



OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 2712 (Cy.228)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Anffurfio (Triniaethau
a Ganiateir) (Cymru) (Diwygio)
2010**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007 (O.S. 2007/1029) (Cy.96) ("Rheoliadau 2007"). Mae Rheoliadau 2007 yn pennu'r triniaethau a ganiateir nad yw'r tramgwyddau yn adran 5(1) a (2) o Ddeddf Lles Anifeiliaid 2006 (p. 45) yn gymwys iddynt os rhoddir y triniaethau hynny yn unol â'r gofynion perthnasol. Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer triniaethau tocio pigau y caniateir eu gwneud yn achos ieir bwyta a fegir yn gonfensiynol ac ieir dodwy (gan gynnwys cywion y bwriedir iddynt fod yn ieir dodwy).

Mae rheoliad 2(2) yn mewnosod diffiniad o "iâr fwyta a fegir yn gonfensiynol". Diwygir paragraff A1 (Pob triniaeth yn yr adran ar adar yn Atodlen 1) o Atodlen 4 (Adar: Gofynion wrth roi triniaethau penodol a ganiateir) i gyfyngu ar y triniaethau y caniateir eu rhoi i ieir bwyta a fegir yn gonfensiynol (rheoliad 2(3)(a)). Mae'r newidiadau'n rhoi ar waith baragraff 12 o Atodiad I i Gyfarwyddeb y Cyngor 2007/43/EC sy'n gosod y rheolau gofynnol ar gyfer amddiffyn ieir a gedwir er mwyn cynhyrchu cig (OJ Rhif L 182, 12.7.2007, t.19).

Mae rheoliad 2(3)(b) yn amnewid paragraff 5 newydd yn Atodlen 4 i Rheoliadau 2007. Mae is-baragraffau (4) a (5) o'r paragraff 5 newydd yn cyflwyno newidiadau i'r driniaeth ar gyfer tocio pigau ieir dodwy a chywion y bwriedir iddynt fod yn ieir dodwy mewn sefydliadau sydd â 350 neu fwy o ieir dodwy. Mae'r newidiadau'n

WELSH STATUTORY
INSTRUMENTS

2010 No. 2712 (W.228)

ANIMALS, WALES

ANIMAL WELFARE

**The Mutilations (Permitted
Procedures) (Wales) (Amendment)
Regulations 2010**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Mutilations (Permitted Procedures) (Wales) Regulations 2007 (S.I. 2007/1029) (W.96) ("the 2007 Regulations"). The 2007 Regulations specify the permitted procedures to which the offences in section 5(1) and (2) of the Animal Welfare Act 2006 (c.45) do not apply if such procedures are carried out in accordance with the relevant requirements. These Regulations make provision for beak trimming procedures which may be carried out in the case of conventionally reared meat chickens and laying hens (including chicks that are intended to become laying hens).

Regulation 2(2) inserts a definition of "conventionally reared meat chicken". Paragraph A1 (All procedures in the section on birds in Schedule 1) of Schedule 4 (Birds: Requirements When Carrying Out Certain Permitted Procedures) is amended to limit the procedures which may be carried out on conventionally reared meat chickens (regulation 2(3)(a)). The changes implement paragraph 12 of Annex I to the Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (OJ No L 182, 12.7.2007, p.19).

Regulation 2(3)(b) substitutes a new paragraph 5 in Schedule 4 to the 2007 Regulations. Sub-paragraphs (4) and (5) of the replacement paragraph 5 introduce changes to the procedure for beak trimming of laying hens and chicks that are intended to become laying hens on establishments with 350 or more laying hens.

rhoi ar waith y rhanddirymiad ym mharagraff 8 o'r Atodiad i Gyfarwydddeb y Cyngor 1999/74/EC sy'n gosod y safonau gofynnol ar gyfer amddiffyn ieir dodwy (OJ Rhif L 203, 3.8.1999, t.53).

Effaith is-baragraff (4) o'r paragraff 5 perthnasol yw y caiff person wedi ei hyfforddi ddefnyddio technoleg is-goch yn unig i dynnu hyd at draean o big isaf ac/neu uchaf adar o dan 10 niwrnod oed er mwyn atal pigo plu neu ganibaliaeth. Mae is-baragraff (5) yn datgymhwysu'r gofyniad i ddefnyddio technoleg is-goch ac i roi'r driniaeth yn unig i adar sydd o dan 10 niwrnod oed pan fo tocio pigau yn cael ei wneud mewn argyfwng i reoli brigiad o bigo plu neu ganibaliaeth. Ond mewn achos o'r fath bydd y gofynion yn is-baragraffau (1), (2) a (3) yn parhau i fod yn gymwys.

Effaith is-baragraff (6) o'r paragraff 5 perthnasol yw bod tocio pigau ieir bwyta a fegir yn gonfensiynol yn cael ei ganiatáu pan fo'r adar o dan 10 niwrnod oed er mwyn atal pigo plu neu ganibaliaeth. Rhaid i driniaeth o'r fath gael ei rhoi gan berson sydd wedi ei hyfforddi'n addas yn dilyn ymgynghori â milfeddyg a chael cyngor ganddo.

Mae Aseiad Effaith Rheoleiddiol wedi cael ei baratoi. Gellir cael copïau oddi wrth y Tîm Lles Anifeiliaid, Swyddfa'r Prif Swyddog Milfeddygol, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

The changes implement the derogation in paragraph 8 of the Annex to Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ No L 203, 3.8.1999, p.53).

The effect of sub-paragraph (4) of the relevant paragraph 5 is that a trained person may only use infra-red technology to remove up to one-third of lower and/or upper beaks of birds under 10 days of age in order to prevent feather pecking or cannibalism. Sub-paragraph (5) disappplies the requirement to use infra-red technology and only to perform the procedure on birds under the age of 10 days where beak trimming is carried out in an emergency to control an outbreak of feather pecking or cannibalism. But in such a case the requirements in sub-paragraphs (1), (2) and (3) will still apply.

The effect of sub-paragraph (6) of the relevant paragraph 5 is that the beak trimming of conventionally reared meat chickens is allowed where the birds are aged under 10 days in order to prevent feather pecking or cannibalism. Such a procedure must be carried out by a suitably trained person following consultation and advice from a veterinarian.

A regulatory impact assessment has been prepared. Copies can be obtained from the Animal Welfare Team, Office of the Chief Veterinary Officer, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2010 Rhif 2712 (Cy.228)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Anffurfio (Triniaethau
a Ganiateir) (Cymru) (Diwygio)
2010**

Gwnaed

9 Tachwedd 2010

Yn dod i rym yn unol â rheoliad 1(2)

Gweinidogion Cymru yw'r awdurdod cenedlaethol priodol at ddibenion arfer y pwerau a roddir gan adran 5(4) o Ddeddf Lles Anifeiliaid 2006(1) o ran Cymru, ac maent yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau hynny.

Mae Gweinidogion Cymru wedi ymgynghori â'r personau y cyfeirir atynt yn adran 5(5) o'r Ddeddf honno.

Yn unol ag adran 61(2)(2) o'r Ddeddf honno, cafodd offeryn drafft ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad.

Enwi, cychwyn a chymhwysu

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) (Diwygio) 2010.

(2) Deuant i rym drannoeth y diwrnod y'u gwneir.

(3) Maent yn gymwys o ran Cymru.

-
- (1) 2006 p.45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi, trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weindogion Cymru ac maent wedi eu breinio bellach ynddynt. Diffinnir yr awdurdod cenedlaethol priodol yn adran 62(1) o'r Ddeddf.
- (2) 2006 p.45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 34 o Atodlen 11 iddi mae'r cyfeiriad yn adran 61(2) at "House of Parliament" yn cynnwys Cynulliad Cenedlaethol Cymru.

2010 No. 2712 (W.228)

ANIMALS, WALES

ANIMAL WELFARE

**The Mutilations (Permitted
Procedures) (Wales) (Amendment)
Regulations 2010**

Made

9 November 2010

*Coming into force in accordance with
regulation 1(2)*

The Welsh Ministers are the appropriate national authority for the purpose of exercising the powers conferred by section 5(4) of the Animal Welfare Act 2006(1) in relation to Wales, and make the following Regulations in exercise of those powers.

The Welsh Ministers have consulted the persons referred to in section 5(5) of that Act.

In accordance with section 61(2)(2) of that Act, a draft instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Title, commencement and application

1.–(1) The title of these Regulations is The Mutilations (Permitted Procedures) (Wales) (Amendment) Regulations 2010.

(2) They come into force on the day after the day on which they are made.

(3) They apply in relation to Wales.

-
- (1) 2006 c.45. By virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006, the functions of the National Assembly for Wales were transferred to and now vest in the Welsh Ministers. The appropriate national authority is defined in section 62(1) of the Act.
- (2) 2006 c.45. By virtue of section 162 of, and paragraph 34 of Schedule 11 to the Government of Wales Act 2006 (c.32) the reference in section 61(2) to "House of Parliament" includes the National Assembly for Wales.

Diwygiadau i Reoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007

2.–(1) Diwygir Rheoliadau Anffurfio (Triniaethau a Ganiateir) (Cymru) 2007(1) fel a ganlyn.

(2) Yn rheoliad 2 (dehongli), ar ôl y diffiniad o "iâr ddodwy", mewnosoder–

"ystyr "iâr fwyta a fegir yn gonfensiynol" ("*conventionally reared meat chicken*") yw anifail o'r rhywogaeth *Gallus gallus* a gedwir er mwyn cynhyrchu cig, ac eithrio–

- (a) un sydd ar ddaliad gyda llai na 500 o anifeiliaid o'r fath neu gyda stociau bridio anifeiliaid o'r fath yn unig;
- (b) un y gellir defnyddio'r term "Extensive indoor (barn reared)" ("*A fegir yn helaeth dan do (mewn cytiau)*"), "Free range" ("*Iâr fuarth*"), "Traditional free range" ("*Iâr fuarth – dull traddodiadol*") neu "Free range – total freedom" ("*Iâr fuarth – dull hollol rydd*") o fewn ystyr pwynt (b), (c), (d) neu (e) o Atodiad V i Reoliad y Comisiwn (EC) Rhif 543/2008 sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad (EC) Rhif 1234/2007 o ran y safonau marchnata ar gyfer cig dofednod(2);
- (c) un a fegir yn organig yn unol â Rheoliad y Cyngor (EC) Rhif 834/2007 ar gynhyrchu organig a labelu cynhyrchion organig ac sy'n dirymu Rheoliad (EEC) Rhif 2092/91(3);".

(3) Yn Atodlen 4 (Adar: Gofynion Wrth Roi Triniaethau Penodol a Ganiateir)–

(a) yn lle paragraff A1 (pob triniaeth yn yr adran ar adar yn Atodlen 1), rhodder–

"A1. Pob triniaeth yn yr adran ar adar yn Atodlen 1

Ni chaniateir rhoi'r triniaethau a restrir yn yr adran ar adar yn Atodlen 1, ac eithrio tocio pigau (*gweler* paragraff 5), ar y canlynol–

- (1) ieir bwyta a fegir yn gonfensiynol; neu
- (2) iâr ddodwy, neu gyw y bwriedir iddo fod yn iâr ddodwy, a gedwir mewn sefydliad sydd â 350 neu fwy o adar o'r fath."
- (b) yn lle paragraff 5 (tocio pigau dofednod), rhodder–

Amendments to the Mutilations (Permitted Procedures) (Wales) Regulations 2007

2.–(1) The Mutilations (Permitted Procedures) (Wales) Regulations 2007(1) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of "cattle", insert–

""conventionally reared meat chicken" ("*iâr fwyta a fegir yn gonfensiynol*") means an animal of the species *Gallus gallus* that is kept for meat production, other than one–

- (a) that is on a holding with fewer than 500 such animals or with only breeding stocks of such animals;
- (b) in relation to which the term "Extensive indoor (barn reared)", "Free range", "Traditional free range" or "Free range – total freedom" can be used within the meaning of point (b), (c), (d) or (e) of Annex V to Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat(2);
- (c) that is organically reared in accordance with Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91(3);".

(3) In Schedule 4 (Birds: Requirements When Carrying Out Certain Permitted Procedures)–

(a) for paragraph A1 (all procedures in the section on birds in Schedule 1), substitute–

"A1. All procedures in the section on birds in Schedule 1

None of the procedures listed in the section on birds in Schedule 1, apart from beak trimming (*see* paragraph 5), may be performed on–

- (1) conventionally reared meat chickens; or
- (2) a laying hen, or a chick that is intended to become a laying hen, which is kept on an establishment with 350 or more such birds."
- (b) for paragraph 5 (beak trimming of poultry), substitute–

(1) O.S. 2007/1029 (Cy.96), a ddiwygiwyd gan O.S. 2008/3094 (Cy.273).

(2) OJ Rhif L 157, 17.6.08, t.46, y gwnaed cywiriad iddo nad yw'n berthnasol i'r Rheoliadau hyn.

(3) OJ Rhif L 189, 20.7.07, t.1, fel y'i diwygiwyd gan Reoliad y Cyngor (EC) Rhif 967/2008 (OJ Rhif L 264, 3.10.08, t.1).

(1) S.I. 2007/1029 (W.96), amended by S.I. 2008/3094 (W.273).

(2) OJ No L 157, 17.6.08, p.46, to which there is a correction not relevant to these Regulations.

(3) OJ No L 189, 20.7.07, p.1, as amended by Council Regulation (EC) No 967/2008 (OJ No L 264, 3.10.08, p.1).

"5. Tocio pigau dofednod

(1) Ar gyfer pob dofednyn, rhaid i'r driniaeth docio pigau gael ei rhoi gan ddefnyddio offeryn addas.

(2) Ar gyfer pob dofednyn, rhaid atal unrhyw waedlif sy'n dod o'r big yn sgil hynny drwy ei serio.

(3) Ar gyfer pob dofednyn, rhaid rhoi'r driniaeth a ganlyn—

- (a) y big uchaf a'r big isaf fel ei gilydd, heb fod mwy na thraean o bob un wedi ei dynnu, neu
- (b) y big uchaf yn unig, heb fod mwy na thraean wedi ei dynnu.

(4) Ar gyfer ieir dodwy a chywion y bwriedir iddynt ddod yn ieir dodwy, a gedwir mewn sefydliadau sydd â 350 neu fwy o adar o'r fath—

- (a) caniateir tocio pigau yn unig er mwyn atal pigo plu neu ganibaliaeth;
- (b) caniateir tocio pigau yn unig drwy ddefnyddio technoleg is-goch;
- (c) ni chaniateir tocio pigau adar sy'n 10 niwrnod oed neu drosodd; ac
- (ch)rhaid i'r driniaeth docio pigau gael ei rhoi gan berson a gafodd wybodaeth, cyfarwyddyd a hyfforddiant addas a digonol fel ei fod yn gymwys i roi'r driniaeth.

(5) Nid yw is-baragraffau (4)(b) ac (c) yn gymwys os rhoddir y driniaeth mewn argyfwng er mwyn rheoli brigiad o bigo plu neu ganibaliaeth.

(6) Ar gyfer ieir bwyta a fegir yn gonfensiynol—

- (a) caniateir i'r driniaeth gael ei rhoi yn unig er mwyn atal pigo plu a chanibaliaeth;
- (b) ni chaniateir i'r driniaeth gael ei rhoi i adar sy'n 10 niwrnod oed neu drosodd;
- (c) rhaid i'r driniaeth gael ei rhoi gan berson a gafodd wybodaeth, cyfarwyddyd a digonol fel ei fod yn gymwys i roi'r driniaeth; ac
- (ch)rhaid i'r driniaeth gael ei rhoi yn unig ar ôl ymgynghori â milfeddyg a chael cyngor ganddo."

"5. Beak trimming of poultry

(1) For all poultry, the beak trimming procedure must be performed using a suitable instrument.

(2) For all poultry, any subsequent haemorrhage from the beak must be arrested by cauterisation.

(3) For all poultry the procedure must be performed on—

- (a) both the upper and lower beaks, with not more than one third of each removed, or
- (b) the upper beak only, with not more than one third removed.

(4) For laying hens and chicks that are intended to become laying hens, which are kept on establishments with 350 or more such birds, beak trimming—

- (a) may only be performed in order to prevent feather pecking or cannibalism;
- (b) may only be carried out using infra-red technology;
- (c) may not be performed on birds which are aged 10 days or over; and
- (d) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure.

(5) Sub-paragraphs (4)(b) and (c) do not apply where the procedure is carried out in an emergency in order to control an outbreak of feather pecking or cannibalism.

(6) For conventionally reared meat chickens the procedure—

- (a) may only be performed in order to prevent feather pecking and cannibalism;
- (b) may not be performed on birds which are aged 10 days or over;
- (c) must be carried out by a person who has been provided with suitable and sufficient information, instruction and training so that they are qualified to perform the procedure; and
- (d) must only be carried out following a consultation with and on the advice of a veterinarian."

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

9 Tachwedd 2010

9 November 2010

©© Hawlfraint y Goron 2010

© Crown copyright 2010

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

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

OFFERYNNAU STATUDOL
CYMRU

2010 Rhif 2712 (Cy.228)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

Rheoliadau Anffurfio (Triniaethau
a Ganiateir) (Cymru) (Diwygio)
2010

WELSH STATUTORY
INSTRUMENTS

2010 No. 2712 (W.228)

ANIMALS, WALES

ANIMAL WELFARE

The Mutilations (Permitted
Procedures) (Wales) (Amendment)
Regulations 2010