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CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 1719 (Cy.195)

2011 No. 1719 (W.195)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Cig Dofednod (Cymru)
2011**

**The Poultrymeat (Wales)
Regulations 2011**

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 gymwys o ran Cymru ac yn gwneud darpariaeth ar gyfer gorfodi a gweithredu safonau marchnata uniongyrchol gymwysadwy yr UE (Undeb Ewropeaidd) mewn perthynas â chig dofednod.

These Regulations which apply in relation to Wales make provision for the enforcement and execution of directly applicable EU (European Union) marketing standards relating to poultrymeat.

Mae'r Rheoliadau hyn—

These Regulations:

- (a) yn dirymu, mewn perthynas â Chymru, Rheoliadau Cig Dofednod (Cynhwysiad Dŵr) 1984 (O.S. 1984/1145),
- (b) yn gwneud methiant i gydymffurfio â'r darpariaethau o Reoliad y Comisiwn (EC) Rhif 543/2008 (OJ Rhif L 157, 17.6.2008, t. 46) a grybwyllir yn Atodlen 2 (darpariaethau mewn perthynas â marchnata cig dofednod) yn dramgwydd (rheoliad 3 ac Atodlen 2),
- (c) yn gwneud darpariaeth ynglŷn â chofrestru lladd-dai a chynhyrchwyr fel sy'n ofynnol gan Erthygl 12 o Reoliad y Comisiwn (EC) Rhif 543/2008 (rheoliad 5) a darparu ar gyfer apelau yn erbyn penderfyniad i wrthod cofrestriad o'r fath a phenderfyniad i ddiddymu cofrestriad o'r fath (rheoliadau 6 a 7),
- (ch) yn darparu ar gyfer talu ffioedd mewn perthynas â gwiriadau cynhwysiad dŵr a gyflawnir gan yr Asiantaeth Safonau Bwyd (rheoliad 8 ac Atodlen 3),
- (d) yn darparu ar gyfer gorfodi (rheoliadau 9 a 10),
- (dd) yn rhoi pwerau mynediad (rheoliad 11) a phwerau eraill (rheoliad 12), gan gynnwys pwerau i ymafael a dinistrio,
- (e) yn gwneud methiant i gydymffurfio â'r

- (a) revoke, in relation to Wales, the Poultry Meat (Water Content) Regulations 1984 (S.I. 1984/1145),
- (b) make the failure to comply with the provisions of Commission Regulation (EC) No 543/2008 (OJ No L 157, 17.6.2008, p. 46) mentioned in Schedule 2 (provisions relating to the marketing of poultrymeat) an offence (regulation 3 and Schedule 2),
- (c) make provision in relation to the registration of slaughterhouses and producers as required by Article 12 of Commission Regulation (EC) No 543/2008 (regulation 5) and provide for appeals against a decision to refuse such a registration and a decision to cancel such a registration (regulations 6 and 7),
- (d) provide for the payment of fees in relation to water content checks carried out by the Food Standards Agency (regulation 8 and Schedule 3),
- (e) provide for enforcement (regulations 9 and 10),
- (f) confer powers of entry (regulation 11) and other powers (regulation 12), including seizure and destruction powers,
- (g) make the failure to comply with the provisions

darpariaethau o Reoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (y Rheoliad CMO Sengl) (OJ Rhif L 299, 16.11.2007, t. 1) ac o Reoliad y Comisiwn (EC) Rhif 543/2008, a grybwyllir yn Atodlen 1, yn fater y ceir dyroddi hysbysiad cydymffurfio yn ei gylch (rheoliad 14); ac yn darparu ar gyfer apelau yn erbyn hysbysiadau cydymffurfio (rheoliadau 15 ac 16). Mae methiant i gydymffurfio â hysbysiad cydymffurfio yn dramgwydd, ac

- (f) yn gwneud rhwystro swyddog awdurdodedig yn dramgwydd (rheoliad 18).

Yn dilyn collfarn ddiannod, gellir cosbi tramgwyddau o dan y Rheoliadau hyn gyda dirwy na fydd yn fwy na lefel 5 ar y raddfa safonol (rheoliad 19).

Mae asesiad effaith rheoleiddiol o effaith y Rheoliadau hyn ar gostau busnes a'r sector gwirfoddol ar gael yn www.cymru.gov.uk neu gan yr Adran Materion Gwledig, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.2007, p. 1) and Commission Regulation (EC) No 543/2008 mentioned in Schedule 1 a matter for which a compliance notice may be issued (regulation 14) and provide for appeals against compliance notices (regulations 15 and 16). Failure to comply with a compliance notice is an offence, and

- (h) make obstruction of an authorised officer an offence (regulation 18).

Offences under the Regulations are punishable on summary conviction by a fine not exceeding level 5 on the standard scale (regulation 19).

A regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available at www.wales.gov.uk or from the Department for Rural Affairs, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2011 Rhif 1719 (Cy.195)

BWYD, CYMRU

**Rheoliadau Cig Dofednod (Cymru)
2011**

Gwnaed 12 Gorffennaf 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 14 Gorffennaf 2011

Yn dod i rym 15 Awst 2011

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2011 No. 1719 (W.195)

FOOD, WALES

**The Poultrymeat (Wales)
Regulations 2011**

Made 12 July 2011

*Laid before the National
Assembly for Wales* 14 July 2011

Coming into force 15 August 2011

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Mae Gweinidogion Cymru wedi eu dynodi(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd.

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 Weinidogion Cymru ei bod yn hwylus dehongli'r cyfeiriadau yn y Rheoliadau hyn at y Rheoliadau canlynol fel cyfeiriadau at y Rheoliadau hynny fel y'u diwygir o bryd i'w gilydd—

- (a) Rhan B o Atodiad XIV i Reoliad y Cyngor (EC) Rhif 1234/2007(3) sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (y Rheoliad CMO Sengl); a

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The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Union.

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 in these Regulations to the following Regulations to be construed as references to those Regulations as amended from time to time—

- (a) Part B of Annex XIV to Council Regulation (EC) No 1234/2007(3) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation); and

(1) Yn rhinwedd erthygl 3 o Orchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 5) 2010, O.S. 2010/2690.

(2) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).

(3) OJ Rhif L 299, 16.11.2007, t.1, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 513/2010 (OJ Rhif L 150, 16.6.2010, t.40).

(1) By virtue of article 3 of the European Communities (Designation) (No. 5) Order 2010, S.I. 2010/2690.

(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).

(3) OJ No L 299, 16.11.2007, p.1, last amended by Commission Regulation (EU) No 513/2010 (OJ No L 150, 16.6.2010, p.40).

- (b) Rheoliad y Comisiwn (EC) Rhif 543/2008(1) sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1234/2007 o ran y safonau marchnata ar gyfer cig dofednod.

I'r graddau y mae'r Rheoliadau hyn wedi eu gwneud drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990(2), mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, fel sy'n ofynnol gan adran 48(4A)(3) o Ddeddf Diogelwch Bwyd 1990.

Ymgynghorwyd yn agored a thryloyw â'r cyhoedd yn ystod cyfnod paratoi'r Rheoliadau canlynol, fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(4), sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd.

Mae Gweinidogion Cymru, y breinir ynddynt yn awr y pwerau a roddir gan adrannau 6(4), 16(1), 17, 26(2) a (3), 45(1) a 48(1)(5) o Ddeddf Diogelwch Bwyd 1990(6), yn gwneud y Rheoliadau hyn drwy arfer y pwerau hynny a'r pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A(7) o Atodlen 2 i'r Ddeddf honno.

- (b) Commission Regulation (EC) No 543/2008(1) laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990(2), the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency as required by section 48(4A)(3) of the Food Safety Act 1990.

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council(4) 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.

The Welsh Ministers, in whom the powers conferred by sections 6(4), 16(1), 17, 26(2) and (3), 45(1) and 48(1)(5) of the Food Safety Act 1990 are now vested(6), make these Regulations in exercise of those powers and the powers conferred by section 2(2) of, and paragraph 1A(7) of Schedule 2 to, the European Communities Act 1972.

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- (1) OJ Rhif L 157, 17.6.2008, t.46, a ddiwygiwyd ddiwethaf gan Reoliad y Comisiwn (EU) Rhif 557/2010 (OJ Rhif L 159, 25.6.2010, t. 13).
- (2) 1990 p. 16.
- (3) Mewnosodwyd is-adran (4A) o adran 48 gan baragraff 21 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28).
- (4) OJ Rhif L 31, 1.2.2002, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 (OJ Rhif L 188, 18.7.2009, t. 14).
- (5) Diwygiwyd adran 6(4) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40), paragraffau 7, 10(1) a (3) o Atodlen 5, ac Atodlen 6, i Ddeddf Safonau Bwyd 1999 ("Deddf 1999") ac O.S. 2002/794. Diwygiwyd adran 16(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 17 gan baragraffau 7, 8 a 12 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 26(2) gan baragraff 13 o Atodlen 8, a Rhan 1 o Atodlen 23, i Ddeddf Tribiwnlysoedd, Llysoedd a Gorfodi 2007 (p.15). Diddymwyd adran 26(3) yn rhannol gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 45(1) gan baragraffau 8 ac 20 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 48(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999.
- (6) Mae swyddogaethau "the Ministers", i'r graddau y maent yn arferadwy mewn perthynas â Chymru, bellach yn arferadwy gan Weinidogion Cymru, ar ôl eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw, fel y'i darllenir gydag adran 40(3) o Ddeddf Safonau Bwyd 1999, a'u trosglwyddo wedyn i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30(2)(a) of Atodlen 11 i'r Ddeddf honno.
- (7) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51).

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- (1) OJ No L 157, 17.6.2008, p.46, last amended by Commission Regulation (EU) No 557/2010 (OJ No L 159, 25.6.2010, p. 13).
- (2) 1990 c. 16.
- (3) Sub-section (4A) of section 48 was inserted by paragraph 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).
- (4) OJ No L 31, 1.2.2002, p. 1, last amended by Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p. 14).
- (5) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 ("the 1999 Act") and S.I. 2002/794. Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 was amended by paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act. Section 26(2) was amended by paragraph 13 of Schedule 8, and Part 1 of Schedule 23, to the Tribunals, Courts and Enforcement Act 2007 (c.15). Section 26(3) has been partially repealed by Schedule 6 to the 1999 Act. Section 45(1) was amended by paragraphs 8 and 20 of Schedule 5 to the 1999 Act. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.
- (6) Functions of "the Ministers", so far as exercisable in relation to Wales, are now exercisable by the Welsh Ministers, having been transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999, and then transferred to the Welsh Ministers by section 162 of and paragraph 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (7) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cig Dofednod (Cymru) 2011.

(2) Daw'r Rheoliadau hyn i rym ar 15 Awst 2011 ac maent yn gymwys o ran Cymru.

(3) Mae'r Rheoliadau yn gymwys i gig dofednod a ddisgrifir ym mhwynt I(1) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl, ac eithrio cig dofednod a ddisgrifir ym mhwynt I(2) o'r Rhan honno o'r Atodiad hwnnw i'r Rheoliad hwnnw.

(4) Nid yw'r Rheoliadau hyn yn gymwys o ran cyflenwi meintiau bach o gig dofednod yn uniongyrchol gan gynhyrchydd sydd â'i gynnyrch blynyddol yn llai na 10,000 o adar pan fo'r cig—

- (a) yn dod o ddofednod a gigyddir ar fferm y cynhyrchydd; a
- (b) yn cael ei gyflenwi i—
 - (i) y defnyddiwr olaf; neu
 - (ii) sefydliad manwerthu lleol sy'n cyflenwi cig o'r fath yn uniongyrchol i'r defnyddiwr olaf fel cig ffres.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "yr Asiantaeth" ("*the Agency*") yw'r Asiantaeth Safonau Bwyd;

ystyr "awdurdod gorfodi" ("*enforcement authority*") yw awdurdod sy'n arfer swyddogaeth a roddwyd iddo gan reoliad 9;

mae i "cig dofednod" ("*poultrymeat*") yr ystyr a roddir i "poultrymeat" gan bwynt II(1) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl;

ystyr "darpariaeth cig dofednod Ewropeaidd" ("*European poultrymeat provision*") yw darpariaeth o'r Rheoliad CMO Sengl neu Reoliad y Comisiwn a bennir yng ngholofn 1 o Ran 1 neu 2 o Atodlen 1, fel y'i darllenir gydag unrhyw ddarpariaeth a grybwyllir yn y cofnod cyfatebol yng ngholofn 2 o Ran 1 neu 2 o'r Atodlen honno;

ystyr "mangre" ("*premises*") yw unrhyw le, gan gynnwys y lleoedd y mae'n ofynnol eu harchwilio o dan Erthygl 12(5)(a) i (d) o Reoliad y Comisiwn, ac unrhyw gerbyd, ôl-gerbyd, stondin neu adeiledd symudol;

ystyr "y Rheoliad CMO Sengl" ("*Single CMO Regulation*") yw Rheoliad y Cyngor (EC) Rhif 1234/2007 sy'n sefydlu cyd-drefniadaeth o farchnadoedd amaethyddol ac sy'n ymdrin â darpariaethau penodol ar gyfer cynhyrchion amaethyddol penodedig (y Rheoliad CMO Sengl);

ystyr "Rheoliad y Comisiwn" ("*Commission*

Title, commencement and application

1.—(1) The title of these Regulations is the Poultrymeat (Wales) Regulations 2011.

(2) These Regulations come into force on 15 August 2011 and apply in relation to Wales.

(3) These Regulations apply to poultrymeat described in point I(1) of Part B of Annex XIV to the Single CMO Regulation, excluding poultrymeat described in point I(2) of that Part of that Annex to that Regulation.

(4) These Regulations do not apply to the direct supply of small quantities of poultrymeat by a producer with an annual production of under 10,000 birds where the meat—

- (a) comes from poultry slaughtered on the producer's farm; and
- (b) is supplied to—
 - (i) the final consumer; or
 - (ii) a local retail establishment directly supplying such meat to the final consumer as fresh meat.

Interpretation

2.—(1) In these Regulations—

"the Agency" ("*yr Asiantaeth*") means the Food Standards Agency;

"authorised officer" ("*swyddog awdurdodedig*") means any person who has written authority from an enforcement authority to act in matters arising under these Regulations;

"Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat, as amended from time to time;

"contravene" ("*torri*") includes failure to comply, and "contravention" ("*toriad*") is to be construed accordingly;

"enforcement authority" ("*awdurdod gorfodi*") means an authority exercising a function conferred on it by regulation 9;

"European poultrymeat provision" ("*darpariaeth cig dofednod Ewropeaidd*") means a provision of the Single CMO Regulation or the Commission Regulation specified in column 1 of Part 1 or 2 of Schedule 1, as read with any provision mentioned in the corresponding entry in column 2 of Part 1 or 2 of that Schedule;

"officer" ("*swyddog*")—

- (a) in relation to a body corporate, means a

Regulation") yw Rheoliad y Comisiwn (EC) Rhif 543/2008 sy'n gosod rheolau manwl ar gyfer cymhwyso Rheoliad y Cyngor (EC) Rhif 1234/2007 mewn perthynas â safonau marchnata ar gyfer cig dofednod, fel y'i diwygir o bryd i'w gilydd;

ystyr "swyddog" ("*officer*")—

(a) mewn perthynas â chorff corfforaethol, yw cyfarwyddwr, aelod o bwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff hwnnw; a

(b) mewn perthynas â chorff anghorfforedig, yw unrhyw aelod o'i gorff llywodraethu neu brif weithredwr, rheolwr neu swyddog cyffelyb arall y corff hwnnw;

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw unrhyw berson sydd ag awdurdod ysgrifenedig gan awdurdod gorfodi i weithredu mewn materion sy'n codi o dan y Rheoliadau hyn;

mae "torri" ("*contravene*") yn cynnwys methiant i gydymffurfio, ac mae "torriad" ("*contravention*") i'w ddehongli yn unol â hynny, ac eithrio pan fo'r cyd-destun yn mynnu fel arall.

(2) Yn y Rheoliadau hyn, mae unrhyw gyfeiriad at Ran B o Atodiad XIV i'r Rheoliad CMO Sengl yn gyfeiriad at Ran B o Atodiad XIV i'r Rheoliad CMO Sengl fel y'i diwygir o bryd i'w gilydd.

(3) Mae i'r ymadroddion eraill a ddefnyddir yn y Rheoliadau hyn, ac y defnyddir yr ymadroddion Saesneg sy'n cyfateb iddynt yn y Rheoliad CMO Sengl neu yn Rheoliad y Comisiwn, yr un ystyr yn y Rheoliadau hyn ag a roddir i'r ymadroddion Saesneg cyfatebol hynny yn y Rheoliad Ewropeaidd y'u defnyddir ynddo.

Tramgwyddau

3. Mae person yn euog o dramgwydd os yw'r person hwnnw'n torri darpariaeth o Reoliad y Comisiwn y cyfeirir ati yng ngholofn 1 o Atodlen 2, fel y'i darllenir ynghyd ag unrhyw ddarpariaeth a grybwyllir yn y cofnod cyfatebol yng ngholofn 2 o'r Atodlen honno.

Gofyniad tymheredd ar gyfer cig dofednod ffres

4.—(1) Rhaid i gig dofednod, a dorrir ac a drinnir mewn mangreoedd o'r math a grybwyllir ym mharagraff (2) ac a gaiff ei farchnata yn y mangreoedd hynny fel cig dofednod ffres, gael ei gadw yn y mangreoedd hynny ar dymheredd nad yw'n is na - 2°C nac yn uwch nag 8°C(1).

(2) Y mathau o fangreoedd yw—

- (a) siopau manwerthu; a
- (b) mangreoedd cyfagos i fannau gwerthu,

(1) Mae hyn yn rhanddirymu darpariaethau pwynt II(2) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl.

director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and

(b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

"poultrymeat" ("*cig dofednod*") has the meaning given by point II(1) of Part B of Annex XIV to the Single CMO Regulation;

"premises" ("*mangre*") means any place, including those requiring inspection under Article 12(5)(a) to (d) of the Commission Regulation, and any vehicle, trailer, stall or moveable structure;

"Single CMO Regulation" ("*y Rheoliad CMO Sengl*") 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).

(2) In these Regulations, any reference to Part B of Annex XIV to the Single CMO Regulation is a reference to Part B of Annex XIV to the Single CMO Regulation as amended from time to time.

(3) Other expressions used in these Regulations and in the Single CMO Regulation or the Commission Regulation have the same meaning in these Regulations as in the European Regulation in which they are used.

Offences

3. A person is guilty of an offence if that person contravenes a provision of the Commission Regulation referred to in column 1 of Schedule 2, as read with any provision mentioned in the corresponding entry in column 2 of that Schedule.

Temperature requirement for fresh poultrymeat

4.—(1) Poultrymeat that is cut and handled in premises of the type mentioned in paragraph (2) and is marketed on those premises as fresh poultrymeat must be kept on those premises at a temperature not below - 2°C and not higher than 8°C(1).

(2) The type of premises are—

- (a) retail shops; and
- (b) premises adjacent to sales points,

(1) This derogates from the provisions of point II(2) of Part B of Annex XIV to the Single CMO Regulation.

lle gwneir y torri a'r trin at yr unig ddiben o gyflenwi yn y fan a'r lle yn uniongyrchol i'r defnyddiwr.

Cofrestru fel sy'n ofynnol gan Erthygl 12 o Reoliad y Comisiwn

5.—(1) Mae Gweinidogion Cymru wedi eu dynodi fel yr awdurdod cymwys at y diben o gofrestru lladd-dai a chynhyrchwyr fel sy'n ofynnol gan Erthygl 12 o Reoliad y Comisiwn.

(2) Caiff unrhyw berson sy'n dymuno gweithredu fel—

- (a) lladd-dy; neu
- (b) cynhyrchydd,

a awdurdodwyd i ddefnyddio'r termau a bennir yn Erthygl 11 o Reoliad y Comisiwn wneud cais mewn ysgrifen i Weiniogion Cymru.

(3) Pan fo Gweinidogion Cymru yn cael cais am gofrestriad, rhaid i Weiniogion Cymru, heb oedi'n afresymol, hysbysu'r ceisydd mewn ysgrifen o'r materion a bennir ym mharagraff (4).

(4) Y materion penodedig yw—

- (a) penderfyniad Gweinidogion Cymru ar y cais;
- (b) y rhesymau dros unrhyw wrthod cofrestriad; ac
- (c) yr hawl i apelio, a roddir gan reoliad 6, mewn unrhyw achos pan wrthodir cofrestriad.

(5) Pan fo Gweinidogion Cymru yn penderfynu diddymu cofrestriad, rhaid i Weiniogion Cymru hysbysu'r cynhyrchydd, neu, yn ôl fel y digwydd, y person sy'n cynnal busnes y lladd-dy dan sylw, o'r materion a bennir ym mharagraff (6).

(6) Y materion penodedig yw—

- (a) penderfyniad Gweinidogion Cymru i ddiddymu'r cofrestriad;
- (b) y dyddiad y bydd y diddymiad yn cael effaith;
- (c) y rhesymau am y diddymu; ac
- (ch) yr hawl i apelio, a roddir gan reoliad 6.

Apelau yn erbyn penderfyniadau cofrestru

6.—(1) Caiff unrhyw berson a dramgwyddir gan benderfyniad a bennir ym mharagraff (2) apelio i lys ynadon yn erbyn y penderfyniad hwnnw.

(2) Y penderfyniadau yw—

- (a) gwrthod cofrestriad, neu
- (b) diddymu cofrestriad.

(3) Mae'r weithdrefn mewn apêl i lys ynadon o dan baragraff (1) ar ffurf achwyniad, a bydd Deddf

where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot.

Registration as required by Article 12 of the Commission Regulation

5.—(1) The Welsh Ministers are designated as the competent authority for the purpose of registration of slaughterhouses and producers as required by Article 12 of the Commission Regulation.

(2) Any person who wishes to operate as—

- (a) a slaughterhouse; or
- (b) a producer,

authorised to use the terms specified in Article 11 of the Commission Regulation may make an application in writing to the Welsh Ministers.

(3) Where the Welsh Ministers receive an application for registration the Welsh Ministers must notify the applicant in writing of the matters specified in paragraph (4) without unreasonable delay.

(4) The specified matters are—

- (a) the decision of the Welsh Ministers on the application;
- (b) the reasons for any refusal of registration; and
- (c) the right of appeal conferred by regulation 6 in the case of any refusal of registration.

(5) Where the Welsh Ministers decide to cancel a registration, the Welsh Ministers must notify the producer, or the person carrying on the business of the slaughterhouse concerned, as the case may be, of the matters specified in paragraph (6).

(6) The specified matters are—

- (a) the decision of the Welsh Ministers to cancel the registration;
- (b) the date on which the cancellation is to take effect;
- (c) the reasons for the cancellation; and
- (d) the right of appeal conferred by regulation 6.

Appeals against registration decisions

6.—(1) Any person who is aggrieved about a decision specified in paragraph (2) may appeal against that decision to a magistrates' court.

(2) The decisions are—

- (a) refusal of registration, or
- (b) cancellation of a registration.

(3) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint and

Llysoedd Ynadon 1980(1) yn gymwys i'r achosion.

(4) Y cyfnod a ganiateir ar gyfer dwyn apêl yn erbyn penderfyniad a bennir ym mharagraff (2) yw 28 diwrnod, sy'n cychwyn gyda'r diwrnod y rhoddir hysbysiad o'r penderfyniad.

(5) Ni fydd diddymu cofrestriad fel a grybwyllir ym mharagraff (2)(b) yn cael effaith hyd nes bo'r amser a ganiateir i apelio yn erbyn y penderfyniad wedi dod i ben, neu, os cyflwynir apêl, hyd nes penderfynir yr apêl yn derfynol neu hyd nes tynnir yr apêl yn ôl.

Pwerau llys ynadon mewn apêl

7. Mewn apêl yn erbyn penderfyniad gan Weinidogion Cymru fel a grybwyllir yn rheoliad 6(2), caiff y llys ynadon naill ai wrthdroi'r penderfyniad neu gadarnhau'r penderfyniad.

Gwiriadau cynhwysiad dŵr

8.—(1) Ac eithrio pan gyflawnir gwiriad cynhwysiad dŵr, fel sy'n ofynnol gan Erthygl 16(1), (2), (3) neu (4) neu 20(2), (3) a (4) o Reoliad y Comisiwn, gan yr Asiantaeth, rhaid i wiriad o'r fath gael ei wneud gan weithredwr busnes bwyd y lladd-dy neu'r ffatri dorri dan sylw.

(2) Ac eithrio pan wneir y gwiriad cynhwysiad dŵr y cyfeirir ato ym mharagraff (1) gan yr Asiantaeth, rhaid gwneud gwiriad o'r fath—

- (a) ar gost gweithredwr y busnes bwyd; a
- (b) o dan gyfrifoldeb yr Asiantaeth ac yn unol ag unrhyw gyfarwyddiadau a roddir gan yr Asiantaeth.

(3) Mae Atodlen 3 yn cael effaith mewn perthynas â'r ffioedd sy'n daladwy i'r Asiantaeth am wiriadau cynhwysiad dŵr a gyflawnir gan yr Asiantaeth.

(4) Yn y rheoliad hwn mae i "gweithredwr busnes bwyd" ("*food business operator*") yr ystyr a roddir i "food business operator" yn Erthygl 3(3) o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(2) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd.

Gorfodi

9.—(1) Rhaid i'r Asiantaeth orfodi'r darpariaethau cig dofednod Ewropeaidd mewn lladd-dai a ffatrioedd torri.

the Magistrates' Courts Act 1980(1) applies to the proceedings.

(4) The period within which an appeal may be brought against a decision specified in paragraph (2) is 28 days, beginning with the day on which notification of the decision is given.

(5) The cancellation of a registration mentioned in paragraph (2)(b) does not take effect until the time for appealing against it has expired or, if an appeal is lodged, until the appeal is finally disposed of or withdrawn.

Powers of a magistrates' court on appeal

7. On an appeal against a decision by the Welsh Ministers mentioned in regulation 6(2) the magistrates' court may either overturn the decision or confirm the decision.

Water content checks

8.—(1) Except where a water content check required by Article 16(1), (2), (3) or (4) or 20(2), (3) and (4) of the Commission Regulation is carried out by the Agency, such a check must be carried out by the food business operator of the slaughterhouse or cutting plant concerned.

(2) Except where a water content check referred to in paragraph (1) is carried out by the Agency, such a check must be carried out—

- (a) at the food business operator's expense; and
- (b) under the responsibility of, and in accordance with any directions given by, the Agency.

(3) Schedule 3 has effect in relation to the fees payable to the Agency for water content checks carried out by the Agency.

(4) In this regulation "food business operator" ("*gweithredwr busnes bwyd*") has the same meaning as in Article 3(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council(2) 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.

Enforcement

9.—(1) The Agency must enforce the European poultrymeat provisions at slaughterhouses and cutting plants.

(1) 1980 p. 43.

(2) OJ Rhif L 31, 1.2.2002 t. 1, a ddiwygiwyd ddiwethaf gan Reoliad (EC) Rhif 596/2009 (OJ Rhif L188, 18.7.2009, t. 14).

(1) 1980 c. 43.

(2) OJ No L 31, 1.2.2002 p. 1, last amended by Regulation (EC) No 596/2009 (OJ No L188, 18.7.2009, p. 14).

(2) Yn ddarostyngedig i baragraffau (3) a (4), rhaid i awdurdod bwyd orfodi—

- (a) y darpariaethau cig dofednod Ewropeaidd yn ei ardal (ac eithrio mewn lladd-dai a ffatrioedd torri); a
- (b) rheoliad 4.

(3) Rhaid i awdurdod iechyd porthladd orfodi'r Rheoliadau hyn o fewn ei ddosbarth mewn perthynas â chig dofednod a fewnforir o drydedd wlad.

(4) Rhaid i'r gofynion cadw cofnodion yn Erthygl 12(2) a (4) o Reoliad y Comisiwn gael eu gorfodi gan Weinidogion Cymru.

(5) Yn y rheoliad hwn—

mae i "awdurdod bwyd" ("*food authority*") yr ystyr a roddir i "food authority" yn rhinwedd adran 5(1A) o Ddeddf Diogelwch Bwyd 1990;

ystyr "awdurdod iechyd porthladd" ("*port health authority*"), mewn perthynas ag unrhyw ddosbarth iechyd porthladd a gyfansoddwyd drwy orchymyn o dan adran 2(3) o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1), yw awdurdod iechyd porthladd ar gyfer y dosbarth hwnnw, a gyfansoddwyd drwy orchymyn o dan adran 2(4) o'r Ddeddf honno.

Dyletswydd i roi cymorth a darparu gwybodaeth

10. Rhaid i bob awdurdod gorfodi roi i unrhyw awdurdod gorfodi arall unrhyw gymorth a gwybodaeth y mae angen rhesymol eu cael ar yr awdurdod hwnnw at y diben o gynorthwyo'r awdurdod hwnnw i gyflawni ei ddyletswyddau o dan y Rheoliadau hyn.

Pwerau mynediad

11.—(1) Caiff swyddog awdurdodedig fynd i mewn i unrhyw fangre (ac eithrio mangre a ddefnyddir fel tŷ annedd preifat) ar unrhyw adeg resymol at y diben o sicrhau y cydymffurfir â darpariaethau'r Rheoliadau hyn.

(2) Caiff y swyddog awdurdodedig fynd â'r canlynol gydag ef—

- (a) unrhyw bersonau eraill sy'n angenrheidiol ym marn y swyddog awdurdodedig; a
- (b) unrhyw gynrychiolydd y Comisiwn Ewropeaidd.

(3) Rhaid i swyddog awdurdodedig beidio ag arfer y pwerau o dan baragraff (1) neu (2) ac eithrio ar ôl dangos, os gofynnir iddo wneud hynny, dogfen a ddilyswyd yn briodol i ddangos awdurdod y swyddog.

(4) Nid oes hawl i fynnu cael mynediad i unrhyw fangre a ddefnyddir fel tŷ annedd preifat onid eir i mewn iddi yn unol â gwarant a roddir o dan y rheoliad hwn

(2) Subject to paragraphs (3) and (4), a food authority must enforce—

- (a) the European poultrymeat provisions in its area (other than at slaughterhouses and cutting plants); and
- (b) regulation 4.

(3) A port health authority must enforce these Regulations in its district in relation to poultrymeat imported from a third country.

(4) The record keeping requirements in Article 12(2) and (4) of the Commission Regulation must be enforced by the Welsh Ministers.

(5) In this regulation—

"food authority" ("*awdurdod bwyd*") has the meaning that it bears by virtue of section 5(1A) of the Food Safety Act 1990;

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984(1), a port health authority for that district constituted by order under section 2(4) of that Act.

Duty to give assistance and provide information

10. Each enforcement authority must give such assistance and information to any other enforcement authority as that authority may reasonably require for the purpose of helping that authority perform their duties under these Regulations.

Powers of entry

11.—(1) An authorised officer may enter any premises (except premises used as a private dwelling house) at any reasonable hour for the purpose of ensuring that the provisions of these Regulations are being complied with.

(2) The authorised officer may be accompanied by—

- (a) such other persons as the authorised officer considers necessary; and
- (b) any representative of the European Commission.

(3) An authorised officer must not exercise the powers under paragraph (1) or (2) except on the production, if so required, of a duly authenticated document showing the officer's authority.

(4) Admission to any premises used as a private dwelling house may not be demanded as of right unless entry is in accordance with a warrant granted under this regulation.

(1) 1984 p. 22.

(1) 1984 c. 22.

(5) Os yw ynad heddwch, ar sail tystiolaeth ysgrifenedig a roddwyd o dan lw, wedi ei fodloni ynglŷn â'r materion a grybwyllir ym mharagraff (6), caiff yr ynad lofnodi gwarant sy'n caniatáu i swyddog awdurdodedig fynd i mewn i unrhyw fangre, gan ddefnyddio grym rhesymol pe bai angen.

(6) Y materion yw—

- (a) bod sail resymol dros gredu bod Amod A neu B wedi ei fodloni; a
- (b) bod Amod C, CH, D neu DD wedi ei fodloni.

(7) Amod A yw fod eitemau yn y fangre o'r math a grybwyllir yn rheoliad 12(1)(a) neu ddogfennau neu gofnodion o'r math a grybwyllir yn rheoliad 12(1)(ch) a bod eu harchwilio'n debygol o ddatgelu tystiolaeth o dorri'r Rheoliadau hyn.

(8) Amod B yw fod toriad o'r Rheoliadau hyn wedi digwydd, yn digwydd neu ar fin digwydd yn y fangre honno.

(9) Amod C yw fod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod a'r meddiannydd wedi ei hysbysu (naill ai ar lafar neu mewn ysgrifenedig) y gellir gwneud cais am warant.

(10) Amod CH yw fod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod, a phe hysbysid y meddiannydd y gellid gwneud cais am warant o dan y rheoliad hwn, gallai hynny danseilio'r diben o fynd i mewn.

(11) Amod D yw fod y fangre heb feddiannydd, neu fod y meddiannydd yn absennol dros dro, ac y gallai aros iddo ddychwelyd danseilio'r diben o fynd i mewn.

(12) Amod DD yw fod y fangre'n cael ei defnyddio fel tŷ annedd preifat.

(13) Mae gwarant a roddir o dan baragraff (5)—

- (a) yn ddilys am un mis, sy'n cychwyn gyda'r diwrnod y rhoddir y warant; a
- (b) rhaid dangos y warant i'w harchwilio gan y person (os oes un) y mae'n ymddangos i'r swyddog ei fod yn feddiannydd y fangre, neu'r person sy'n gofalu amdani.

(14) Rhaid i swyddog awdurdodedig sy'n mynd i mewn i unrhyw fangre sydd heb feddiannydd, neu sydd â'i meddiannydd yn absennol dros dro, adael y fangre wedi ei diogelu mor effeithiol rhag mynediad diawdurdod ag yr oedd cyn i'r swyddog ddod yno.

Pwerau swyddog awdurdodedig

12.—(1) Caiff swyddog awdurdodedig ("S") sy'n mynd i mewn i fangre o dan reoliad 11—

- (a) archwilio'r fangre, ac unrhyw offer, peiriannau neu gyfarpar sydd yn y fangre honno, ac unrhyw rai o'r eitemau canlynol a ddarganfyddir yn y fangre honno—

(5) If a justice of the peace, on sworn information in writing, is satisfied of the matters mentioned in paragraph (6), the justice may sign a warrant permitting an authorised officer to enter any premises, if need be by reasonable force.

(6) The matters are that—

- (a) there are reasonable grounds for believing that Condition A or B is met; and
- (b) Condition C, D, E or F is met.

(7) Condition A is that on the premises there are items of the type mentioned in regulation 12(1)(a) or documents or records of the type mentioned in regulation 12(1)(d) and that their inspection is likely to disclose evidence of a contravention of these Regulations.

(8) Condition B is that a contravention of these Regulations has occurred, is occurring or is about to occur on those premises.

(9) Condition C is that admission to the premises has been, or is likely to be, refused, and that the occupier has been informed (whether orally or in writing) that a warrant may be applied for.

(10) Condition D is that admission to the premises has been, or is likely to be, refused, and informing the occupier that a warrant under this regulation may be applied for may defeat the object of the entry.

(11) Condition E is that the premises are unoccupied or that the occupier is temporarily absent and it may defeat the object of the entry to await the occupier's return.

(12) Condition F is that the premises are used as a private dwelling house.

(13) A warrant granted under paragraph (5)—

- (a) is valid for one month, beginning with the day on which it is granted; and
- (b) must be produced for inspection to the person (if there is one) who appears to the officer to be the occupier, or the person in charge of the premises.

(14) An authorised officer who enters any premises that are unoccupied or where the occupier is temporarily absent must leave the premises as effectively secured against unauthorised entry as when the officer found them.

Powers of an authorised officer

12.—(1) An authorised officer ("O") entering premises under regulation 11 may—

- (a) inspect the premises, and any plant, machinery or equipment on those premises, and any of the following found on those premises—

- (i) unrhyw gig y mae gan S sail resymol dros gredu ei fod yn gig dofednod (gan gynnwys syrth ac unrhyw ddeunydd pacio y canfyddir y cig ynddynt);
- (ii) unrhyw gynhwysydd gwag;
- (iii) unrhyw label;
- (iv) unrhyw ddeunydd pacio; a
- (v) unrhyw ddogfednod byw;
- (b) chwilio'r fangre;
- (c) cynnal unrhyw ymholiadau, archwiliadau neu brofion;
- (ch) sicrhau mynediad i unrhyw ddogfennau neu gofnodion (ym mha bynnag ffurf y'u cedwir) sy'n ymwneud â materion o fewn cwmpas y Rheoliadau hyn, eu harchwilio a'u copïo, a'u symud oddi yno i alluogi eu copïo;
- (d) sicrhau mynediad i, ac archwilio a gwirio gweithrediad, a'r data a gynhwysir mewn, unrhyw gyfrifiadur ac unrhyw ddyfais storio electronig neu gyfarpar cysylltiedig ("offer cyfrifiadurol"), a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r dogfennau neu gofnodion a grybwyllir yn is-baragraff (ch) gan gynnwys data mewn perthynas â ffeiliau a ddilëwyd a logiau gweithgarwch; ac at y diben hwnnw, caiff S ei gwneud yn ofynnol bod unrhyw berson sy'n gofalu am yr offer cyfrifiadurol, neu rywfodd arall yn ymwneud â'u gweithredu, yn rhoi i S pa bynnag gymorth (gan gynnwys darparu cyfrineiriau) ag a fynnir yn rhesymol gan S, ac yn ystod y gwiriadau, caiff S adfer data a gedwir yn yr offer cyfrifiadurol; ac
- (dd) pan gedwir dogfen neu gofnod a grybwyllir yn is-baragraff (ch) drwy gyfrwng gyfrifiadur, ei gwneud yn ofynnol bod y cofnod yn cael ei gynhyrchu ar ffurf sy'n caniatáu ei gludo ymaith.

(2) Caiff S roi cyfarwyddyd i berson sy'n ymddangos i S ei fod â gofal o'r eitemau neu'r mangreoedd a grybwyllir isod, bod rhaid gadael y canlynol heb ymyrryd â hwy cyhyd ag y bo'n angenrheidiol yn rhesymol at ddibenion unrhyw archwiliad neu ymchwiliad—

- (a) unrhyw un neu ragor o'r eitemau a grybwyllir ym mharagraff (1)(a)(i) i (v); a
- (b) unrhyw fangre y darganfyddir unrhyw rai o'r eitemau hynny arni neu ynddi.

(3) Pan fo S yn rhoi cyfarwyddyd i berson o dan baragraff (2) rhaid cadw'r eitemau hynny sy'n destun y cyfarwyddyd yn y fangre honno ar gost y person hwnnw.

(4) Caiff S ymafael mewn, a chadw, unrhyw eitem o'r math a grybwyllir ym mharagraff (1)(a)(i) i (iv) neu ddogfen neu gofnod a grybwyllir ym mharagraff (1)(ch) os oes rheswm ganddo i gredu y gallai fod eu

- (i) any meat that O has reasonable grounds for believing is poultrymeat (including giblets and any packaging in which the meat is found);
- (ii) any empty container;
- (iii) any label;
- (iv) any packaging; and
- (v) any live poultry;
- (b) search the premises;
- (c) carry out any inquiries, examinations or tests;
- (d) have access to, and inspect and copy, any documents or records (in whatever form they are held) relating to matters covered by these Regulations, and remove them to enable them to be copied;
- (e) have access to, and inspect and check the data on, and operation of, any computer, and any associated electronic storage device or apparatus ("computer equipment") that is, or has been in use in connection with, the documents or records mentioned in subparagraph (d), including data relating to deleted files and activity logs; and for this purpose O may require any person having charge of, or otherwise concerned with the operation of, the computer equipment to afford to O such assistance (including the provision of passwords) as O may reasonably require, and, during the course of the checks, O may recover data held on the computer equipment; and
- (f) where a document or record mentioned in subparagraph (d) is kept by means of a computer, require the record to be produced in a form in which it may be taken away.

(2) O may direct a person appearing to O to be in charge of the items or premises mentioned below that the following must be left undisturbed for as long as is reasonably necessary for the purpose of any examination or investigation—

- (a) any one or more of the items mentioned in paragraph (1)(a)(i) to (v); and
- (b) any premises on or in which any of those items are found.

(3) Where O gives a person a direction under paragraph (2) those items which are the subject of the direction must be kept on the premises at that person's expense.

(4) O may seize and detain any item of the type mentioned in paragraph (1)(a)(i) to (iv) or document or record mentioned in paragraph (1)(d) that O has reason to believe may be required as evidence in proceedings

hangen fel tystiolaeth mewn achos o dan y Rheoliadau hyn.

(5) Caiff S ymafael mewn unrhyw eitem o'r math a grybwyllir ym mharagraff (1)(a)(i) i (iv) fel un sy'n agored i'w dinistrio, os yw S o'r farn yn rhesymol ei bod yn torri unrhyw ddarpariaeth o'r Rheoliadau hyn.

(6) Caiff S ymafael mewn unrhyw offer cyfrifiadurol at y diben o gopïo dogfennau neu gofnodion o'r math a grybwyllir ym mharagraff (1)(ch), a gwirio gweithrediad, a'r data a gynhwysir mewn, unrhyw offer cyfrifiadurol a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â'r dogfennau neu'r cofnodion hynny (ac wrth wneud hynny caiff adfer data), ar yr amod y dychwelir yr offer cyn gynted ag y bo'n ymarferol, a beth bynnag o fewn 14 diwrnod, sy'n cychwyn gyda'r diwrnod yr ymafaelir yn yr offer.

(7) Os na all S symud ymaith eitem neu offer cyfrifiadurol yr ymafaelir ynddi neu ynddynt o dan baragraff (4), (5) neu (6) ar unwaith, caiff—

- (a) marcio'r eitem neu offer mewn unrhyw ffordd y tybia'n briodol; a
- (b) rhoi i'r person sy'n ymddangos iddo ei fod â gofal o'r eitem neu offer cyfrifiadurol hysbysiad ("hysbysiad rheoliad 12(7)") sy'n—
 - (i) nodi manylion adnabod yr eitem neu'r offer cyfrifiadurol;
 - (ii) ei gwneud yn ofynnol nad oes neb yn ymyrryd â'r eitem neu'r offer cyfrifiadurol hyd nes ei chesglir neu eu cesglir gan S; a
 - (iii) gwahardd symud yr eitem neu'r offer cyfrifiadurol o'r fangre lle ei darganfuwyd neu eu darganfuwyd, hyd nes ei chesglir neu eu cesglir gan S.

(8) Pan fo S, yn unol ag Erthygl 8 o Reoliad y Comisiwn, wedi gwirio swp o gig dofednod ac wedi ei fodloni nad yw'r swp yn cydymffurfio â gofynion Erthygl 1 neu 7 o Reoliad y Comisiwn, caiff S roi cyfarwyddyd i unrhyw berson sy'n ymddangos i S ei fod â gofal o'r swp neu'r fangre i beidio â marchnata neu fewnforio'r swp hwnnw hyd nes dangosir prawf i'r awdurdod gorfodi bod y swp wedi ei wneud i gydymffurfio â'r gofynion hynny.

(9) Caiff S roi pa bynnag gyfarwyddiadau a ystyrir yn briodol gan S mewn perthynas â swp o gig dofednod y mae paragraff (10) yn gymwys iddo—

- (a) i atal marchnata'r swp o fewn yr Undeb Ewropeaidd hyd nes bo'r deunydd pacio wedi ei farcio, dan oruchwyliaeth, yn y modd a grybwyllir yn is-baragraff cyntaf Erthygl 16(6) o Reoliad y Comisiwn; neu
- (b) i sicrhau yr allforir y swp i drydedd wlad.

(10) Mae'r paragraff hwn yn gymwys i—

- (a) swp o ieir wedi eu rhewi neu'u rhewi'n gyflym yr ystyrir, yn dilyn gwrth-ddadansoddiad, nad

under these Regulations.

(5) O may seize as liable to destruction any item of the type mentioned in paragraph (1)(a)(i) to (iv) that O reasonably believes contravenes any provision of these Regulations.

(6) O may seize any computer equipment for the purpose of copying documents or records of the type mentioned in paragraph (1)(d), and for checking the data on, and operation of, any computer equipment that is, or has been, in use in connection with those documents or records (and in doing so may recover data), provided the equipment is returned as soon as practicable and, in any event, within 14 days, beginning with the day on which the equipment is seized.

(7) If O is not able to remove an item or computer equipment seized under paragraph (4), (5) or (6) immediately, O may—

- (a) mark it in any way that O sees fit; and
- (b) give the person appearing to O to be in charge of the item or computer equipment a notice ("a regulation 12(7) notice")—
 - (i) identifying it;
 - (ii) requiring the item or computer equipment to be left undisturbed until it is collected by O; and
 - (iii) prohibiting the removal of the item or computer equipment from the premises on which it was found until it is collected by O.

(8) Where, in accordance with Article 8 of the Commission Regulation, O has checked a batch of poultrymeat and is satisfied that it does not comply with the requirements of Article 1 or 7 of the Commission Regulation, O may direct any person appearing to O to be in charge of the batch or premises not to market or import that batch until such time as proof has been produced to the enforcement authority that it has been made to comply with those requirements.

(9) O may give such directions as O thinks appropriate in relation to a batch of poultrymeat to which paragraph (10) applies—

- (a) to prevent it being marketed in the European Union until the packaging has been marked, under supervision, in the manner mentioned in the first sub-paragraph of Article 16(6) of the Commission Regulation; or
- (b) to ensure that it is exported to a third country.

(10) This paragraph applies to—

- (a) a batch of frozen or quick-frozen chickens that is deemed, after counter-analysis, not to

yw'n cydymffurfio ag Erthygl 15(1) o Reoliad y Comisiwn;

- (b) swp a fewnforiwyd o ieir wedi eu rhewi neu'u rhewi'n gyflym, y canfyddir nad yw'n cydymffurfio ag Erthygl 15(1) o Reoliad y Comisiwn;
- (c) swp o doriadau cig dofednod ffres, wedi eu rhewi neu'u rhewi'n gyflym yr ystyrir, yn dilyn gwrth-ddadansoddiad, nad yw'n cydymffurfio ag Erthygl 20(1) o Reoliad y Comisiwn; ac
- (ch) swp a fewnforiwyd o doriadau cig dofednod ffres, wedi eu rhewi neu'u rhewi'n gyflym, y canfyddir nad yw'n cydymffurfio ag Erthygl 20(1) o Reoliad y Comisiwn.

(11) Rhaid i S beidio ag arfer unrhyw bŵer o dan y rheoliad hwn, neu roi cyfarwyddyd o dan y rheoliad hwn, ac eithrio ar ôl cyflwyno, os gofynnir iddo, dogfen a ddilyswyd yn briodol sy'n dangos ei awdurdod.

(12) Caiff S gynnal archwiliad ar gais aelod-wladwriaeth arall neu ar gais y Comisiwn Ewropeaidd.

(13) Yn y rheoliad hwn, mae i "dofednod byw" ("*live poultry*") yr ystyr a roddir i "live poultry" yn Rhan XX o Atodiad I i'r Rheoliad CMO Sengl.

Gweithdrefn ar gyfer ymfael

13.—(1) Rhaid i swyddog awdurdodedig ("S") ddilyn y gweithdrefnau a bennir yn y rheoliad hwn os yw'n ymfael mewn unrhyw beth o dan reoliad 12(4), (5) neu (6).

(2) Rhaid i S roi i'r person y mae'n ymddangos i S ei fod â gofal o'r fangre yr ymafaelir yn yr eitem neu'r offer cyfrifiadurol ynddi ("y fangre"), hysbysiad y mae'n rhaid iddo ddatgan—

- (a) beth yr ymafaelodd S ynddo;
- (b) pa bryd yr ymafaelodd S ynddo;
- (c) ar ba sail yr ymafaelwyd yn yr eitem neu'r offer; ac
- (ch) i ba gyfeiriad ac yn ystod pa gyfnod y gellir anfon hawliad am ddychwelyd yr eitem neu'r offer.

(3) Ond os yw'r fangre heb feddiannydd neu os yw'n ymddangos i S nad oes neb â gofal o'r fangre, rhaid i S osod hysbysiad ynghlwm wrth ran amlwg o'r fangre sy'n cynnwys yr wybodaeth a grybwyllir yn is-baragraffau (a) i (ch) o baragraff (2).

(4) Caiff person sydd â buddiant perchnogol yn yr eitem neu'r offer cyfrifiadurol ymafaeledig (gan gynnwys credydwr sydd â dyled wedi ei sicrhau ar yr eitem neu'r offer) hysbysu S ynglŷn ag unrhyw hawliad na ddylid bod wedi ymafael yn yr eitem, dogfen neu gofnod, neu'r offer cyfrifiadurol ymafaeledig, gan ddatgan yn llawn y sail dros wneud yr hawliad.

comply with Article 15(1) of the Commission Regulation;

- (b) an imported batch of frozen or quick-frozen chickens that is found not to comply with Article 15(1) of the Commission Regulation;
- (c) a batch of fresh, frozen or quick-frozen poultry cuts that is deemed, after counter-analysis, not to comply with Article 20(1) of the Commission Regulation; and
- (d) an imported batch of fresh, frozen or quick-frozen poultry cuts that is found not to comply with Article 20(1) of the Commission Regulation.

(11) O must not exercise any power under this regulation, or give a direction under this regulation, except on the production, if so required, of a duly authenticated document showing O's authority.

(12) O may carry out an inspection at the request of another member State or the European Commission.

(13) In this regulation "live poultry" ("*dofednod byw*") has the meaning given to it in Part XX of Annex I to the Single CMO Regulation.

Procedure on seizure

13.—(1) An authorised officer ("O") must follow the procedures set out in this regulation if O seizes anything under regulation 12(4), (5) or (6).

(2) O must give to the person appearing to O to be in charge of the premises from which the item or computer equipment was seized ("the premises") a notice that must state—

- (a) what O has seized;
- (b) when O seized it;
- (c) the grounds for the seizure of the item or equipment; and
- (d) the address to which, and the period during which, a claim may be made for the return of the item or equipment.

(3) But where the premises are unoccupied, or no-one appears to O to be in charge of the premises, O must attach a notice to a conspicuous part of the premises containing the information mentioned in subparagraphs (a) to (d) of paragraph (2).

(4) A person having a proprietary interest in the seized item or computer equipment (including a creditor who has a debt secured on the item or equipment) may notify O of any claim that the seized item, document or record, or equipment was not liable to seizure, setting out the grounds for the claim in full.

(5) Rhaid anfon yr hawliad i'r cyfeiriad a bennir yn yr hysbysiad ymafael, o fewn 14 diwrnod o'r ymafaeliad, sy'n cychwyn ar y diwrnod yr ymafaelwyd yn yr eitem neu'r offer cyfrifiadurol.

(6) Os na cheir hysbysiad o hawliad o fewn 14 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 12(4), caiff yr awdurdod gorfodi gadw'r eitem ymafaeledig cyhyd â bo angen tra'n ei dal at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio fel tystiolaeth mewn treial.

(7) Os ceir hysbysiad o hawliad o fewn 14 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 12(4), rhaid i'r awdurdod gorfodi—

- (a) dychwelyd yr eitem ymafaeledig o fewn 7 diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad; neu
- (b) cadw'r eitem ymafaeledig cyhyd â bo angen tra'n ei dal at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio fel tystiolaeth mewn treial, ond rhaid iddo hysbysu'r hawlydd bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn 28 diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad.

(8) Os na cheir hysbysiad o hawliad o fewn 14 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 12(5), caiff yr awdurdod gorfodi—

- (a) os yw'r awdurdod gorfodi'n penderfynu peidio â dinistrio'r eitem ymafaeledig, ond yn hytrach ei chadw at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, gadw'r eitem ymafaeledig cyhyd ag y bo angen at un o'r dibenion hynny, ond rhaid i'r awdurdod gorfodi—
 - (i) hysbysu'r person perthnasol bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn 14 diwrnod o ddiwedd y cyfnod hawlio, sy'n cychwyn gyda'r diwrnod ar ôl diwedd y cyfnod hawlio; neu
 - (ii) os na wŷr yr awdurdod gorfodi pwy yw'r person perthnasol, ac os methir â darganfod hynny yn dilyn ymholiadau rhesymol gan yr awdurdod gorfodi, gosod hysbysiad ynghlwm wrth ran amlwg o'r fangre, neu ynghlwm wrth wrthrych amlwg ar y fangre honno, o fewn 14 diwrnod o ddiwedd y cyfnod hawlio, sy'n cychwyn gyda'r diwrnod ar ôl diwedd y cyfnod hawlio, yn datgan bod yr eitem ymafaeledig yn cael ei chadw a'r rheswm pam y mae'n cael ei chadw; neu
- (b) dinistrio'r eitem ymafaeledig o fewn 14 diwrnod, sy'n cychwyn gyda'r diwrnod ar ôl diwedd y cyfnod hawlio o 14 diwrnod, ond rhaid i'r awdurdod gorfodi—

(5) The claim must be made within 14 days of the seizure, beginning on the day on which the item or computer equipment was seized, to the address specified in the seizure notice.

(6) If a notification of a claim is not received within 14 days in respect of an item seized under regulation 12(4), the enforcement authority may retain the seized item for as long as necessary while it is being held for the purpose of any criminal investigation or proceedings or for use as evidence at a trial.

(7) If a notification of a claim is received within 14 days in respect of an item seized under regulation 12(4), the enforcement authority must—

- (a) return the seized item within 7 days, beginning with the day on which the claim is received; or
- (b) retain the seized item for as long as necessary while it is being held for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, but it must notify the claimant that the seized item is being retained, and of the reason why it is being retained within 28 days, beginning with the day on which the claim is received.

(8) If a notification of a claim is not received within 14 days in respect of an item seized under regulation 12(5), the enforcement authority may—

- (a) if a decision is taken by the enforcement authority not to destroy the seized item but to retain it for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, retain the seized item for as long as necessary for one of those purposes, but the enforcement authority must—
 - (i) notify the relevant person that the seized item is being retained, and of the reason why it is being retained, within 14 days of the expiry of the claim period, beginning with the day after the claim period expires; or
 - (ii) where the enforcement authority does not know who the relevant person is, and this cannot be ascertained after reasonable enquiries have been made by the enforcement authority, attach a notice to a conspicuous part of the premises, or a conspicuous object on those premises, within 14 days of the expiry of the claim period, beginning with the day after the claim period expires, stating that the seized item is being retained, and the reason why it is being retained; or
- (b) destroy the seized item within 14 days, beginning with the day after the 14 day claim period expires, but the enforcement authority must—

- (i) hysbysu'r person perthnasol bod yr eitem ymafaeledig wedi ei dinistrio, o fewn 14 diwrnod ar ôl ei dinistrio, sy'n cychwyn gyda'r diwrnod y dinistrir yr eitem (neu ddiwrnod olaf y dinistrio os yw dinistrio'r eitem yn digwydd ar fwy nag un diwrnod); neu
- (ii) os na wŷyr yr awdurdod gorfodi pwy yw'r person perthnasol, ac os methir â darganfod hynny yn dilyn ymholiadau rhesymol gan yr awdurdod gorfodi, gosod hysbysiad ynghlwm wrth ran amlwg o'r fangre, neu ynghlwm wrth wrthrych amlwg ar y fangre honno, o fewn 14 diwrnod o ddistrio'r eitem, sy'n cychwyn gyda'r diwrnod y dinistrir yr eitem (neu ddiwrnod olaf y dinistrio os yw dinistrio'r eitem yn digwydd ar fwy nag un diwrnod) yn datgan bod yr eitem ymafaeledig wedi ei dinistrio.

(9) Ym mharagraff (8) ystyr "person perthnasol" ("*relevant person*") yw—

- (a) os yw'r awdurdod gorfodi'n gwybod enw person sydd â buddiant perchnogol yn yr eitem ymafaeledig, y person hwnnw, neu (os gŵyr yr awdurdod gorfodi enwau mwy nag un person sydd â buddiant perchnogol yn yr eitem ymafaeledig) pob un o'r personau hynny; neu
- (b) os na wŷyr yr awdurdod gorfodi enw person sydd â buddiant perchnogol yn yr eitem ymafaeledig, y person sy'n ymddangos i'r awdurdod gorfodi ei fod â gofal o'r fangre.

(10) Yn achos unrhyw eitem a ddistrir o dan baragraff (8)(b), caiff yr awdurdod gorfodi adennill y costau canlynol fel dyled oddi ar unrhyw berson a oedd â buddiant perchnogol yn yr eitem yn union cyn ei dinistrio (ar wahân i gredydwr sydd â dyled wedi ei sicrhau ar yr eitem)—

- (a) costau symud a chludo'r eitem o'r fangre i'r storfa lle'i cedwir;
- (b) costau storio'r eitem am hyd at 14 diwrnod;
- (c) unrhyw gostau ar gyfer symud a chludo'r eitem, os symudir hi o un storfa i storfa arall;
- (ch) costau cludo'r eitem o'r storfa i'r man lle'i dinistrir; a
- (d) costau dinistrio'r eitem.

(11) Os ceir hysbysiad o hawliad o fewn 14 diwrnod mewn perthynas ag eitem yr ymafaelwyd ynddi o dan reoliad 12(5), rhaid i'r awdurdod gorfodi—

- (a) dychwelyd yr eitem ymafaeledig o fewn saith

- (i) notify the relevant person that the seized item has been destroyed within 14 days of its destruction, beginning with the day on which the item is destroyed (or the last day of destruction where the destruction of the item takes place on more than one day); or
- (ii) where the enforcement authority does not know who the relevant person is, and this cannot be ascertained after reasonable enquiries have been made by the enforcement authority, attach a notice to a conspicuous part of the premises, or to a conspicuous object on those premises, within 14 days of the destruction of the item, beginning with the day on which the item is destroyed (or the last day of destruction where the destruction of the item takes place on more than one day) stating that the seized item has been destroyed.

(9) In paragraph (8) the "relevant person" ("*person perthnasol*") means—

- (a) if the enforcement authority knows the identity of a person with a proprietary interest in the seized item, that person or (where the enforcement authority knows the identity of more than one person with a proprietary interest in the seized item) each of those persons; or
- (b) if the enforcement authority does not know the identity of a person with a proprietary interest in the seized item, the person appearing to the enforcement authority to be in charge of the premises.

(10) In the case of any item destroyed under paragraph (8)(b), the enforcement authority may recover the following costs as a debt from any person who had a proprietary interest in the item immediately before its destruction (apart from a creditor who has a debt secured on the item)—

- (a) the costs of the removal and transport of the item from the premises to the place at which it is stored;
- (b) the costs of the storage of the item for up to 14 days;
- (c) any costs for the removal and transport of the item if it is moved from one place of storage to another place of storage;
- (d) the costs of the transport of the item from the place of storage to the place of destruction; and
- (e) the costs of the destruction of the item.

(11) If a notification of a claim is received within 14 days in respect of an item seized under regulation 12(5), the enforcement authority must—

- (a) return the seized item within seven days,

diwrnod, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad;

- (b) os yw'r awdurdod gorfodi'n penderfynu peidio â dinistrio'r eitem ymafaeledig, ond yn hytrach ei chadw at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, gadw'r eitem cyhyd ag y bo angen at un o'r dibenion hynny, ond rhaid i'r awdurdod gorfodi hysbysu'r hawlydd bod yr eitem ymafaeledig yn cael ei chadw, ac o'r rheswm pam y caiff ei chadw, o fewn saith diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad; neu
- (c) o fewn 14 diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad, cychwyn achos ("achos rheoliad 13(11)(c)") mewn llys ynadon, i geisio gorchymyn i'w awdurdodi i ddinistrio'r eitem.

(12) Mewn achos rheoliad 13(11)(c) caiff y llys ynadon—

- (a) awdurdodi'r awdurdod gorfodi i ddinistrio'r eitem ymafaeledig;
- (b) awdurdodi'r awdurdod gorfodi i gadw'r eitem at ddibenion unrhyw ymchwiliad neu achos troseddol, neu i'w defnyddio'n dystiolaeth mewn treial, am gyhyd ag y bo angen at un o'r dibenion hynny; neu
- (c) ei gwneud yn ofynnol bod yr awdurdod gorfodi'n dychwelyd yr eitem at yr hawlydd, a gosod terfyn amser ar gyfer gwneud hynny.

(13) Os yw llys ynadon, mewn achos rheoliad 13(11)(c) yn awdurdodi'r awdurdod gorfodi i ddinistrio'r eitem ymafaeledig, caiff y llys hefyd orchymyn bod yr hawlydd (ond nid hawlydd sydd yn gredydwr â dyled wedi ei sicrhau ar yr eitem) yn talu pa rai bynnag a bennir gan y llys o'r costau a restrir ym mharagraff (10).

(14) Os nad yw person sydd â buddiant perchnogol mewn eitem yr ymafaelwyd ynddi o dan reoliad 12(5) yn bwriadu gwneud hawliad o dan baragraff (4), caiff y person hwnnw hysbysu'r awdurdod gorfodi o hynny mewn ysgrifen, a chaiff yr awdurdod gorfodi (ond nid oes rhaid iddo) weithredu mewn un o'r ffyrdd a bennir ym mharagraff (8) heb aros i'r cyfnod hawlio o 14 diwrnod ddod i ben, ar ôl cael—

- (a) cadarnhad ysgrifenedig gan y person hwnnw nad oes gan neb arall fuddiant perchnogol yn yr eitem honno (neu fod pob un sydd â buddiant perchnogol yn yr eitem yn fodlon i'r awdurdod gorfodi weithredu heb aros i'r cyfnod hawlio o 14 diwrnod ddod i ben); a
- (b) indemnïad ysgrifenedig gan y person hwnnw rhag unrhyw hawliad a wneir gan berson arall sydd â buddiant perchnogol yn yr eitem, a allai godi o ganlyniad i weithredu gan yr awdurdod gorfodi heb aros i'r cyfnod hawlio o 14 diwrnod ddod i ben.

beginning with the day on which the claim is received;

- (b) if a decision is taken by the enforcement authority not to destroy the seized item but to retain it for the purpose of any criminal investigation or proceedings or for use as evidence at a trial, retain the item for as long as necessary for one of those purposes but the enforcement authority must notify the claimant that the seized item is being retained, and of the reason why it is being retained, within seven days of the claim, beginning with the day on which the claim is received; or
- (c) within 14 days of the claim, beginning with the day on which the claim is received, take proceedings ("regulation 13(11)(c) proceedings") in a magistrates' court for an order giving authority to destroy the item.

(12) In regulation 13(11)(c) proceedings the magistrates' court may—

- (a) authorise the enforcement authority to destroy the seized item;
- (b) authorise the enforcement authority to retain the item for the purpose of any criminal investigation or proceedings, or for use as evidence at a trial, for as long as necessary for one of those purposes; or
- (c) require the enforcement authority to return the item to the claimant and impose a deadline by which this must be done.

(13) If, in regulation 13(11)(c) proceedings, the magistrates' court authorises the enforcement authority to destroy the seized item, it may also make an order requiring the claimant (but not a claimant who is a creditor with a debt secured on the item) to pay such of the costs listed in paragraph (10) as the court may specify.

(14) Where a person with a proprietary interest in an item seized under regulation 12(5) does not intend to make a claim under paragraph (4), that person may notify the enforcement authority of this in writing, and the enforcement authority may (but does not have to) proceed in one of the ways specified in paragraph (8) without waiting for the 14 day claim period to expire upon receiving—

- (a) written confirmation from that person that no-one else has a proprietary interest in that item (or that all those with a proprietary interest in the item are content for the enforcement authority to proceed without waiting for the 14 day claim period to expire); and
- (b) a written indemnity from that person against any claim made by another person with a proprietary interest in the item arising as a consequence of the enforcement authority proceeding without waiting for the 14 day claim period to expire.

(15) Os ceir hysbysiad o hawliad o fewn 14 diwrnod yn achos unrhyw offer cyfrifiadurol yr ymafaelir ynddo o dan reoliad 12(6), rhaid i'r awdurdod gorfodi—

- (a) dychwelyd yr offer cyfrifiadurol ymafaeledig o fewn saith diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad, neu, os yw'n fyrrach, o fewn gweddill y cyfnod hwyaf o 14 diwrnod y darperir ar ei gyfer yn rheoliad 12(6); neu
- (b) cychwyn achos mewn llys ynadon o fewn saith diwrnod o'r hawliad, sy'n cychwyn gyda'r diwrnod y cafwyd yr hawliad, onid oes saith diwrnod neu lai yn weddill cyn i'r cyfnod hwyaf o 14 diwrnod y darperir ar ei gyfer yn rheoliad 12(6) ddod i ben, am orchymyn yn awdurdodi'r awdurdod gorfodi i gadw'r offer cyfrifiadurol ymafaeledig yn hwy na'r cyfnod o 14 diwrnod a bennir yn rheoliad 12(6).

(16) Os yw llys ynadon, yn achos unrhyw offer cyfrifiadurol yr ymafaelir ynddo o dan reoliad 12(6), yn awdurdodi'r awdurdod gorfodi i gadw'r offer cyfrifiadurol yr ymafaelwyd ynddo, caiff y llys osod amodau ynglŷn ag ar ba sail y caniateir parhau i gadw'r offer, gan gynnwys pennu terfyn amser pan fydd rhaid dychwelyd yr offer.

(17) Mae'r weithdrefn mewn llys ynadon o dan y rheoliad hwn ar ffurf achwyniad, a bydd Deddf Llysoedd Ynadon 1980(1) yn gymwys i'r achosion.

Hysbysiadau cydymffurfio

14.—(1) Os oes gan swyddog awdurdodedig sail resymol dros gredu bod unrhyw berson yn torri, neu wedi torri—

- (a) darpariaeth cig dofednod Ewropeaidd; neu
- (b) rheoliad 4,

caiff y swyddog awdurdodedig, drwy hysbysiad ("hysbysiad cydymffurfio"), ei gwneud yn ofynnol bod y person hwnnw'n cymryd pa bynnag gamau (neu gamau sydd o leiaf yn gyfwerth â'r rheini), o fewn pa bynnag gyfnod a bennir gan y swyddog awdurdodedig, i sicrhau nad yw'r toriad yn parhau neu'n digwydd drachefn.

(2) Rhaid i hysbysiad cydymffurfio—

- (a) datgan y sail dros yr hyn y mae'r swyddog awdurdodedig yn ei gredu;
- (b) pennu'r mater sy'n gyfystyr â thoriad o'r Rheoliadau hyn;
- (c) pennu'r gweithgareddau y mae'n rhaid iddynt beidio, neu'r camau y mae'n rhaid eu cymryd er mwyn cydymffurfio â'r Rheoliadau hyn;
- (ch) datgan o fewn pa gyfnod y mae'n rhaid i weithgaredd beidio, neu y mae'n rhaid cymryd y camau a bennir yn yr hysbysiad, neu gamau sydd o leiaf yn gyfwerth â'r rheini;

(1) 1980 p. 43.

(15) If a notification of a claim is received within 14 days in the case of any computer equipment seized under regulation 12(6), the enforcement authority must—

- (a) return the seized computer equipment within seven days of the claim, beginning with the day on which the claim is received, or, if shorter, within the remainder of the maximum 14 day period provided for in regulation 12(6); or
- (b) take proceedings in a magistrates' court within seven days of the claim, beginning with the day on which the claim is received unless there are seven days or less remaining before the expiry of the maximum 14 day period provided for in regulation 12(6), for an order authorising the enforcement authority to retain the seized computer equipment for longer than the 14 day period specified in regulation 12(6).

(16) If, in the case of any computer equipment seized under regulation 12(6), the magistrates' court authorises the enforcement authority to retain the seized computer equipment, the court may impose conditions as to the basis on which the equipment may continue to be retained, including the imposition of a deadline by which the equipment must be returned.

(17) The procedure in a magistrates' court under this regulation is by way of complaint and the Magistrates' Courts Act 1980(1) applies to the proceedings.

Compliance notices

14.—(1) If an authorised officer has reasonable grounds for believing that any person is contravening, or has contravened—

- (a) a European poultrymeat provision; or
- (b) regulation 4,

the authorised officer may, by notice (a "compliance notice"), require a person to take such steps (or steps at least equivalent to them), within such period as the authorised officer may specify, to secure that the contravention does not continue or recur.

(2) A compliance notice must—

- (a) state the authorised officer's grounds for the belief;
- (b) specify the matter that constitutes the contravention of these Regulations;
- (c) specify the activities that must stop, or the measures that must be taken in order to comply with these Regulations;
- (d) state the period within which an activity must stop or measures specified in the notice, or measures at least equivalent to them must be taken;

(1) 1980 c. 43.

- (d) datgan yr hawl, a roddir gan reoliad 15, i apelio i lys ynadon; a
- (dd) datgan y cyfnod a ganiateir ar gyfer dwyn apêl o'r fath.

(3) Mae peidio â chydymffurfio â hysbysiad cydymffurfio yn dramgwydd.

Apelau yn erbyn hysbysiadau cydymffurfio

15.—(1) Caiff unrhyw berson a dramgwyddir gan hysbysiad cydymffurfio apelio yn erbyn yr hysbysiad hwnnw i lys ynadon.

(2) Mae'r weithdrefn mewn apêl i lys ynadon o dan baragraff (1) ar ffurf achwyniad, a bydd Deddf Llysoedd Ynadon 1980 yn gymwys i'r achosion.

(3) Y cyfnod a ganiateir ar gyfer dwyn apêl yn erbyn hysbysiad cydymffurfio yw 28 diwrnod, sy'n cychwyn gyda'r diwrnod y cyflwynir yr hysbysiad cydymffurfio.

(4) Caiff llys ynadon atal hysbysiad cydymffurfio dros dro tra bo apêl yn yr arfaeth.

Pwerau llys ynadon mewn apêl

16. Mewn apêl yn erbyn hysbysiad cydymffurfio, caiff y llys ynadon naill ai ddiddymu'r hysbysiad cydymffurfio neu gadarnhau'r hysbysiad gydag addasiad neu heb addasiad.

Cyhoeddusrwydd

17.—(1) Caiff awdurdod gorfodi, ym mha bynnag fodd yr ystyria'n briodol, roi cyhoeddusrwydd i achosion pan ddinistrir eitemau yr ymafaelwyd ynddynt o dan reoliad 12(5).

(2) Caiff awdurdod gorfodi, ym mha bynnag fodd yr ystyria'n briodol, roi cyhoeddusrwydd i achosion pan roddir hysbysiadau cydymffurfio gan yr awdurdod.

(3) Ond rhaid i awdurdod gorfodi beidio â rhoi cyhoeddusrwydd i hysbysiad cydymffurfio a roddir ganddo—

- (a) hyd nes bo'r amser ar gyfer apelio yn erbyn yr hysbysiad cydymffurfio wedi mynd heibio;
- (b) yn ystod y cyfnod pan fo unrhyw apêl yn erbyn yr hysbysiad cydymffurfio ar droed; neu
- (c) pan fo apêl yn erbyn yr hysbysiad cydymffurfio wedi llwyddo.

Rhwystro

18. Mae person yn euog o dramgwydd os yw'r person hwnnw—

- (a) yn fwriadol yn rhwystro unrhyw swyddog awdurdodedig sy'n gweithredu i roi'r Rheoliadau hyn ar waith;

- (e) state the right of appeal to a magistrates' court conferred by regulation 15; and
- (f) state the period within which such an appeal may be brought.

(3) It is an offence not to comply with a compliance notice.

Appeals against compliance notices

15.—(1) Any person who is aggrieved about a compliance notice may appeal against that notice to a magistrates' court.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint and the Magistrates' Courts Act 1980 applies to the proceedings.

(3) The period within which an appeal may be brought against a compliance notice is 28 days, beginning with the day on which the compliance notice is served.

(4) A magistrates' court may suspend a compliance notice pending an appeal.

Powers of a magistrates' court on appeal

16. On an appeal against a compliance notice, the magistrates' court may either cancel the compliance notice or confirm the notice with or without modification.

Publicity

17.—(1) An enforcement authority may publicise the cases in which items seized under regulation 12(5) have been destroyed, in such manner as it sees fit.

(2) An enforcement authority may publicise the cases in which compliance notices are given by it in such manner as it sees fit.

(3) But an enforcement authority must not publicise a compliance notice given by it—

- (a) until the time for appealing against the compliance notice has passed;
- (b) during the period that any appeal against the compliance notice is ongoing; or
- (c) where an appeal against the compliance notice is successful.

Obstruction

18. A person is guilty of an offence if that person—

- (a) intentionally obstructs an authorised officer acting in the execution of these Regulations;

- (b) heb esgus rhesymol, yn methu â rhoi i swyddog awdurdodedig unrhyw gymorth neu wybodaeth y mae'n rhesymol i'r swyddog ofyn amdano neu amdani ar gyfer cyflawni swyddogaethau o dan y Rheoliadau hyn;
- (c) heb esgus rhesymol, yn methu â chydymffurfio â chyfarwyddyd a roddir o dan reoliad 12(2), (8) neu (9);
- (ch) heb esgus rhesymol, yn methu â chydymffurfio â hysbysiad rheoliad 12(7);
- (d) yn fwriadol yn rhoi i swyddog awdurdodedig unrhyw wybodaeth ffug neu gamarweiniol; neu
- (dd) heb esgus rhesymol, yn methu â dangos dogfen neu gofnod pan ofynnir iddo wneud hynny gan swyddog awdurdodedig.

- (b) fails without reasonable excuse to give to an authorised officer any assistance or information the officer may reasonably require for the performance of functions under these Regulations;
- (c) fails without reasonable excuse to comply with a direction given under regulation 12(2), (8) or (9);
- (d) fails without reasonable excuse to comply with a regulation 12(7) notice;
- (e) intentionally furnishes any false or misleading information to an authorised officer; or
- (f) fails without reasonable excuse to produce a document or record when required to do so by an authorised officer.

Tramgwyddau troseddol: cosb

19. Mae Person sy'n euog o dramgwydd o dan reoliad 3, 14(3) neu 18, yn agored o'i gollfarnu'n ddiannod, i ddirwy nad yw'n fwy na lefel 5 ar y raddfa safonol.

Criminal offences: penalty

19. A person guilty of an offence under regulation 3, 14(3) or 18 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Estyn y cyfnod ar gyfer dwyn erlyniadau

20.—(1) Caniateir cychwyn achos am dramgwydd o dan y Rheoliadau hyn o fewn y cyfnod o un flwyddyn o'r dyddiad pryd y daeth tystiolaeth sy'n ddigonol ym marn yr erlynydd i gyfiawnhau dwyn yr achos i sylw'r erlynydd.

Extended period for bringing prosecutions

20.—(1) Proceedings for an offence under these Regulations may be commenced within the period of one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.

(2) Ond ni chaniateir cychwyn achos o'r fath yn rhinwedd paragraff (1) fwy na thair blynedd ar ôl cyflawni'r tramgwydd.

(2) But no such proceedings may be commenced by virtue of paragraph (1) more than three years after the commission of the offence.

(3) At ddibenion y rheoliad hwn—

- (a) mae tystysgrif a lofnodwyd gan yr erlynydd neu ar ei ran ac y nodir arni'r dyddiad pryd y daeth tystiolaeth i sylw'r erlynydd, sy'n ddigonol ym marn yr erlynydd i gyfiawnhau dwyn achos, yn dystiolaeth ddigamsyniol o'r ffaith honno; a
- (b) rhaid barnu bod tystysgrif sy'n datgan y mater hwnnw ac yr honnir iddi gael ei llofnodi felly wedi ei llofnodi felly oni phrofir i'r gwrthwyneb.

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in the prosecutor's opinion to warrant the proceedings came to the prosecutor's knowledge is conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Tramgwyddau gan gyrff corfforaethol etc.

21.—(1) Os profir bod tramgwydd a gyflawnir gan gorff corfforaethol (ac eithrio partneriaeth atebolrwydd cyfyngedig neu bartneriaeth Albanaidd) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran, swyddog o'r corff corfforaethol, neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r swyddog neu'r person hwnnw (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.

Offences by bodies corporate etc.

21.—(1) Where an offence committed by a body corporate (other than a limited liability partnership or a Scottish partnership) is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of, an officer of the body corporate, or a person purporting to act in such a capacity, that officer or person (as well as the body corporate) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(2) Pan fo materion corff corfforaethol yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod, a pherson sy'n honni gweithredu mewn swydd o'r fath, mewn perthynas â swyddogaethau'r aelod o reoli, fel y mae'n gymwys i swyddog corff corfforaethol.

(3) Os profir bod tramgwydd a gyflawnir gan gorff anghorfforedig (ac eithrio partneriaeth anghorfforedig) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran, unrhyw swyddog neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r swyddog neu'r person hwnnw (yn ogystal â'r corff anghorfforedig) yn euog o'r tramgwydd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(4) Os profir bod tramgwydd a gyflawnir gan bartneriaeth (gan gynnwys partneriaeth atebolrwydd cyfyngedig neu bartneriaeth Albanaidd) wedi'i gyflawni drwy gydsyniad neu ymoddefiad, neu i'w briodoli i unrhyw esgeulustod ar ran partner, neu berson sy'n honni gweithredu mewn swydd o'r fath, mae'r partner neu'r person (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) Yn y rheoliad hwn, ystyr "tramgwydd" ("*offence*") yw tramgwydd o dan y Rheoliadau hyn.

Gweithred neu ddiffyg gweithred gan drydydd person

22. Pan fo cyflawni tramgwydd o dan y Rheoliadau hyn gan un person ("A") yn ganlyniad gweithred neu ddiffyg gweithred gan berson arall ("B"), mae B hefyd yn cyflawni'r tramgwydd, a cheir cyhuddo B o'r tramgwydd a'i gollfarnu amdano yn rhinwedd y rheoliad hwn, pa un a ddygir achos yn erbyn A ai peidio.

Amddiffyniadau

23.—(1) Mae'n amddiffyniad i berson a gyhuddir o dramgwydd o dan y Rheoliadau hyn os yw'r person hwnnw'n profi ei fod wedi cymryd pob cam rhesymol ac wedi arfer pob diwydrwydd dyladwy i osgoi cyflawni'r tramgwydd.

(2) Ni chaiff A ddibynnu ar amddiffyniad sy'n cynnwys honiad bod cyflawni'r tramgwydd i'w briodoli i weithred neu ddiffyg gweithred gan B oni fydd—

- (a) A, saith diwrnod o leiaf cyn y gwrandawriad, wedi rhoi i'r erllynydd hysbysiad ysgrifenedig a oedd yn rhoi pa bynnag wybodaeth a oedd ym meddiant A ar y pryd, ar gyfer adnabod, neu gynorthwyo i adnabod, B; neu
- (b) y llys yn rhoi caniatâd i A.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member, and a person purporting to act in such a capacity, in connection with the member's functions of management as it applies to an officer of a body corporate.

(3) Where an offence committed by an unincorporated body (other than an unincorporated partnership) is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, or a person purporting to act in such a capacity, that officer or person (as well as the unincorporated body) is guilty of the offence and liable to be proceeded against and punished accordingly.

(4) Where an offence committed by a partnership (including a limited liability partnership and a Scottish partnership) is proved to have been committed with the consent or connivance of, or is attributable to any neglect on the part of a partner, or a person purporting to act in such a capacity, the partner or person (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In this regulation "offence" ("*tramgwydd*") means an offence under these Regulations.

Act or default of third person

22. Where the commission by one person ("A") of an offence under these Regulations is due to the act or default of another ("B"), B also commits the offence, and B may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against A.

Defences

23.—(1) It is a defence for a person charged with an offence under these Regulations to prove that that person took all reasonable steps and exercised all due diligence to avoid committing the offence.

(2) A may not rely on a defence that involves an allegation that the commission of the offence was due to the act or default of B unless—

- (a) at least seven days before the hearing A has given to the prosecutor a notice in writing giving such information identifying or assisting in the identification of B as was then in A's possession; or
- (b) the court grants A leave.

Rhoi hysbysiadau

24.—(1) Rhaid i unrhyw hysbysiad y mae'n ofynnol ei roi i unrhyw berson o dan y Rheoliadau hyn gael ei roi i'r person hwnnw drwy—

- (a) ei ddanfôn at y person hwnnw;
- (b) ei adael yng nghyfeiriad priodol y person hwnnw;
- (c) ei anfon at y person hwnnw drwy'r post i'r cyfeiriad hwnnw; neu
- (ch) yn ddarostyngedig i baragraff (9), ei anfon at y person hwnnw drwy gyfathrebiad electronig.

(2) Ceir rhoi'r hysbysiad i gorff corfforaethol drwy ei roi i swyddog o'r corff hwnnw.

(3) Ceir rhoi'r hysbysiad i bartneriaeth atebolrwydd cyfyngedig, partneriaeth Albanaid neu bartneriaeth anghorfforedig drwy ei roi i bartner neu i berson sydd â rheolaeth ar fusnes y bartneriaeth, neu sy'n ei reoli.

(4) Ceir rhoi'r hysbysiad i unrhyw gorff anghorfforedig arall drwy ei roi i swyddog o'r corff anghorfforedig.

(5) At ddibenion y rheoliad hwn, ac adran 7 o Ddeddf Dehongli 1978(1) (cyfeiriadau at gyflwyno drwy'r post) yn y modd y'i cymhwysir i'r rheoliad hwn, cyfeiriad priodol unrhyw berson y rhoddir hysbysiad iddo yw—

- (a) yn achos corff corfforaethol, cyfeiriad swyddfa gofrestredig neu brif swyddfa'r corff;
- (b) yn achos partneriaeth anghorfforedig neu unrhyw gorff anghorfforedig arall, cyfeiriad prif swyddfa'r bartneriaeth neu'r corff;
- (c) yn achos person y rhoddir hysbysiad iddo gan ddibynnu ar baragraff (2), (3) neu (4), cyfeiriad priodol y corff corfforaethol, y bartneriaeth neu'r corff anghorfforaethol arall dan sylw; ac

(ch) mewn unrhyw achos arall, y cyfeiriad olaf sy'n hysbys ar gyfer y person dan sylw.

(6) At ddibenion paragraff (5), mae'r cyfeiriadau at y "brif swyddfa" mewn perthynas â chwmni a gofrestrwyd y tu allan i'r Deyrnas Unedig, partneriaeth sy'n cynnal busnes y tu allan i'r Deyrnas Unedig neu unrhyw gorff anghorfforedig arall sydd â'i brif swyddfa y tu allan i'r Deyrnas Unedig, yn cynnwys, ym mhob achos, cyfeiriad at brif swyddfa'r corff hwnnw o fewn y Deyrnas Unedig (os oes un).

(7) Mae paragraff (8) yn gymwys os yw'r person y bwriedir rhoi hysbysiad iddo o dan y Rheoliadau hyn wedi pennu cyfeiriad, o fewn y Deyrnas Unedig ("y cyfeiriad penodedig"), ac eithrio cyfeiriad priodol y person hwnnw (fel y'i penderfynir o dan baragraff (5)), fel y cyfeiriad lle bydd y person hwnnw, neu rywun

Giving of notices

24.—(1) Any notice required to be given under these Regulations to any person must be given to that person by—

- (a) delivering it to that person;
- (b) leaving it at that person's proper address;
- (c) sending it to that person by post at that address; or
- (d) subject to paragraph (9), sending it to that person by an electronic communication.

(2) The notice may be given to a body corporate by being given to an officer of that body.

(3) The notice may be given to a limited liability partnership, Scottish partnership or unincorporated partnership by being given to a partner or a person having the control or management of the partnership business.

(4) The notice may be given to any other unincorporated body by being given to an officer of the unincorporated body.

(5) For the purposes of this regulation and section 7 of the Interpretation Act 1978(1) (references to service by post) in its application to this regulation, the proper address of any person to whom a notice is to be given is—

- (a) in the case of a body corporate, the address of the registered or principal office of the body;
- (b) in the case of an unincorporated partnership or any other unincorporated body, the address of the principal office of the partnership or body;
- (c) in the case of a person to whom the notice is given in reliance on paragraph (2), (3) or (4), the proper address of the body corporate, partnership or other unincorporated body in question; and
- (d) in any other case, the last known address of the person in question.

(6) For the purposes of paragraph (5) the references to the "principal office" in relation to a company which is registered outside the United Kingdom, a partnership which is carrying on business outside the United Kingdom or any other unincorporated body which has its principal office outside the United Kingdom, include a reference, in each case, to that body's principal office within the United Kingdom (if any).

(7) Paragraph (8) applies if a person to be given a notice under these Regulations has specified an address ("the specified address") within the United Kingdom other than the person's proper address (as decided under paragraph (5)) as the one at which that person, or someone on that person's behalf, will accept

(1) 1978 p. 30.

(1) 1978 c. 30.

arall ar ran y person hwnnw, yn derbyn dogfennau o'r un disgrifiad â hysbysiad a roddir o dan y Rheoliadau hyn.

(8) Rhaid trin y cyfeiriad penodedig yn ogystal, at ddibenion y rheoliad hwn ac adran 7 o Ddeddf Dehongli 1978 yn y modd y'i cymhwysir i'r rheoliad hwn, fel cyfeiriad priodol y person.

(9) Os yw hysbysiad a roddir i berson o dan y Rheoliadau hyn yn cael ei anfon gan awdurdod gorfodi drwy gyfathrebiad electronig, ni cheir trin yr hysbysiad fel pe bai wedi ei roi oni fydd—

- (a) y person y rhoddir yr hysbysiad iddo wedi dynodi wrth yr awdurdod gorfodi ei fod yn fodlon derbyn hysbysiadau drwy gyfathrebiad electronig ac wedi darparu cyfeiriad addas at y diben hwnnw; a
- (b) yr hysbysiad yn cael i anfon i'r cyfeiriad a ddarparwyd gan y person hwnnw.

(10) Yn y rheoliad hwn—

nid yw "corff corfforaethol" ("*body corporate*") yn cynnwys partneriaeth atebolrwydd cyfyngedig na phartneriaeth Albanaidd; ac

yr un ystyr sydd i "cyfathrebiad electronig" ("*electronic communication*") ag a roddir i "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(1).

Cymhwyso amryw o ddarpariaethau Deddf Diogelwch Bwyd 1990

25.—(1) Mae darpariaethau canlynol Deddf Diogelwch Bwyd 1990(2) yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiadau a bennir ym mharagraff (2)—

- (a) adran 3 (rhagdybiaethau y bwriedir bwyd i'w fwyta gan bobl);
- (b) adran 29 (caffael samplau);
- (c) adran 30(8) (tystiolaeth ddogfennol);
- (ch) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll); a
- (d) adran 46(1) (treuliau swyddogion awdurdodedig).

(2) Yr addasiadau yw—

- (a) dehongli unrhyw gyfeiriad yn y darpariaethau a bennir ym mharagraff (1) at Ddeddf Diogelwch Bwyd 1990 (neu Ran o'r Ddeddf honno) fel cyfeiriad at y Rheoliadau hyn;
- (b) dehongli unrhyw gyfeiriad yn y darpariaethau a bennir ym mharagraff (1) at swyddog awdurdodedig, neu swyddog awdurdod gorfodi neu awdurdod bwyd, fel cyfeiriad at

documents of the same description as a notice given under these Regulations.

(8) The specified address is also to be treated for the purposes of this regulation and section 7 of the Interpretation Act 1978 in its application to this regulation as the person's proper address.

(9) If a notice under these Regulations to be given to a person is sent by an enforcement authority by electronic communication, it is to be treated as given only if—

- (a) the person to whom the notice is given has indicated a willingness to the enforcement authority to receive notices by an electronic communication and provided an address suitable for that purpose; and
- (b) the notice is sent to the address provided by that person.

(10) In this regulation—

"body corporate" ("*corff corfforaethol*") does not include a limited liability partnership or a Scottish partnership; and

"electronic communication" ("*cyfathrebiad electronig*") has the same meaning as in section 15(1) of the Electronic Communications Act 2000(1).

Application of various provisions of the Food Safety Act 1990

25.—(1) The following provisions of the Food Safety Act 1990(2) apply for the purposes of these Regulations with the modifications specified in paragraph (2)—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 29 (procurement of samples);
- (c) section 30(8) (documentary evidence);
- (d) section 44 (protection of officers acting in good faith); and
- (e) section 46(1) (expenses of authorised officers).

(2) The modifications are—

- (a) construe any reference in the provisions specified in paragraph (1) to the Food Safety Act 1990 (or a Part of that Act) as a reference to these Regulations;
- (b) construe any reference in the provisions specified in paragraph (1) to an authorised officer, or an officer of an enforcement authority or food authority, as a reference to an

(1) 2000 p.7. Diwygiwyd adran 15 gan Atodlen 17 i Ddeddf Cyfathrebiadau 2003 (p. 21).

(2) 1990 p. 16.

(1) 2000 c.7. Section 15 was amended by Schedule 17 to the Communications Act 2003 (c. 21).

(2) 1990 c. 16.

swyddog awdurdodedig fel y'i diffinnir yn rheoliad 2(1) o'r Rheoliadau hyn;

- (c) mewn perthynas ag adran 29—
- (i) ym mharagraff (b)(ii), dehongli'r cyfeiriad at adran 32 fel cyfeiriad at y Rheoliadau hyn; a
 - (ii) ym mharagraff (d), hepgor y geiriau "or of regulations or order made under it";
- (ch) mewn perthynas ag adran 30(8)(a), hepgor y geiriau "under subsection (6) above"; a
- (d) mewn perthynas ag adran 44, dehongli unrhyw gyfeiriad at awdurdod bwyd fel cyfeiriad at awdurdod gorfodi.

Diwygiad canlyniadol

26. Yn Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(1), yn Atodlen 1 (darpariaethau nad yw'r Rheoliadau hynny yn gymwys iddynt), mewn perthynas â Chymru, yn lle teitl a chyfeirnod Rheoliadau Cig Dofednod (Cynhwysiad Dŵr) 1984(2), rhodder teitl a chyfeirnod y Rheoliadau hyn.

Dirymiadau

- 27.** Dirymir y canlynol o ran Cymru—
- (a) Rheoliadau Cig Dofednod (Cynhwysiad Dŵr) 1984; a
 - (b) yng Ngorchymyn Deddf Diogelwch Bwyd 1990 (Addasiadau Canlyniadol) (Cymru a Lloegr) 1990(3)—
 - (i) erthygl 9; a
 - (ii) yn Atodlenni 1, 3 a 5, y cyfeiriadau at Rheoliadau Cig Dofednod (Cynhwysiad Dŵr) 1984.

authorised officer as defined in regulation 2(1) of these Regulations;

- (c) in relation to section 29—
- (i) in paragraph (b)(ii), construe the reference to section 32 as a reference to these Regulations; and
 - (ii) in paragraph (d), omit the words "or of regulations or order made under it";
- (d) in relation to section 30(8)(a), omit the words "under subsection(6) above"; and
- (e) in relation to section 44, construe any reference to a food authority as a reference to an enforcement authority.

Consequential amendment

26. In the Food Safety (Sampling and Qualifications) Regulations 1990(1) in Schedule 1 (provisions to which those Regulations do not apply), in relation to Wales, for the title and reference to the Poultry Meat (Water Content) Regulations 1984(2), substitute the title and reference to these Regulations.

Revocations

- 27.** The following are revoked in relation to Wales—
- (a) the Poultry Meat (Water Content) Regulations 1984; and
 - (b) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990(3)—
 - (i) article 9; and
 - (ii) in Schedules 1, 3 and 5, the references to the Poultry Meat (Water Content) Regulations 1984.

Alun Davies

Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

12 Gorffennaf 2011

12 July 2011

(1) O.S. 1990/2463.
(2) O.S. 1984/1145.
(3) O.S. 1990/2486.

(1) S.I. 1990/2463.
(2) S.I. 1984/1145.
(3) S.I. 1990/2486.

ATODLEN 1

Rheoliad 2(1)

DARPARIAETHAU CIG DOFEDNOD EWROPEAIDD, Y CAIFF EU TORRI ARWAIN AT DDYRODDI HYSBYSIAD CYDYMFFURFIO

RHAN 1

DARPARIAETHAU'R RHEOLIAD CMO SENGL

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Darpariaeth berthnasol o'r Rheoliad CMO Sengl</i>	<i>Darpariaethau i'w darllen gyda'r darpariaethau o'r Rheoliad CMO Sengl a grybwyllir yng ngholofn 1</i>	<i>Deunydd pwnc</i>
Erthygl 113(3), yr is-baragraff cyntaf, i'r graddau y mae'n ymwneud â marchnata cig dofednod	Erthygl 116 o'r Rheoliad CMO Sengl a Rhan B o Atodiad XIV i'r Rheoliad hwnnw, a Rheoliad y Comisiwn	Gwaharddiad ar farchnata cig dofednod ac eithrio yn unol â'r safonau marchnata a bennir yn Rhan B o Atodiad XIV i'r Rheoliad CMO Sengl a Rheoliad y Comisiwn. Graddio ansawdd.
Pwynt III(1) o Ran B o Atodiad XIV	Erthygl 7 o Reoliad y Comisiwn	
Pwynt III(2) o Ran B o Atodiad XIV	Rheoliad 4 o'r Rheoliadau hyn a Phwynt II(2) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl mewn perthynas â chig dofednod ffres Pwynt II(3) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl mewn perthynas â chig dofednod wedi ei rewi Pwynt II(4) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl mewn perthynas â chig dofednod wedi ei rewi'n gyflym Pwynt II(6) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl mewn perthynas â pharatoi cig dofednod ffres	Marchnata cig dofednod a pharatoadau cig dofednod mewn cyflwr ffres, wedi eu rhewi neu wedi eu rhewi'n gyflym.

RHAN 2
DARPARIAETHAU RHEOLIAD Y COMISIWN

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Darpariaeth berthnasol o Reoliad y Comisiwn</i>	<i>Darpariaethau i'w darllen gyda'r darpariaethau o Reoliad y Comisiwn grybwyllir yng ngholofn 1</i>	<i>Deunydd pwnc</i>
Erthygl 3(1)	Erthygl 3(2), (3) a (4) o Reoliad y Comisiwn	Cyflwyno carcasau dofednod.
Erthygl 3(4), yr is-baragraff cyntaf	Erthygl 3(1) o Reoliad y Comisiwn	Cyfansoddiad y syrth pan gyflwynir carcas dofednod i'w farchnata ynghyd â syrth.
Erthygl 3(4), yr ail is-baragraff	Erthygl 3(1) o Reoliad y Comisiwn	Labelu carcas dofednod a gyflwynir i'w farchnata ynghyd â syrth pan nad yw'r syrth yn cynnwys un neu ragor o'r galon, y gwddf, y lasog neu'r afu.
Erthygl 3(5)	Pwyntiau III(1) a (2) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl	Dynodiadau sydd i'w dangos ar ddogfennau masnachol penodedig.
Erthygl 4(1)	Erthyglau 1 a 3(1) o Reoliad y Comisiwn ac Atodiad I i'r Rheoliad hwnnw	Yr enwau y mae'n rhaid gwerthu cig dofednod odanynt.
Erthygl 4(2)	Erthyglau 1(1) a (2) ac 11 o Reoliad y Comisiwn	Gofyniad na fydd termau atodol yn camarwain y defnyddiwr.
Erthygl 5(1)	Erthyglau 1 ac 11 o Reoliad y Comisiwn	Cyfyngiad ar ddefnyddio enwau er mwyn osgoi dryswch rhwng yr enwau yn Erthygl 1 o Reoliad y Comisiwn (ynglŷn â mathau a chyflwyniadau o gig dofednod), a'r dynodiadau a ddarperir ar eu cyfer yn Erthygl 11 o Reoliad y Comisiwn (ynglŷn â dulliau o ffermio, yr oedran cigydda a hyd y cyfnod pesgi).
Erthygl 5(2)	Erthygl 5(3), (4) a (6) o Reoliad y Comisiwn, fel y'i darllenir, yn achos Erthygl 5(4), gydag Erthygl 5(5) o'r Rheoliad hwnnw	Gofynion ychwanegol ynglŷn â labelu, cyflwyno a hysbysebu cig dofednod a fwriedir ar gyfer y defnyddiwr olaf.
Erthygl 6	Pwynt II(3) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl	Y tymheredd y mae'n rhaid storio a chadw cig dofednod wedi ei rewi.
Erthygl 7(1)	Pwynt III(I) o Ran B o Atodiad XIV i'r Rheoliad CMO Sengl	Criteria sydd i'w cymhwyso wrth raddio carcasau a thoriadau cig dofednod fel rhai dosbarth A neu B.
Erthygl 7(2)	Erthygl 7(1) o Reoliad y Comisiwn	Criteria ychwanegol ar gyfer graddio carcasau a thoriadau cig dofednod fel rhai dosbarth A.
Erthygl 10	Atodiad III i Roliad y Comisiwn	Termau i ddisgrifio'r dull a ddefnyddiwyd i oeri cig dofednod.
Erthygl 11(1), yr is-baragraff cyntaf	Yr ail is-baragraff o Erthygl 11(1) o Reoliad y Comisiwn ac Atodiadau IV a V i'r Rheoliad hwnnw	Termau i ddisgrifio mathau penodol o ddulliau ffermio.

Erthygl 11(1), y trydydd is-baragraff	Is-baragraff cyntaf o Erthygl 11(1) o Reoliad y Comisiwn	Dynodiad foie gras.
Erthygl 11(2)	Pedwerydd indent o Erthygl 1(1)(a) ac Erthygl 11(1) o Reoliad y Comisiwn ac Atodiad V(b), (c) neu (d) i'r Rheoliad hwnnw	Defnyddio dynodiadau ynglŷn ag oedran cigydd a hyd y cyfnod pesgi.
Erthygl 12(1)	Erthygl 11 o Reoliad y Comisiwn	Cofrestru cynhyrchwyr a lladd-dai gan ddefnyddio'r termau marchnata arbennig a grybwyllir yn Erthygl 11(1) ynglŷn â dulliau ffermio, a rhwymedigaeth berthynol ar ladd-dai o ran cadw cofnodion.
Erthygl 12(2)	Erthygl 12(1) o Reoliad y Comisiwn	Cadw cofnodion gan gynhyrchwyr, drwy ddefnyddio'r termau marchnata arbennig a grybwyllir yn Erthygl 11(1) ynglŷn â dulliau ffermio.
Erthygl 12(3)	Erthygl 11(1)(a) o Reoliad y Comisiwn	Cadw cofnodion gan weithgynhyrchwyr a chyflenwyr bwyd anifeiliaid, o gyfansoddiad y bwyd anifeiliaid a gyflenwir i gynhyrchwyr sy'n cynhyrchu adar i'w marchnata gan ddefnyddio'r term marchnata arbennig mewn perthynas â bwyd anifeiliaid ("fed with%") ("bwydwyd â%").
Erthygl 12(4)	Erthygl 11(1)(d) ac (e) o Reoliad y Comisiwn	Cadw cofnodion gan ddeorfeydd sy'n cyflenwi mathau o adar sy'n prifio'n araf i gynhyrchwyr adar "traditional free range" ("maes traddodiadol") ac adar "free-range - total freedom" ("maes - rhyddid llwyr").
Erthygl 14, y paragraff cyntaf	Erthygl 10 ac 11 o Reoliad y Comisiwn	Gwahardd mewnforio cig dofednod sy'n dwyn rhai dynodiadau opsiynol ynglŷn â'r dull o oeri neu rai mathau o ffermio, onid yw'n dod gyda thystysgrif swyddogol.
Erthygl 15(1)	Atodiadau VI a VII i Reoliad y Comisiwn	Gwahardd marchnata ieir wedi eu rhewi neu'u rhewi'n gyflym pan fo'r cynhwysiad dŵr yn uwch na'r gwerthoedd sy'n dechnegol anochel.
Erthygl 16(1)	Atodiadau VI a IX i Reoliad y Comisiwn	Gwiriadau ar garcasau o ran cynhwysiad dŵr.
Erthygl 16(1), yr ail is-baragraff	Atodiadau VI ac XI i Reoliad y Comisiwn	Gwneud yr addasiadau technegol angenrheidiol pan fo'r cynhwysiad dŵr uwchlaw'r lefel a ganiateir.
Erthygl 16(2)	Erthygl 15(1) o Reoliad y Comisiwn ac Atodiadau VI a VII i'r Rheoliad hwnnw	Gwiriadau cynhwysiad dŵr ar ieir wedi eu rhewi ac ieir wedi eu rhewi'n gyflym.
Erthygl 16(3)	Erthyglau 16(1) a (2) o Reoliad y Comisiwn ac Atodiadau VI, VII a IX i'r Rheoliad hwnnw	Cynyddu amllder y gwiriadau cynhwysiad dŵr ar ieir wedi eu rhewi ac ieir wedi eu rhewi'n gyflym.
Erthygl 16(4)	Erthygl 16(1) a (2) o Reoliad y Comisiwn ac Atodiadau VI i IX i'r Rheoliad hwnnw.	Gwiriadau cynhwysiad dŵr ar garcasau ieir wedi eu hoeri ag aer.

Erthygl 16(6)	Atodiad X i Reoliad y Comisiwn	Marchnata ieir wedi eu rhewi ac ieir wedi eu rhewi'n gyflym o dan oruchwyliaeth pan fo'r cynhwysiad dŵr yn uwch na'r gwerthoedd sy'n dechnegol anochel.
Erthygl 20(1)	Atodiad VIII i Reoliad y Comisiwn	Gwaharddiad ar farchnata rhai toriadau cig dofednod os yw'r cynhwysiad dŵr yn uwch na'r gwerthoedd sy'n dechnegol anochel.
Erthygl 20(2)(a)	Erthyglau 16(1) a 20(1) o Reoliad y Comisiwn, ac Atodiad IX i'r Rheoliad hwnnw	Gwiriadau cynhwysiad dŵr mewn lladd-dai ar garcasau ieir a thyrcoïd a fwriedir i'w defnyddio mewn toriadau cig dofednod.
Erthygl 20(2), yr ail is-baragraff	Erthygl 20(2)(a) a (3) o Reoliad y Comisiwn ac Atodiadau VI i IX i'r Rheoliad hwnnw	Gwiriadau cynhwysiad dŵr ar doriadau cig dofednod wedi eu hoeri ag aer.
Erthygl 20(3)	Erthygl 20(1) o Reoliad y Comisiwn, ac Atodiad VIII i'r Rheoliad hwnnw	Gwiriadau cynhwysiad dŵr ar doriadau cig dofednod mewn ffatrïoedd torri.
Erthygl 20(4) i'r graddau y mae'n cymhwyso Erthygl 16(3) o Reoliad y Comisiwn	Erthygl 16(1) a (2) o Reoliad y Comisiwn ac Atodiadau VI, VII a IX i'r Rheoliad hwnnw	Cynyddu amllder y gwiriadau cynhwysiad dŵr ar doriadau cig dofednod.
Erthygl 20(4) i'r graddau y mae'n cymhwyso Erthygl 16(6) o Reoliad y Comisiwn	Atodiad X i Reoliad y Comisiwn	Marchnata toriadau cig dofednod penodedig o dan oruchwyliaeth pan fo'r cynhwysiad dŵr yn uwch na'r gwerthoedd sy'n dechnegol anochel.

SCHEDULE 1

Regulation 2(1)

EUROPEAN POULTRYMEAT PROVISIONS CONTRAVENTION OF WHICH MAY RESULT
IN THE ISSUING OF A COMPLIANCE NOTICE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Relevant provision of the Single CMO Regulation</i>	<i>Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1</i>	<i>Subject matter</i>
Article 113(3), first sub-paragraph, insofar as it relates to the marketing of poultrymeat	Article 116 of, and Part B of Annex XIV to, the Single CMO Regulation and the Commission Regulation	Prohibition on the marketing of poultrymeat except in accordance with the marketing standards laid down in Part B of Annex XIV to the Single CMO Regulation and the Commission Regulation. Quality grading.
Point III(1) of Part B of Annex XIV	Article 7 of the Commission Regulation	
Point III(2) of Part B of Annex XIV	Regulation 4 of these Regulations and Point II(2) of Part B of Annex XIV to the Single CMO Regulation in relation to fresh poultrymeat Point II(3) of Part B of Annex XIV to the Single CMO Regulation in relation to frozen poultrymeat Point II(4) of Part B of Annex XIV to the Single CMO Regulation in relation to quick-frozen poultrymeat Point II(6) of Part B of Annex XIV to the Single CMO Regulation in relation to fresh poultrymeat preparation	Marketing of poultrymeat and poultrymeat preparations in a fresh, frozen or quick-frozen condition.

PART 2

PROVISIONS OF THE COMMISSION REGULATION

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Relevant provision of the Commission Regulation</i>	<i>Provisions to be read with the provisions of the Commission Regulation mentioned in column 1</i>	<i>Subject matter</i>
Article 3(1)	Article 3(2), (3) and (4) of the Commission Regulation	Presentation of poultry carcasses.
Article 3(4), first sub-paragraph	Article 3(1) of the Commission Regulation	Composition of giblets where a poultry carcass is presented for marketing with giblets.
Article 3(4), second sub-paragraph	Article 3(1) of the Commission Regulation	Labelling of a poultry carcass that is presented for marketing with giblets but the giblets do not include one or more of the heart, neck, gizzard or liver.
Article 3(5)	Points III(1) and (2) of Part B of Annex XIV to the Single CMO Regulation	Indications to be shown on certain commercial documents.
Article 4(1)	Articles 1 and 3(1) of, and Annex I to, the Commission Regulation	Names under which poultrymeat must be sold.
Article 4(2)	Articles 1(1) and (2) and 11 of the Commission Regulation	Requirement that supplemental terms do not mislead the consumer.
Article 5(1)	Articles 1 and 11 of the Commission Regulation	Restriction on the use of names to prevent confusion with the names in Article 1 of the Commission Regulation (relating to types and presentations of poultrymeat), and the indications provided for in Article 11 of the Commission Regulation (relating to types of farming method, age at slaughter and length of fattening period).
Article 5(2)	Article 5(3), (4) and (6) of the Commission Regulation, as read, in the case of Article 5(4), with Article 5(5) of that Regulation	Additional requirements relating to the labelling, presentation and advertising of poultrymeat intended for the final consumer.
Article 6	Point II(3) of Part B of Annex XIV to the Single CMO Regulation	Temperature at which frozen poultrymeat must be stored and kept.
Article 7(1)	Point III(I) of Part B of Annex XIV to the Single CMO Regulation	Criteria to be applied when grading poultry carcasses and cuts into class A or B.
Article 7(2)	Article 7(1) of the Commission Regulation	Additional criteria for grading poultry carcasses and cuts as class A.
Article 10	Annex III to the Commission Regulation	Terms to describe the method by which poultrymeat has been chilled.
Article 11(1), first sub-paragraph	The second sub-paragraph of Article 11(1) of, and Annexes IV and V to, the Commission Regulation	Terms to describe particular types of farming method.

Article 11(1), third sub-paragraph	The first sub-paragraph of Article 11(1) of the Commission Regulation	Foie gras indication.
Article 11(2)	Article 1(1)(a), fourth indent and 11(1) of, and Annex V(b), (c) or (d) to, the Commission Regulation	Use of indications relating to age at slaughter and length of fattening period.
Article 12(1)	Article 11 of the Commission Regulation	Registration of producers and slaughterhouses using the special marketing terms mentioned in Article 11(1) relating to farming methods and related record-keeping obligation on slaughterhouses.
Article 12(2)	Article 12(1) of the Commission Regulation	Record-keeping by producers using the special marketing terms mentioned in Article 11(1) relating to farming methods.
Article 12(3)	Article 11(1)(a) of the Commission Regulation	Record-keeping by feed manufacturers and suppliers in respect of the composition of feed supplied to producers who are producing birds that will be marketed using the special marketing term relating to feed ("fed with%").
Article 12(4)	Article 11(1)(d) and (e) of the Commission Regulation	Record-keeping by hatcheries supplying slow growing strains of birds to producers of "traditional free range" and "free-range - total freedom" birds.
Article 14, first paragraph	Article 10 and 11 of the Commission Regulation	Prohibition on imported poultrymeat bearing certain optional indications relating to method of chilling or certain types of farming unless accompanied by an official certificate.
Article 15(1)	Annexes VI and VII to the Commission Regulation	Prohibition on the marketing of frozen and quick-frozen chickens where the water content exceeds technically unavoidable values.
Article 16(1)	Annexes VI and IX to the Commission Regulation	Water content checks on carcasses.
Article 16(1), second sub-paragraph	Annexes VI and XI to the Commission Regulation	Making the necessary technical adjustments when water content is above the permitted level.
Article 16(2)	Article 15(1) of, and Annexes VI and VII to, the Commission Regulation	Water content checks on frozen and quick frozen chickens.
Article 16(3)	Articles 16(1) and (2) of, and Annexes VI, VII and IX to, the Commission Regulation	Increased frequency of water content checks on frozen and quick frozen chickens.
Article 16(4)	Article 16(1) and (2) of, and Annexes VI to IX to, the Commission Regulation	Water content checks on air chilled chicken carcasses.
Article 16(6)	Annex X to the Commission Regulation	Marketing of frozen and quick-frozen chickens under supervision where the water content exceeds technically unavoidable values.

Article 20(1)	Annex VIII to the Commission Regulation	Prohibition on the marketing of certain poultry cuts if the water content exceeds technically unavoidable values.
Article 20(2)(a)	Articles 16(1) and 20(1) of, and Annex IX to, the Commission Regulation	Water content checks at slaughterhouses on chicken and turkey carcasses intended for use in poultry cuts.
Article 20(2), second sub-paragraph	Article 20(2)(a) and (3) of, and Annexes VI to IX to, the Commission Regulation	Water content checks on air-chilled poultry cuts.
Article 20(3)	Article 20(1) of, and Annex VIII to, the Commission Regulation	Water content checks at cutting plants on poultry cuts.
Article 20(4) in so far as it applies Article 16(3) of the Commission Regulation	Article 16(1) and (2) of, and Annexes VI, VII and IX to, the Commission Regulation	Increased frequency of water content checks on poultry cuts.
Article 20(4) in so far as it applies Article 16(6) of the Commission Regulation	Annex X to the Commission Regulation	Marketing of certain poultry cuts under supervision where the water content exceeds technically unavoidable values.

ATODLEN 2

Rheoliad 3

DARPARIAETHAU RHEOLIAD Y COMISIWN, Y MAE EU TORRI YN DRAMGWYDD

<i>Colofn 1</i>	<i>Colofn 2</i>	<i>Colofn 3</i>
<i>Darpariaeth berthnasol o Reoliad y Comisiwn</i>	<i>Darpariaethau i'w darllen gyda'r darpariaethau o Reoliad y Comisiwn a grybwyllir yng ngholofn 1</i>	<i>Deunydd pwnc</i>
Erthygl 4(2)	Erthyglau 1(1) a (2) ac 11 o Reoliad y Comisiwn	Gofyniad na fydd termau atodol yn camarwain y defnyddiwr.
Erthygl 5(2)	Erthygl 5(3), (4) a (6) o Reoliad y Comisiwn, fel y'i darllenir, yn achos Erthygl 5(4), gydag Erthygl 5(5) o'r Rheoliad hwnnw	Gofynion ychwanegol ynglŷn â labelu, cyflwyno a hysbysebu cig dofednod a fwriedir ar gyfer y defnyddiwr olaf.
Erthygl 11(1), yr is-baragraff cyntaf	Yr ail is-baragraff o Erthygl 11(1) o Reoliad y Comisiwn, ac Atodiadau IV a V i'r Rheoliad hwnnw	Termau i ddisgrifio mathau penodol o ddulliau ffermio.
Erthygl 11(1), y trydydd is-baragraff	Is-baragraff cyntaf Erthygl 11(1) o Reoliad y Comisiwn	Dynodiad <i>foie gras</i> .

SCHEDULE 2

Regulation 3

PROVISIONS OF THE COMMISSION REGULATION, CONTRAVENTION OF WHICH IS AN OFFENCE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Relevant provision of the Commission Regulation</i>	<i>Provisions to be read with the provisions of the Commission Regulation mentioned in column 1</i>	<i>Subject matter</i>
Article 4(2)	Articles 1(1) and (2) and 11 of the Commission Regulation	Requirement that supplemental terms do not mislead the consumer.
Article 5(2)	Article 5(3), (4) and (6) of the Commission Regulation, as read, in the case of Article 5(4), with Article 5(5) of that Regulation	Additional requirements relating to the labelling, presentation and advertising of poultrymeat intended for the final consumer.
Article 11(1), first sub-paragraph	The second sub-paragraph of Article 11(1) of, and Annexes IV and V to, the Commission Regulation	Terms to describe particular types of farming method.
Article 11(1), third sub-paragraph	The first sub-paragraph of Article 11(1) of the Commission Regulation	<i>Foie gras</i> indication.

FFIOEDD AM WIRIADAU CYNHWYSIAD DŴR

FEES FOR WATER CONTENT CHECKS

1. Yn yr Atodlen hon—

ystyr "gwiriad cynhwysiad dŵr Erthygl 16(1)" ("*Article 16(1) water content check*") yw gwiriad o'r math a grybwyllir yn is-baragraff cyntaf Erthygl 16(1) o Reoliad y Comisiwn;

ystyr "gwiriad cynhwysiad dŵr Erthygl 16(2)" ("*Article 16(2) water content check*") yw gwiriad o'r math a grybwyllir yn Erthygl 16(2) o Reoliad y Comisiwn;

ystyr "gwiriad cynhwysiad dŵr Erthygl 16(3)" ("*Article 16(3) water content check*") yw gwiriad o'r math a grybwyllir yn ail is-baragraff Erthygl 16(3) o Reoliad y Comisiwn;

ystyr "gwiriad cynhwysiad dŵr Erthygl 20(2)" ("*Article 20(2) water content check*") yw gwiriad o'r math a grybwyllir ym mharagraff (a) o is-baragraff cyntaf Erthygl 20(2) o Reoliad y Comisiwn;

ystyr "gwiriad cynhwysiad dŵr Erthygl 20(3)" ("*Article 20(3) water content check*") yw gwiriad o'r math a grybwyllir yn Erthygl 20(3) o Reoliad y Comisiwn;

ystyr "gwiriad cynhwysiad dŵr Erthygl 20(4)" ("*Article 20(4) water content check*") yw gwiriad o'r math a grybwyllir yn ail is-baragraff Erthygl 16(3) o Reoliad y Comisiwn, fel un sy'n gymwys i doriadau cig dofednod yn rhinwedd Erthygl 20(4) o'r Rheoliad hwnnw.

2. Mae'r tabl canlynol yn pennu'r ffioedd sy'n daladwy mewn perthynas â gwiriadau cynhwysiad dŵr a gyflawnir gan yr Asiantaeth—

1. In this Schedule—

"Article 16(1) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 16(1)*") means a check of the type mentioned in the first sub-paragraph of Article 16(1) of the Commission Regulation;

"Article 16(2) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 16(2)*") means a check of the type mentioned in Article 16(2) of the Commission Regulation;

"Article 16(3) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 16(3)*") means a check of the type mentioned in the second sub-paragraph of Article 16(3) of the Commission Regulation;

"Article 20(2) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 20(2)*") means a check of the type mentioned in paragraph (a) of the first sub-paragraph of Article 20(2) of the Commission Regulation;

"Article 20(3) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 20(3)*") means a check of the type mentioned in Article 20(3) of the Commission Regulation;

"Article 20(4) water content check" ("*gwiriad cynhwysiad dŵr Erthygl 20(4)*") means a check of the type mentioned in second sub-paragraph of Article 16(3) of the Commission Regulation, as applying to poultry cuts by virtue of Article 20(4) of that Regulation.

2. The following table sets out the fees payable in respect of water content checks carried out by the Agency—

<i>Gwiriad</i>	<i>Ffi (£)</i>
Gwiriad cynhwysiad dŵr Erthygl 16(1)	42
Gwiriad cynhwysiad dŵr Erthygl 16(2)	297.02
Gwiriad cynhwysiad dŵr Erthygl 16(3)	297.02
Gwiriad cynhwysiad dŵr Erthygl 20(2)	42
Gwiriad cynhwysiad dŵr Erthygl 20(3)	207.02
Gwiriad cynhwysiad dŵr Erthygl 20(4)	207.02

<i>Check</i>	<i>Fee (£)</i>
Article 16(1) water content check	42
Article 16(2) water content check	297.02
Article 16(3) water content check	297.02
Article 20(2) water content check	42
Article 20(3) water content check	207.02
Article 20(4) water content check	207.02

3. Mae pob ffi sy'n daladwy o dan yr Atodlen hon yn daladwy i'r Asiantaeth o fewn 28 diwrnod wedi i'r Asiantaeth roi i'r gweithredwr anfoneb sy'n gofyn am dalu'r ffi, sy'n cychwyn gyda'r diwrnod y ceir yr anfoneb.

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3. All fees payable under this Schedule are payable to the Agency within 28 days of the Agency giving an operator an invoice demanding the payment of the fee, beginning with the day on which the invoice is received.

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