, os gofynnir iddo wneud hynny, awdurdodiad a ddilyswyd yn briodol, fynd i mewn i unrhyw fangre (ac eithrio unrhyw fangre nad oes ceffyl ynddi ac a ddefnyddir yn unig fel annedd) ar unrhyw adeg resymol er mwyn gweinyddu a gorfodi'r Rheoliadau hyn, ac yn y rheoliad hwn mae "mangre" ("*premises*") yn cynnwys unrhyw gerbyd neu gynhwysydd.

(2) Caiff arolygydd gyflawni'r holl wiriadau ac archwiliadau sy'n angenrheidiol er mwyn gorfodi'r Rheoliadau hyn, ac yn benodol—

- (a) mynnu bod dogfen adnabod yn cael ei dangos, a marcio'r ddogfen fel y bo angen;
- (b) mynnu bod unrhyw geffyl yn cael ei ddangos, a marcio'r ceffyl at ddibenion adnabod, fel y bo angen;
- (c) cynnal unrhyw ymholiadau;
- (ch) cael mynediad at unrhyw ddogfennau neu gofnodion (ym mha bynnag ffurf y'u cedwir) sy'n berthnasol i'r Rheoliadau hyn, eu harchwilio a'u copïo a'u cludo ymaith i'w copïo;
- (d) archwilio a gwirio gweithrediad unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â dogfennau neu gofnodion sy'n berthnasol i'r Rheoliadau hyn; ac

identification number containing its silhouette and the number of the identifying sticker.

(6) Subject to paragraph (7), the owner must apply for an identification document for a horse within 30 days of its departure from the designated area and failure to do so is an offence.

(7) Paragraph (6) does not apply in the case of a horse taken to a slaughterhouse for slaughter for human consumption but it is an offence to slaughter such a horse more than 7 days after the date on the identifying sticker.

### PART 3

#### Powers and penalties

##### Enforcement

**19.**—(1) These Regulations are enforced by the local authority.

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

##### Powers of inspectors

**20.**—(1) An inspector may, on producing a duly authenticated authorisation if required, at all reasonable hours, enter any premises (excluding any premises not containing any horse and used only as a dwelling) for the purpose of administering and enforcing these Regulations; and in this regulation "premises" ("*mangre*") includes any vehicle or container.

(2) An inspector may carry out all checks and examinations necessary for the enforcement of these Regulations, and in particular may—

- (a) require the production of an identification document and mark it as necessary;
- (b) require the production of any horse and mark it for identification purposes as necessary;
- (c) carry out any inquiries;
- (d) have access to, and inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations, and remove them to enable them to be copied;
- (e) inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with documents or records relevant to these Regulations; and

(dd) pan gedwir cofnod gan ddefnyddio cyfrifiadur, mynnu bod y cofnod yn cael ei ddarparu mewn ffurf sy'n caniatáu ei gludo ymaith.

(3) Pan fo arolygydd wedi mynd i mewn i unrhyw fangre ac nad yw'n rhesymol ymarferol penderfynu a yw dogfennau yn y fangre honno yn berthnasol i'r Rheoliadau hyn, caiff yr arolygydd ymafael yn y dogfennau hynny er mwyn penderfynu a ydynt yn berthnasol ai peidio.

(4) Caiff yr arolygydd fynd gydag—

(a) unrhyw bersonau eraill a ystyrir gan yr arolygydd yn angenrheidiol, a

(b) unrhyw gynrychiolydd y Comisiwn Ewropeaidd sy'n gweithredu at y diben o orfodi ymrwymiad Cymunedol.

(5) Mae'n dramgwydd difwyno, difodi neu dynnu ymaith unrhyw farc a osodir o dan y rheoliad hwn ac eithrio o dan awdurdod ysgrifenedig arolygydd.

(6) Yn y rheoliad hwn ac yn rheoliad 21, ystyr "arolygydd" ("*inspector*") yw person a benodwyd fel y cyfryw gan awdurdod lleol neu gan Weinidogion Cymru ar gyfer gorfodi'r Rheoliadau hyn neu o dan Ddeddf Iechyd Anifeiliaid 1981(1).

## Rhwystro

21. Mae'n dramgwydd—

(a) rhwystro yn fwriadol arolygydd sy'n gweithredu i roi'r Rheoliadau hyn ar waith;

(b) heb esgus rhesymol, peidio â rhoi i arolygydd, sy'n gweithredu i roi'r Rheoliadau hyn ar waith, unrhyw gymorth neu wybodaeth a fynnir yn rhesymol gan yr arolygydd hwnnw o dan y Rheoliadau hyn;

(c) rhoi i unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith unrhyw wybodaeth gan wybod ei bod yn ffug neu'n gamarweiniol; neu

(ch) peidio â dangos ceffyl, dogfen, cofnod, neu ddogfen adnabod pan ofynnir amdano neu amdani, i unrhyw berson sy'n gweithredu i roi'r Rheoliadau hyn ar waith.

## Cosbau

22. Mae person sy'n euog o dramgwydd o dan y Rheoliadau hyn yn agored—

(a) o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na'r uchafswm statudol, neu

(b) o'i gollfarnu ar ddiad, i ddirwy.

## Tramgwyddau gan gyrff corfforaethol

23.—(1) Mae paragraff (2) yn gymwys pan fo corff corfforaethol yn euog o dramgwydd o dan y

(f) where a record is kept by means of a computer, require the record to be produced in a form which may be taken away.

(3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations, the inspector may seize them to ascertain whether or not they are relevant.

(4) The inspector may be accompanied by—

(a) such other persons as the inspector considers necessary, and

(b) any representative of the European Commission acting for the purpose of the enforcement of a Community obligation.

(5) It is an offence to deface, obliterate or remove any mark applied under this regulation except under the written authority of an inspector.

(6) In this regulation and regulation 21 "inspector" ("*arolygydd*") means a person appointed as such by a local authority or the Welsh Ministers for the enforcement of these Regulations or under the Animal Health Act 1981(1).

## Obstruction

21. It is an offence—

(a) intentionally to obstruct an inspector acting in the execution of these Regulations;

(b) without reasonable cause, to fail to give to an inspector acting in the execution of these Regulations any assistance or information that the inspector may reasonably require under these Regulations;

(c) to furnish to any person acting in the execution of these Regulations any information knowing it to be false or misleading; or

(d) to fail to produce a horse, document, record or identification document when required to do so to any person acting in the execution of these Regulations.

## Penalties

22. A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment, to a fine.

## Offences by bodies corporate

23.—(1) Paragraph (2) applies where a body corporate is guilty of an offence under these

(1) 1981 p. 22.

(1) 1981 c. 22.

Rheoliadau hyn, ac y profir bod y tramgwydd hwnnw—

- (a) wedi ei gyflawni gyda chydsyniad neu ymoddefiad swyddog y corff corfforaethol, neu
- (b) y gellir ei briodoli i unrhyw esgeulustod ar ran swyddog y corff corfforaethol.

(2) Mae'r swyddog, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(3) Yn y rheoliad hwn ystyr "swyddog" ("*officer*") yw—

- (a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu berson cyffelyb arall o'r corff corfforaethol, neu
- (b) unrhyw berson sy'n honni ei fod yn gweithredu mewn swyddogaeth o'r fath.

(4) Pan fo materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae'r rheoliad hwn yn gymwys mewn cysylltiad â gweithredoedd a diffygion aelod ynglŷn â'i swyddogaethau rheoli, fel pe bai'r aelod yn swyddog y corff corfforaethol.

#### **Tramgwyddau gan bartneriaethau a chymdeithasau anghorfforedig**

**24.**—(1) Ceir dwyn achos am dramgwydd o dan y Rheoliadau hyn, yr honnir ei fod wedi ei gyflawni gan bartneriaeth neu gymdeithas anghorfforedig, yn enw'r bartneriaeth neu'r gymdeithas honno.

(2) At ddibenion achosion o'r fath—

- (a) mae'r rheolau llys ynglŷn â chyflwyno dogfennau i gael effaith fel pe bai'r bartneriaeth neu'r gymdeithas yn gorff corfforaethol;
- (b) mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2) yn gymwys mewn perthynas â'r bartneriaeth neu'r gymdeithas fel y maent yn gymwys mewn perthynas â chorff corfforaethol.

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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; diddymwyd is-adran (5) gan Ddeddf Llysoedd Ynadon 1952, adran 132, Atodlen 6.

(2) 1980 p. 43. Diwygiwyd is-baragraff 2(a) gan Ddeddf Gweithdrefn ac Ymchwiliadau Troseddol 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).

Regulations, and that offence is proved—

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

(2) The officer, as well as the body corporate, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(3) In this regulation "officer" ("*swyddog*") means—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person purporting to act in any such capacity.

(4) Where the affairs of a body corporate are managed by its members, this regulation applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were an officer of the body corporate.

#### **Offences by partnerships and unincorporated associations**

**24.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or 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 association as they apply in relation to a body corporate.

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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; 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).

(3) Rhaid talu unrhyw ddirwy a osodir ar bartneriaeth neu gymdeithas, a gollfermir am dramgwydd o dan y Rheoliadau hyn, allan o gronfeydd y bartneriaeth neu'r gymdeithas honno.

(4) Mae paragraff (5) yn gymwys pan brofir bod tramgwydd a gyflawnwyd gan bartneriaeth o dan y Rheoliadau hyn—

- (a) wedi ei gyflawni gyda chydsyniad neu ymoddefiad partner, neu
- (b) y gellir ei briodoli i unrhyw esgeulustod ar ran partner.

(5) Mae'r partner, yn ogystal â'r bartneriaeth, yn euog o'r tramgwydd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(6) Mae paragraff (7) yn gymwys pan brofir bod tramgwydd a gyflawnwyd gan gymdeithas anghorfforedig o dan y Rheoliadau hyn—

- (a) wedi ei gyflawni gyda chydsyniad neu ymoddefiad swyddog y gymdeithas, neu
- (b) y gellir ei briodoli i unrhyw esgeulustod ar ran swyddog y gymdeithas.

(7) Mae'r swyddog, yn ogystal â'r gymdeithas, yn euog o'r tramgwydd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(8) Yn y rheoliad hwn, ystyr "swyddog" ("*officer*") yw—

- (a) un o swyddogion y gymdeithas neu aelod o'i chorff llywodraethu, neu
- (b) person sy'n honni ei fod yn gweithredu mewn swyddogaeth o'r fath.

(9) Yn y rheoliad hwn, mae "partner" ("*partner*") yn cynnwys person sy'n honni ei fod yn gweithredu fel partner.

## Dirymiadau

**25.** Dirymir Rheoliadau Pasbortau Ceffylau (Cymru) 2005(1).

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

7 Medi 2009

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(1) O.S. 2005/231 (Cy. 21).

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Paragraph (5) applies where 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 a partner.

(5) The partner, as well as the partnership, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) Paragraph (7) applies where an offence under these Regulations committed by an unincorporated association is proved—

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

(7) The officer, as well as the association, is guilty of the offence and is liable to be proceeded against and punished accordingly.

(8) In this regulation "officer" ("*swyddog*") means—

- (a) an officer of the association or a member of its governing body, or
- (b) a person purporting to act in such capacity.

(9) In this regulation "partner" ("*partner*") includes a person purporting to act as a partner.

## Revocations

**25.** The Horse Passports (Wales) Regulations 2005(1) are revoked.

Minister for Rural Affairs, one of the Welsh Ministers

7 September 2009

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(1) S.I. 2005/231 (W. 21).

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OFFERYNNAU STATUDOL  
CYMRU

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**2009 Rhif 2470 (Cy.199)**

**ANIFEILIAID, CYMRU**

Rheoliadau Adnabod Ceffylau  
(Cymru) 2009

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WELSH STATUTORY  
INSTRUMENTS

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**2009 No. 2470 (W.199)**

**ANIMALS, WALES**

The Equine Identification (Wales)  
Regulations 2009