



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 479 (Cy.55)

2013 No. 479 (W.55)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Diogelwch Bwyd
(Samplu a Chymwysterau)
(Cymru) 2013

The Food Safety (Sampling and
Qualifications) (Wales)
Regulations 2013

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 dirymu (yn *rheoliad 12*), o ran Cymru, ac yn ail-wneud ynghyd â diwygiadau ddarpariaethau Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990 (O.S. 1990/2463).

These Regulations revoke, in relation to Wales, (at *regulation 12*) and remake with amendments provisions of the Food Safety (Sampling and Qualifications) Regulations 1990 (S.I. 1990/2463).

Mae'r Rheoliadau—

The Regulations —

- (a) yn pennu pa gymwysterau sy'n angenrheidiol ar gyfer bod yn ddadansoddwr cyhoeddus neu'n ddadansoddwr bwyd (*rheoliad 4*) neu'n archwilydd bwyd (*rheoliad 5 ac Atodlen 2*) at ddibenion Deddf Diogelwch Bwyd 1990;
- (b) yn gwahardd personau penodedig rhag cyflawni dadansoddiadau neu archwiliadau (*rheoliad 6*);
- (c) yn pennu pa weithdrefnau sydd i'w dilyn pan fo sampl wedi ei gaffael o dan y Ddeddf honno ar gyfer ei ddadansoddi neu ei archwilio (*rheoliadau 7, 8 a 9*), ac yn eithrio o'r gweithdrefnau hynny samplau a gymerir o dan y Rheoliadau hyn sydd â'u gweithdrefnau eu hunain (*rheoliad 3 ac Atodlen 1*); a
- (d) yn rhagnodi ffurf y dystysgrif sydd i'w defnyddio gan ddadansoddwyr ac archwilyddwyr wrth wneud eu hadroddiadau (*rheoliad 10 ac Atodlen 3*).

- (a) specify the qualifications necessary to be a public analyst or food analyst (*regulation 4*) or food examiner (*regulation 5 and Schedule 2*) for the purposes of the Food Safety Act 1990;
- (b) prohibit specified persons from carrying out analyses or examinations (*regulation 6*);
- (c) specify the procedures to be followed when a sample has been procured under that Act for analysis or examination (*regulations 7, 8 and 9*), and exclude from these procedures samples taken under Regulations which have their own procedures (*regulation 3 and Schedule 1*); and
- (d) prescribe the form of certificate to be used by analysts and examiners in making their reports (*regulation 10 and Schedule 3*).

Mae'r Rheoliadau hefyd yn gwneud diwygiadau canlyniadol mewn Rheoliadau eraill (*rheoliad 11*).

The Regulations also make consequential amendments to other Regulations (*regulation 11*).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd aseiad effaith rheoleiddiol o'r costau a'r buddiannau

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the

sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau.
Gellir cael copi o'r asesiad gan yr Asiantaeth Safonau
Bwyd yn Asiantaeth Safonau Bwyd Cymru, Llawr 11,
Tŷ Southgate, Wood Street, Caerdydd CF10 1EW

likely costs and benefits of complying with these
Regulations. A copy can be obtained from the Food
Standards Agency at Food Standards Agency Wales,
11th Floor, Southgate House, Wood Street, Cardiff
CF10 1EW

2013 Rhif 479 (Cy.55)

BWYD, CYMRU

**Rheoliadau Diogelwch Bwyd
(Samplu a Chymwysterau)
(Cymru) 2013**

<i>Gwnaed</i>	<i>4 Mawrth 2013</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>6 Mawrth 2013</i>
<i>Yn dod i rym</i>	<i>6 Ebrill 2013</i>

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adrannau 27(2) a (5), 30(9), 31(1),(2)(c),(d),(e),(g) ac (h), 48(1) a 49(2) o Ddeddf Diogelwch Bwyd 1990(1) ac a freinir bellach ynddynt hwy(2).

I'r graddau na ellir gwneud y Rheoliadau canlynol o dan bwerau a gynhwysir yn Neddf 1990, mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir iddynt gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(3).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas â mesurau yn y meysydd milfeddygol a ffyto-iechydol ar gyfer diogelu iechyd y cyhoedd(4).

-
- (1) 1990 p.16. Amnewidiwyd adran 1(1) a (2) (y diffiniad o "food") gan O.S. 2004/2990. Diwygiwyd adrannau 27(2), 30(9), 31(1) a 49(2) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (1999 p.28), ("Deddf 1999"). Diwygiwyd adran 48 gan baragraffau 8 a 21 o Atodlen 5 i Ddeddf 1999 a chan O.S. 2004/2990. Diwygiwyd adran 53(2) gan baragraff 19 o Atodlen 16 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (1994 p.40), Atodlen 6 i Ddeddf 1999, O.S. 2004/2990 ac O.S. 2004/3279.
- (2) Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir ynghyd ag adran 40(3) o Ddeddf 1999, a throsglwyddwyd y swyddogaethau hynny yn ddiweddarach i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).
- (3) 1972 p.68.
- (4) O.S. 2008/1792.

2013 No. 479 (W.55)

FOOD, WALES

**The Food Safety (Sampling and
Qualifications) (Wales)
Regulations 2013**

<i>Made</i>	<i>4 March 2013</i>
<i>Laid before the National Assembly for Wales</i>	<i>6 March 2013</i>
<i>Coming into force</i>	<i>6 April 2013</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 27(2) and (5), 30(9), 31(1),(2)(c),(d),(e),(g) and (h), 48(1) and 49(2) of the Food Safety Act 1990(1) and now vested in them(2).

In so far as these Regulations cannot be made under powers contained in the 1990 Act, the Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(3).

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures in the veterinary and phytosanitary fields for the protection of public health(4).

-
- (1) 1990 c. 16. Section 1(1) and (2) (definition of "food") was substituted by S.I. 2004/2990. Sections 27(2), 30(9), 31(1) and 49(2) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c.28), ("the 1999 Act"). Section 48 was amended by paragraphs 8 and 21 of Schedule 5 to the 1999 Act and by S.I. 2004/2990. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.
- (2) Functions formerly exercisable by "the Ministers" so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act, and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).
- (3) 1972 c.68.
- (4) S.I. 2008/1792.

Yn unol ag adran 48(4A) o'r Ddeddf honno, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor, sy'n pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(1), ymgynghorwyd yn agored a thryloyw â'r cyhoedd wrth baratoi a gwerthuso'r Rheoliadau hyn.

Enwi cymhwysu a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013, maent yn gymwys o ran Cymru a deuant i rym ar 6 Ebrill 2013.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr "cymwysedig" ("*qualified*") yw cymwysedig at ddibenion y Ddeddf;

ystyr "Y Ddeddf" ("*the Act*") yw Deddf Safonau Bwyd 1990;

ystyr "perchennog" ("*owner*") yw—

- (a) yn achos nwyddau sydd ar daith, y traddodwr (neu, os nad oes gan y traddodwr gyfeiriad yng Nghymru, y traddodai);
- (b) yn achos nwyddau o beiriant gwerthu—
 - (i) os yw'r peiriant wedi ei farcio ag enw a chyfeiriad ei berchennog, ac os yw'r cyfeiriad hwnnw yng Nghymru, y person hwnnw; a
 - (ii) mewn unrhyw achos arall, meddiannydd y fangre y saif y peiriant ynnddi, neu y gosodwyd y peiriant ynghlwm wrthi;
- (c) mewn unrhyw achos arall, y person a oedd yn ymddangos i'r swyddog awdurdodedig yn berchennog y sampl, pan gaffaelwyd y sampl gan y swyddog.

In accordance with section 48(4A) of that Act, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(1), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title application and commencement

1. The title of these Regulations is the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013, they apply in relation to Wales and come into force on 6 April 2013.

Interpretation

2. In these Regulations—

"the Act" means the Food Safety Act 1990;

"owner" means—

- (a) in the case of goods in transit, the consignor (or, if the consignor does not have an address in Wales, the consignee);
- (b) in the case of goods from a vending machine—
 - (i) if the machine is marked with the name and address of its owner, and the address is in Wales, that person; and
 - (ii) in any other case, the occupier of the premises on which the machine stands or to which it is affixed;
- (c) in any other case, the person appearing to the authorised officer to be the owner of the sample when the officer procured it;

"qualified" means qualified for the purposes of the Act.

(1) OJ Rhif L31, 1.2.2002, t.1. Diwygiwyd y Rheoliad hwnnw ddiwethaf gan Reoliad y Comisiwn (EC) Rhif 596/2009 Senedd Ewrop a'r Cyngor sy'n addasu nifer o offerynnau'n ddarostyngedig i'r weithdrefn y cyfeirir ati yn Erthygl 251 o'r cytuniad i Benderfyniad y Cyngor 1999/468/EC mewn perthynas â'r weithdrefn reoleiddiol gyda chraffu: Addasu'r weithdrefn reoleiddiol gyda chraffu - Rhan Pedwar (OJ Rhif L188, 18.7.2009, t.14).

(1) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny - Part Four (OJ No. L188, 18.7.2009, p.14).

Darpariaethau samplu a dadansoddi nad yw'r Rheoliadau hyn yn gymwys iddynt

3. Nid yw'r darpariaethau o'r Rheoliadau hyn a bennir yng ngholofn 3 o Atodlen 1 yn gymwys i unrhyw sampl a gymerwyd o dan ddarpariaethau'r Rheoliadau a restrir yng ngholofn gyntaf yr Atodlen honno.

Cymwysterau dadansoddwyr

4. Mae person yn gymwysedig i fod yn ddadansoddwr bwyd neu'n ddadansoddwr cyhoeddus, os oes gan y person hwnnw gymhwyster Meistr mewn Dadansoddi Cemegol, a ddyfarnwyd iddo gan y Gymdeithas Gemeg Frenhinol.

Cymwysterau archwilwyr bwyd

5.—(1) Mae person yn gymwysedig i fod yn archwilydd bwyd—

- (a) os oedd y person hwnnw, cyn i'r Rheoliadau hyn ddod i rym, yn gymwysedig ar gyfer bod yn archwilydd bwyd o dan reoliad 4 o Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(1); neu
- (b) os oedd y person hwnnw, ar neu ar ôl y dyddiad hwnnw,
 - (i) yn meddu ar gymhwyster a restrir yn Rhan 1 o Atodlen 2; a
 - (ii) wedi bod yn cynnal archwiliadau bwyd dros gyfnod neu gyfnodau cyfanredol o dair blynedd o leiaf, yn un neu ragor o'r labordai a restrir yn Rhan 2 o'r Atodlen honno.

(2) Wrth gyfrifo'r cyfnod cymhwyso ym mharagraff (1)(b)(ii), rhaid peidio â chymryd i ystyriaeth unrhyw gyfnod a dreuliyd fel person israddedig mewn labordy a bennir ym mharagraffau 4 i 6 o Ran 2 o Atodlen 2.

Cyfyngiadau sy'n gymwys i ddadansoddwyr ac archwilwyr

6.—(1) Ni chaiff cyfarwyddwr, perchennog na chyflogai unrhyw fusnes bwyd, na phartner mewn busnes bwyd, weithredu fel dadansoddwr cyhoeddus neu archwilydd bwyd ar gyfer yr ardal y lleolir y cyfryw fusnes ynddi.

(2) Ni chaiff person a grybwyllir ym mharagraff (1) ddadansoddi nac archwilio unrhyw sampl y gŵyr y person hwnnw ei bod wedi ei chymryd o'r busnes hwnnw.

Y weithdrefn pan fo sampl i gael ei dadansoddi

7.—(1) Rhaid i swyddog awdurdodedig, sydd wedi caffael sampl o dan adran 29 o'r Ddeddf ac sydd o'r

Sampling and analysis provisions to which these Regulations do not apply

3. The provisions of these Regulations specified in column 3 of Schedule 1 do not apply to any sample taken under the provisions of the Regulations listed in the corresponding entry in the first column of that Schedule.

Qualifications of analysts

4. A person is qualified to be a food analyst or a public analyst if that person possesses a Mastership in Chemical Analysis awarded by the Royal Society of Chemistry.

Qualifications of food examiners

5.—(1) A person is qualified to be a food examiner if that person—

- (a) before the coming into force of these Regulations, was qualified to be a food examiner under regulation 4 of the Food Safety (Sampling and Qualifications) Regulations 1990(1); or
- (b) on or after that date,
 - (i) possesses a qualification listed in Part 1 of Schedule 2; and
 - (ii) has carried out examination of food over a period or periods amounting in aggregate to at least 3 years in one or more of the laboratories listed in Part 2 of that Schedule.

(2) In calculating the qualification period in paragraph (1)(b)(ii), no account is to be taken of any period spent as an undergraduate in a laboratory specified in paragraphs 4 to 6 of Part 2 of Schedule 2.

Restrictions applying to analysts and examiners

6.—(1) No director, owner or employee of a food business or partner in a food business may act as a public analyst or food examiner for the area in which such business is situated.

(2) No person mentioned in paragraph (1) may analyse or examine any sample which that person knows to have been taken from the business.

Procedure where a sample is to be analysed

7.—(1) An authorised officer who has procured a sample under section 29 of the Act and who considers

(1) O.S. 1990/2463.

(1) S.I. 1990/2463.

farn y dylai'r sampl gael ei dadansoddi, beri bod y sampl, yn ddarostyngedig i baragraff (4), yn cael ei rhannu'n dair rhan.

(2) Os cynwysyddion seliedig sydd yn y sampl ac os byddai agor y cynwysyddion, ym marn y swyddog awdurdodedig, yn llesteirio dadansoddiad priodol, rhaid i'r swyddog awdurdodedig rannu'r sampl drwy osod y cynwysyddion mewn tair lot, a rhaid trin pob lot unigol fel rhan o'r sampl.

(3) Rhaid i'r swyddog awdurdodedig—

- (a) os oes angen, rhoi pob rhan mewn cynhwysydd addas a selio pob cynhwysydd;
- (b) marcio neu labelu pob rhan neu gynhwysydd;
- (c) cyn gynted ag y bo'n rhesymol ymarferol, rhoi un rhan i'r perchennog a rhoi hysbysiad i'r perchennog i'r perwyl y bydd y sampl yn cael ei dadansoddi;
- (d) cyflwyno un rhan i'w dadansoddi; ac
- (e) cadw un rhan ar gyfer ei chyflwyno yn y dyfodol o dan reoliad 8.

(4) Os yw'r swyddog awdurdodedig o'r farn nad yw rhannu'r sampl yn rhesymol ymarferol, neu fod hynny'n debygol o lesteirio dadansoddiad priodol, rhaid i'r swyddog, cyn gynted ag y bo'n rhesymol ymarferol, hysbysu'r perchennog y bydd y sampl cyfan yn cael ei dadansoddi heb ei rhannu, a chyflwyno'r sampl i'w dadansoddi.

Cyflwyno'r rhan o'r sampl a gadwyd yn ôl

8.—(1) Os oes rhan o sampl wedi ei chadw'n ôl o dan reoliad 7(3)(e) ac

- (a) achos cyfreithiol yn yr arfaeth neu eisoes wedi ei gychwyn yn erbyn person am drosedd mewn cysylltiad â'r sampl honno; a
- (b) yr erlyniad yn bwriadu rhoi canlyniad y dadansoddiad a grybwyllir uchod gerbron fel tystiolaeth yn yr achos,

mae paragraffau (2) i (6) yn gymwys.

(2) Yn achos swyddog awdurdodedig—

- (a) caiff, o'i wirfodd ei hunan, anfon y rhan o'r sampl a gadwyd yn ôl at Gemegydd y Llywodraeth ar gyfer ei dadansoddi;
- (b) rhaid iddo wneud hynny os gofynnir iddo gan yr erlynydd (os yw'r erlynydd yn rhywun ac eithrio'r swyddog ei hunan);
- (c) rhaid iddo wneud hynny os yw'r llys yn gorchymyn felly; neu
- (d) yn ddarostyngedig i baragraff (6), rhaid iddo wneud hynny os gofynnir iddo gan y person cyhuddedig.

(3) Rhaid i Gemegydd y Llywodraeth ddadansoddi, neu gyfarwyddo dadansoddw'r bwyd i ddadansoddi, y rhan a anfonwyd o dan baragraff (2) ac anfon tystysgrif

that it should be analysed must, subject to paragraph (4), cause the sample to be divided into three parts.

(2) If the sample consists of sealed containers and opening them would, in the opinion of the authorised officer, impede a proper analysis, the authorised officer shall divide the sample into parts by putting the containers into three lots, and each lot shall be treated as being a part.

(3) The authorised officer shall—

- (a) if necessary place each part in a suitable container and seal each container;
- (b) mark or label each part or container;
- (c) as soon as reasonably practicable give one part to the owner and give the owner notice that the sample will be analysed;
- (d) submit one part for analysis; and
- (e) retain one part for future submission under regulation 8.

(4) If the authorised officer is of the opinion that division of the parts is not reasonably practicable or is likely to impede a proper analysis the officer must, as soon as is reasonably practicable, give notice to the owner that the undivided sample will be analysed and shall submit it for analysis.

Submission of the retained part of the sample

8.—(1) Where a part of the sample has been retained under regulation 7(3)(e) and—

- (a) proceedings are intended to be or have been commenced against a person for an offence in connection with that sample; and
- (b) the prosecution intends to adduce as evidence the result of the analysis mentioned above,

paragraphs (2) to (6) apply.

(2) An authorised officer—

- (a) may of the officer's own volition;
- (b) must, if requested by the prosecutor (if a person other than the authorised officer);
- (c) must if the court so orders; or
- (d) must, subject to paragraph (6), if requested by the person accused,

send the retained part of the sample to the Government Chemist for analysis.

(3) The Government Chemist must analyse, or direct a food analyst to analyse, the part sent under paragraph (2) and send to the authorised officer a Government

o ddadansoddiad Cemegydd y Llywodraeth at y swyddog awdurdodedig.

(4) Rhaid i unrhyw dystysgrif a anfonir gan Gemegydd y Llywodraeth gael ei llofnodi gan, neu ar ran, Cemegydd y Llywodraeth, ond caniateir i'r dadansoddiad gael ei wneud gan berson sy'n gweithredu o dan gyfarwyddyd llofnodwr y dystysgrif.

(5) Ar ôl cael y dystysgrif, rhaid i'r swyddog awdurdodedig, cyn gynted ag y bo'n rhesymol ymarferol, gyflenwi copi o'r dystysgrif i'r erlynydd (os yw'r erlynydd yn rhywun ac eithrio'r swyddog awdurdodedig ei hunan) ac i'r person cyhuddedig.

(6) Pan wneir cais o dan baragraff (2)(d), caiff y swyddog awdurdodedig roi hysbysiad ysgrifenedig i'r person cyhuddedig, yn gofyn iddo dalu'r ffi a bennir yn yr hysbysiad, i ddiwallu rhan neu'r cyfan o'r gostau a dynnir gan Gemegydd y Llywodraeth am gyflawni'r swyddogaethau o dan baragraff (3), ac os nad yw'r person cyhuddedig yn cydsynio i dalu'r ffi a bennir yn yr hysbysiad, caiff y swyddog awdurdodedig wrthod cydymffurfio â'r cais.

Y weithdrefn pan fo sampl i gael ei harchwilio

9. Rhaid i swyddog awdurdodedig, sydd wedi caffael sampl o dan adran 29 o'r Ddeddf ac sydd o'r farn y dylai'r sampl gael ei harchwilio—

- (a) os oes angen, rhoi'r sampl mewn cynhwysydd addas a selio'r cynhwysydd;
- (b) marcio neu labelu'r sampl neu'r cynhwysydd; ac
- (c) cyn gynted ag y bo'n rhesymol ymarferol,
 - (i) cyflwyno'r sampl i'w harchwilio, a
 - (ii) rhoi hysbysiad i'r perchennog i'r perwyl bod y sampl i gael ei harchwilio.

Tystysgrifau

10.—(1) Pan fo sampl a gaffaelwyd o dan adran 29 o'r Ddeddf wedi ei dadansoddi neu ei harchwilio, mae hawl gan berchennog y sampl, drwy wneud cais, i gael copi o'r dystysgrif dadansoddi neu archwilio, gan yr awdurdod sy'n gorfodi.

(2) Rhaid i'r dystysgrif a roddir gan ddadansoddwr bwyd neu archwilydd bwyd o dan adran 30(6) o'r Ddeddf, yn ddarostyngedig i ba bynnag addasiadau a fydd yn ofynnol yn rhesymol oherwydd amgylchiadau, fod yn yr un ffurf â'r enghraifft a ddangosir yn Atodlen 3.

Diwygiadau canlyniadol

11. Yn y darpariaethau canlynol, yn lle'r geiriau "Diogelwch Bwyd (Samplu a Chymwysterau) 1990" rhodder "Diogelwch Bwyd (Samplu a Chymwysterau) 2013"—

Chemist's certificate of analysis.

(4) Any certificate sent by the Government Chemist must be signed by or on behalf of the Government Chemist, but the analysis may be carried out by a person under the direction of the person who signs the certificate.

(5) On receipt of the certificate the authorised officer must, as soon as is reasonably practicable, supply a copy of it to the prosecutor (if a person other than the authorised officer) and to the person accused.

(6) Where a request is made under paragraph (2)(d) the authorised officer may give notice in writing to the person accused requesting payment of a fee specified in the notice to defray some or all of the Government Chemist's charges for performing the functions under paragraph (3) and in the absence of agreement by the person accused to pay the fee specified in the notice the authorised officer may refuse to comply with the request.

Procedure where a sample is to be examined

9. An authorised officer who has procured a sample under section 29 of the Act and who considers that it should be examined must—

- (a) if necessary place the sample in a suitable container and seal the container;
- (b) mark or label the sample or container; and
- (c) as soon as reasonably practicable,
 - (i) submit the sample for examination, and
 - (ii) give notice to the owner that it is to be examined.

Certificates

10.—(1) Where a sample procured under section 29 of the Act has been analysed or examined, the owner is entitled on request to be supplied with a copy of the certificate of analysis or examination by the enforcement authority.

(2) The certificate given by a food analyst or examiner under section 30(6) of the Act must, subject to such adaptations as circumstances may reasonably require, be in the form of the example set out in Schedule 3.

Consequential amendments

11. In the following provisions, for "the Food Safety (Sampling and Qualifications) Regulations 1990" substitute "the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013"—

- (a) paragraffau (10) ac (11) o reoliad 13 (dadansoddi etc. samplau) o Reoliadau Hylendid Bwyd (Cymru) 2006(1);
- (b) paragraffau (10) ac (11) o reoliad 38 (dadansoddi etc. samplau) o Reoliadau Rheolaethau Swyddogol ar Fwyd Anifeiliaid a Bwyd (Cymru) 2009(2);

Dirymu

12. Dirymir Rheoliadau Diogelwch Bwyd (Samplu a Chymwysterau) 1990(3) o ran Cymru.

- (a) paragraphs (10) and (11) of regulation 13 (analysis etc. of samples) of the Food Hygiene (Wales) Regulations 2006(1);
- (b) paragraphs (10) and (11) of regulation 38 (analysis etc. of samples) of the Official Feed and Food Controls (Wales) Regulations 2009(2);

Revocation

12. The Food Safety (Sampling and Qualifications) Regulations 1990(3) are revoked in relation to Wales.

Lesley Griffiths

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru

Minister for Health and Social Services, one of the
Welsh Ministers

4 Mawrth 2013

4 March 2013

(1) O.S. 2006/31. Gwnaed diwygiadau yn yr offeryn hwn, ond nid oes yr un ohonynt yn berthnasol.

(2) O.S. 2009/3376. Cywirwyd y ffigur "35" ym mharagraff (10) o reoliad 38 i "37" gan slip cywiro.

(3) O.S. 1990/2463.

(1) S.I. 2006/31. There are amendments to this instrument but none is relevant.

(2) S.I. 2009/3376. The figure "35" in paragraph (10) of regulation 38 was corrected to "37" by a correction slip.

(3) S.I. 1990/2463.

Offerynnau nad yw darpariaethau penodedig o'r Rheoliadau hyn yn gymwys iddynt

Instruments to which specified provisions of these Regulations do not apply

<i>Enw</i>	<i>Cyfeirnod</i>	<i>Darpariaethau penodedig</i>	<i>Title</i>	<i>Reference</i>	<i>Specified provisions</i>
Rheoliadau Anifeiliaid a Chynhyrchion Anifeiliaid (Archwilio am Weddillion a Therfynau Uchaf Gweddillion) 1997	O.S. 1997/1729	Rheoliadau 7,8,9 a 10	The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997	S.I. 1997/1729	Regulations 7,8,9 and 10
Rheoliadau Dŵr Mwynol Naturiol, Dŵr Ffynnon a Dŵr Yfed wedi'i Botelu (Cymru) 2007	O.S. 2007/3165 (Cy.276)	Rheoliadau 7,8 a 9	The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007	S.I. 2007/3165 (W.276)	Regulations 7,8 and 9
Rheoliadau Deunyddiau ac Eitemau mewn Cysylltiad â Bwyd (Cymru) 2012	O.S. 2012/2705 (Cy.291)	Rheoliadau 7,8 a 9	The Materials and Articles in Contact with Food (Wales) Regulations 2012	S.I. 2012/2705 (W.291)	Regulations 7,8 and 9
Rheoliadau Halogion mewn Bwyd (Cymru) 2010 (i'r graddau y mae sampl yn un sydd i'w ddadansoddi yn unol â Rheoliad y Comisiwn (EC) Rhif1881/2006 sy'n pennu'r lefelau uchaf ar gyfer rhai halogion mewn bwydydd)	O.S. 2010/2394 (Cy.206)	Rheoliadau 7,8 a 9	The Contaminants in Food (Wales) Regulations 2010 (to the extent that a sample falls to be prepared and analysed in accordance with Commission Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs)	S.I. 2010/2394 (W.206)	Regulations 7,8 and 9
Rheoliadau Cig Dofednod (Cymru) 2011	O.S. 2011/1719 (Cy.195)	Rheoliadau 7,8 a 9	The Poultry Meat (Wales) Regulations 2011	S.I. 2011/1719 (W.195)	Regulations 7,8 and 9

Cymwysterau Archwilwyr Bwyd

Qualifications of Food Examiners

RHAN 1

PART 1

1. Gradd gyntaf (gydag anrhydedd) mewn microbioleg (beth bynnag fo teitl y radd).
2. Gradd Meistr yn y Gwyddorau, ar yr amod—
 - (a) y dyfarnwyd y radd yn dilyn arholiad yn hytrach na thraethawd; a
 - (b) bod o leiaf un papur yn y radd yn bapur mewn microbioleg.
3. Cymrodoriaeth Sefydliad y Gwyddorau Biomeddygol, os enillwyd y Gymrodoriaeth honno ar sail pasio'r arholiad diploma arbenigol uwch mewn microbioleg feddygol, a osodir gan y Sefydliad hwnnw.
4. Y radd Meistr mewn Dadansoddi Cemegol a ddyfermir gan y Gymdeithas Gemeg Frenhinol.
5. Cymrodoriaeth neu Aelodaeth o'r Sefydliad Gwyddor a Thechnoleg Bwyd ynghyd ag aelodaeth o'i Grŵp Proffesiynol Microbioleg Bwyd.
6. Ym mharagraffau 1 a 2 o'r Rhan hon, ystyr "gradd" ("*degree*") yw gradd a ddyfarnwyd gan gorff a gydnabyddir at ddibenion adran 214 o Ddeddf Diwygio Addysg 1988 (sy'n ymwneud â chyrrff sydd â phŵer i ddyfarnu graddau yn y Deyrnas Unedig) neu a ddyfarnwyd gan brifysgol mewn Aelod-wladwriaeth arall.

1. A first degree (with honours) in microbiology (irrespective of the title of the degree).
2. A degree of Master of Science, provided that —
 - (a) the degree was awarded following an examination rather than a thesis; and
 - (b) at least one paper in the degree was in microbiology.
3. Fellowship of the Institute of Biomedical Sciences if that Fellowship has been gained after passing the higher specialist diploma examination in medical microbiology set by that Institute.
4. The degree in Mastership in Chemical Analysis awarded by the Royal Society of Chemistry.
5. Fellowship or Membership of the Institute of Food Science and Technology together with membership of its Professional Food Microbiology Group.
6. In paragraphs 1 and 2 of this Part, "degree" means a degree awarded by a body recognised for the purposes of section 214 of the Education Reform Act 1988 (which relates to bodies empowered to award degrees in the United Kingdom) or by a university in another Member State.

RHAN 2

PART 2

1. Labordy Cemegydd y Llywodraeth.
2. Labordy sy'n eiddo i Adran y Llywodraeth neu labordy o dan reolaeth gyfatebol llywodraeth Aelod-wladwriaeth arall.
3. Labordy a benodwyd yn labordy rheoli swyddogol o dan Reoliad 882/2004.
4. Labordy prifysgol yn y Deyrnas Unedig neu mewn Aelod-wladwriaeth arall.
5. Labordy 'corff cyllidawdy' o fewn yr ystyr a roddir i "fundable body" yn Neddf Addysg Bellach ac Uwch (Yr Alban) 2005(1)
6. Labordy Coleg Amaethyddol yr Alban.
7. Labordy sy'n arbenigo mewn microbioleg bwyd ac a achredwyd ar gyfer ISO/IEC 17025.

1. The Laboratory of the Government Chemist.
2. A laboratory owned by a Government Department or a laboratory under the equivalent control of the government of another Member State.
3. A laboratory appointed as an official control laboratory under Regulation 882/2004.
4. A laboratory of a university in the United Kingdom or of another Member State.
5. A laboratory of a fundable body within the meaning of the Further and Higher Education (Scotland) Act 2005(1) .
6. A laboratory of the Scottish Agricultural College.
7. A laboratory specialising in food microbiology and accredited to ISO/IEC 17025.

(1) 2005 dsa 6

(1) 2005 asp 6.

Tystysgrif Dadansoddiad a/neu Archwiliad

Tystysgrif Dadansoddiad a/neu Archwiliad a wnaed o dan Reoliadau Diogelwch Bwyd (Samplu a Chymwysterau) (Cymru) 2013

AT: (enw chyfeiriad y person a gyflwynodd y sampl yn wreiddiol)

.....
.....

Rwyf i, sydd â'm llofnod isod,

.....

dadansoddwr cyhoeddus*/dadansoddwr bwyd*/archwilydd bwyd* ar
gyfer.....

.....

yn ardystio fy mod, am.....o'r gloch (amser) ar.....(dyddiad)

wedi cael y sampl a farciwyd fel a ganlyn:

Dyddiad y cymerwyd y sampl:.....

Rhif cyfeirnod, disgrifiad etc:.....

.....

Pwysau neu fesuriad: (gellir hepgor hyn os nad oedd modd pwyso neu fesur y sampl yn hwylus, neu os nad yw'r pwysau neu'r mesuriad yn berthnasol i'r canlyniad)

.....

gan—

y person a enwir uchod*

NEU

(noder enw a chyfeiriad y dadansoddwr/archwilydd y cyflwynwyd y sampl iddo yn wreiddiol)

.....

.....

Rwyf yn ardystio bod y sampl wedi ei dadansoddi*/harchwilio* gennyf i neu o dan fy nghyfarwyddyd i, a bod y canlyniadau fel a ganlyn:

.....

.....

(os oes angen, parhewch ar ddalen ar wahân, gan lofnodi pob tudalen ychwanegol)

Nodaf fy marn a'm sylwadau fel a ganlyn: (os ystyrir yn briodol gan y dadansoddwr/archwilydd):

.....

.....

(os oes angen, parhewch ar ddalen ar wahân, gan lofnodi pob tudalen ychwanegol)

Rwyf yn ardystio ymhellach nad oedd y sampl wedi dioddef unrhyw newid a fyddai'n effeithio ar fy

nghanlyniadau, fy marn na'm sylwadau. *(Mae'r datganiad hwn yn ofynnol pan fo sampl wedi ei dadansoddi. Dylid ei addasu os yw'r dystysgrif yn ymwneud ag archwilio bwyd)*

Ardystiwyd gennyf i ar y dydd hwn*(noder y dyddiad)* yn..... *(noder y lleoliad)*

Llofnod:..... Statws.....

Enw mewn PRIFLYTHRENNAU

Cyfeiriad swyddogol.....

.....

Rhif teleffon:..... E-bost:.....

*(*dileer fel y bo'n briodol)*

© Hawlfraint y Goron 2013

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

SCHEDULE 3

Regulation 10(2)

Certificate of Analysis and/or Examination

Certificate of Analysis and/or Examination carried out under the Food Safety (Sampling and Qualifications) (Wales) Regulations 2013

TO: (name and address of person who originally submitted the sample)

.....
.....

I, the undersigned

.....
public analyst*/food analyst*/food examiner* for.....

.....
certify that at.....(time) on.....(date)

the sample marked as follows:

Date sample taken:.....

Reference number, description etc:.....
.....

Weight or measure: (may be omitted if the sample could not be conveniently weighed or measured or if the weight or measurement is not material to the result)

.....

was received by me from —

the person named above*

OR

(insert the name and address of the analyst/examiner to whom the sample was first submitted)

.....
.....

I certify that the sample was analysed*/examined* by me or under my direction and the results are as follows:

.....
.....

(if necessary continue on a separate sheet and include signature on each additional page)

My opinion and observations are (if deemed appropriate by analyst/examiner):

.....
.....

(if necessary continue on a separate sheet and include signature on each additional page)

I further certify that the sample had undergone no change that would affect my results, opinion or observations.

(This statement is required if the sample has been analysed. It should be adapted if the certificate relates to food examination)

Certified by me this day*(insert date)* at..... *(insert place)*

Signature:..... Status.....

Name in BLOCK LETTERS

Official address:.....

.....

Telephone No:..... E.mail:.....

*(*delete as appropriate)*

© Crown copyright 2013

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

OFFERYNNAU STATUDOL
CYMRU

2013 Rhif 479 (Cy.55)

BWYD, CYMRU

Rheoliadau Diogelwch Bwyd
(Samplu a Chymwysterau)
(Cymru) 2013

WELSH STATUTORY
INSTRUMENTS

2013 No. 479 (W.55)

FOOD, WALES

The Food Safety (Sampling and
Qualifications) (Wales)
Regulations 2013