OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1780 (Cy.169)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Compartmentau Dofednod (Cymru) 2010

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn gweithredu Rheoliad y Comisiwn (EC) Rhif 616/2009 sy'n gwneud darpariaeth ar gyfer cydnabod compartmentau dofednod sy'n bodloni safonau uchel mewn bioddiogelwch (OJ Rhif L 181, 14.7.2009, t. 16). Gan fod y cais am gydnabyddiaeth yn wirfoddol, yr unig gosb am fethiant i gydymffurfio â gofynion y Gorchymyn hwn yw tynnu'n ôl gymeradwyaeth o fangre fel compartment.

WELSH STATUTORY INSTRUMENTS

2010 No. 1780 (W.169)

ANIMALS, WALES

ANIMAL HEALTH

The Poultry Compartments (Wales) Order 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Commission Regulation (EC) No. 616/2009 which makes provision for the recognition of poultry compartments which meet high standards of biosecurity (OJ No L 181, 14.7.2009, p 16). Since application for recognition is voluntary the only sanction for failure to comply with the requirements of this Order is withdrawal of an approval of premises as a compartment.

OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1780 (Cy.169)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Compartmentau Dofednod (Cymru) 2010

Gwnaed	*8 Gorffennaf 2010*
Yn dod i rym	*30 Gorffennaf 2010*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 1 ac 8(1) o Ddeddf Iechyd Anifeiliaid 1981(**1**) a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972.

Mae Gweinidogion Cymru o'r farn ei bod yn hwylus i gyfeiriadau at Reoliad y Comisiwn (EC) 616/2009(**2**) a weithredir gan y Gorchymyn hwn gael effaith fel cyfeiriadau at y Rheoliad hwnnw fel y'i diwygir o bryd i'w gilydd.

Enwi, cymhwyso a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Compartmentau Dofednod (Cymru) 2010. Mae'n gymwys o ran Cymru ac yn dod i rym ar 30 Gorffennaf 2010.

Dehongli

2. Yn y Gorchymyn hwn:–

ystyr "Rheoliad y Comisiwn" ("*Commission Regulation*") yw Rheoliad y Comisiwn (EC) Rhif 616/2009 sy'n gweithredu Cyfarwyddeb y Cyngor 2005/94/EC ynghylch cymeradwyo compartmentau

(**1**) 1981 p. 22. Mae swyddogaethau a roddwyd o dan Ddeddf 1981 i "the Minister" a "the Ministers", i'r graddau y maent yn arferadwy o ran Cymru, wedi eu breinio yng Ngweinidogion Cymru. Trosglwyddwyd y swyddogaethau hynny i Gynulliad Cenedlaethol Cymru a gyfansoddwyd gan Ddeddf Llywodraeth Cymru 1998 (p. 38) drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), erthygl 2. Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32), trosglwyddwyd hwy i Weinidogion Cymru.

(**2**) OJ Rhif L181, 14.7.2009, t.16.

WELSH STATUTORY INSTRUMENTS

2010 No. 1780 (W.169)

ANIMALS, WALES

ANIMAL HEALTH

The Poultry Compartments (Wales) Order 2010

Made	*8 July 2010*
Coming into force	*30 July 2010*

The Welsh Ministers, make the following Order in exercise of the powers conferred by sections 1 and 8(1) of the Animal Health Act 1981(**1**), and paragraph 1A of Schedule 2 to the European Communities Act 1972.

The Welsh Ministers consider it expedient that references to Commission Regulation (EC) 616/2009 (**2**) implemented by this Order should have effect as references to that Regulation as amended from time to time.

Title, application and commencement

1. The title of this Order is the Poultry Compartments (Wales) Order 2010. It applies in relation to Wales and comes into force on 30 July 2010.

Interpretation

2. In this Order:–

"administrative site" means premises in which documents or records relating to a production site are kept;

(**1**) 1981 c. 22. Functions conferred under the 1981 Act on "the Minister" and "the Ministers" are so far as they are exercisable in relation to Wales, vest in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2. By virtue of paragraphs 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(**2**) OJ No L 181, 14.7.2009, p.16.

dofednod a chompartmentau eraill ar gyfer adar caeth mewn perthynas â ffliw adar a mesurau bioddiogelwch ychwanegol i'w atal mewn compartmentau o'r fath, fel y diwygir y Gyfarwyddeb honno o bryd i'w gilydd;

ystyr "safle cynhyrchu" ("*production site*") yw mangre lle mae dofednod yn cael eu cadw at ddibenion bridio, magu, pesgi neu gynhyrchu wyau ac sy'n destun cais o dan erthygl 4; ac

ystyr "safle gweinyddol" ("*administrative site*") yw mangre lle y mae dogfennau neu gofnodion sy'n ymwneud â safle cynhyrchu yn cael eu cadw.

Yr awdurdod cymwys

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

Ceisiadau

4. Rhaid i geisiadau ar gyfer cymeradwyaeth o gompartmentau gael eu gwneud ar y ffurflenni a ddarperir gan Weinidogion Cymru ar wefan Llywodraeth Cynulliad Cymru.

Pŵer arolygwyr

5.–(1) Caiff arolygydd, at unrhyw ddiben sy'n ymwneud â 'r Gorchymyn hwn–

(a) mynd i mewn i unrhyw fangre a gymeradwywyd yn gompartment o dan y Gorchymyn hwn ac i unrhyw safle gweinyddol sy'n cynnwys cofnodion sy'n berthnasol ar gyfer cymeradwyo safle yn gompartment;

(b) ei gwneud yn ofynnol i'r ceidwad ddangos neu gopïo unrhyw ddogfen neu gofnod;

(c) symud a dal gafael ar gopi o unrhyw ddogfen neu gofnod;

(ch) cael mynediad i, ac archwilio gweithrediad, unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig sy'n cael ei ddefnyddio neu sydd wedi cael ei ddefnyddio mewn cysylltiad â chofnodion;

(d) pan fo cofnod yn cael ei gadw ar gyfrifiadur, ei gwneud yn ofynnol i'r cofnod fod ar gael mewn ffurf y gellir ei gymryd ymaith;

(dd) mynd â chynrychiolydd o'r Comisiwn Ewropeaidd gydag ef neu unrhyw berson y mae'r arolygydd o'r farn ei fod yn angenrheidiol.

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

(3) At ddibenion yr erthygl hon ystyr arolygydd yw unrhyw berson a gymeradwywyd yn arolygydd o dan Ddeddf Iechyd Anifeiliaid 1981.

"Commission Regulation" means Commission Regulation (EC) No 616/2009 implementing Council Directive 2005/94/EV as regards the approval of poultry compartments and other captive birds compartments with respect to avian influenza and additional preventive biosecurity measures in such compartments as amended from time to time; and

"production site" means premises where poultry are kept for the purposes of breeding, rearing, fattening or egg production and which are the subject of an application under article 4.

Competent authority

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

Applications

4. Applications for approval of compartments must be made on the forms provided by the Welsh Ministers on the Welsh Assembly Government website.

Power of inspectors

5.–(1) An inspector may, for any purpose relating to this Order–

(a) enter any premises approved as a compartment under this Order and any administrative site which contains records relevant to the approval of a site as a compartment;

(b) require the keeper to produce or copy any document or record;

(c) remove and retain a copy of any document or record;

(d) have access to, and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with records;

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

(f) be accompanied by a representative of the European Commission or any person the inspector considers necessary.

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

(3) For the purposes of this article an inspector means any person approved as an inspector under the Animal Health Act 1981.

Arolygiadau

6.–(1) Rhaid i Weinidogion Cymru arolygu pob safle cynhyrchu cyn eu cymeradwyo'n gompartment.

(2) Cyn gynted ag y bydd safleoedd cynhyrchu wedi cael eu cymeradwyo'n gompartmentau rhaid i Weinidogion Cymru ailarolygu'r safleoedd hynny ar ôl bylchau amser a benderfynwyd drwy asesiad o risg sy'n gysylltiedig â phob compartment.

(3) Pan fyddant yn arolygu'r safleoedd cynhyrchu caiff Gweinidogion Cymru hefyd arolygu safleoedd gweinyddol sy'n dal cofnodion sy'n berthnasol i gymeradwyo'r safleoedd cynhyrchu hyn yn gompartmentau.

Inspections

6.–(1) The Welsh Ministers must inspect all production sites before approving them as a compartment..

(2) Once production sites are approved as compartments the Welsh Ministers must reinspect those sites at intervals determined by an assessment of risk associated with each compartment.

(3) When inspecting production sites the Welsh Ministers may also inspect administrative sites which hold records relevant to the approval of these production sites as compartments.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Minister

8 Gorffennaf 2010

8 July 2010

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