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INSTRUMENTS

2015 Rhif 1519 (Cy. 177)

2015 No. 1519 (W. 177)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Gwlad Tarddiad
Cigoedd Penodol (Cymru) 2015**

**The Country of Origin of Certain
Meats (Wales) Regulations 2015**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth i orfodi, yng Nghymru, ddarpariaethau penodol yn Rheoliad Gweithredu'r Comisiwn (EU) Rhif 1337/2013 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor o ran dangosiad gwlad tarddiad neu darddle cig ffres, cig sydd wedi ei oeri a chig sydd wedi ei rewi o deulu'r mochyn, o ddefaid, o eifr ac o ddodfenod (OJ Rhif L 335, 14.12.13, t 19) ("Rheoliad y Comisiwn").

Mae rheoliad 3 yn nodi mai pob awdurdod bwyd yn ei ardal yw'r awdurdod cymwys at ddibenion Erthygl 5(1) a (2) o Rheoliad y Comisiwn. Mae rheoliad 4 yn gwneud awdurdodau bwyd ac awdurdodau iechyd porthladdoedd yn gyfrifol am orfodi'r Rheoliadau.

Mae rheoliad 5 yn ei gwneud yn ofynnol i weithredwyr busnesau bwyd gadw cofnodion am 12 mis o ddiwedd y flwyddyn galendr y mae pob cofnod yn ymwneud â hi.

Mae rheoliad 6 a'r Atodlen yn cymhwyso rhai darpariaethau yn Neddff Diogelwch Bwyd 1990 (1990 p. 16) gydag addasiadau. Mae hyn yn cynnwys cymhwyso (gydag addasiadau) adran 10(1), sy'n galluogi i hysbysiad gwella gael ei gyflwyno sy'n ei gwneud yn ofynnol i gydymffurfio â darpariaethau penodedig Rheoliad y Comisiwn neu â rheoliad 5. Mae'r darpariaethau, fel y'u cymhwysir, yn ei gwneud yn drosedd i beidio â chydymffurfio â hysbysiad gwella.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to enforce, in Wales, certain provisions of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry (OJ No L 335, 14.12.13, p 19) ("the Commission Regulation").

Regulation 3 sets out that each food authority in its area is the competent authority for the purposes of Article 5(1) and (2) of the Commission Regulation. Regulation 4 makes food authorities and port health authorities responsible for enforcement of the Regulations.

Regulation 5 requires food business operators to keep records for 12 months from the end of the calendar year to which each record relates.

Regulation 6 and the Schedule apply certain provisions of the Food Safety Act 1990 (1990 c. 16) with modifications. This includes the application (with modifications) of section 10(1), enabling an improvement notice to be served requiring compliance with specified provisions of the Commission Regulation or with regulation 5. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Asiantaeth Safonau Bwyd yn Asiantaeth Safonau Bwyd Cymru, 11^{eg} Llawr, Tŷ Southgate, Stryd Wood, Caerdydd, CF10 1EW neu ar wefan yr Asiantaeth yn www.food.gov.uk/wales.

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 impact assessment has been prepared as to the 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 or from the Agency's website at www.food.gov.uk/wales.

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BWYD, CYMRU

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**Rheoliadau Gwlad Tarddiad
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**The Country of Origin of Certain
Meats (Wales) Regulations 2015**

Gwnaed 13 Gorffennaf 2015

Made 13 July 2015

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 16 Gorffennaf 2015

*Laid before the National Assembly for
Wales* 16 July 2015

Yn dod i rym 10 Awst 2015

Coming into force 10 August 2015

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 6(4)(1), 16(1)(2), 17(1)(3), 26(1), (2) a (3)(4), 31(1) a 48(1)(5) o Ddeddf Diogelwch Bwyd 1990(6), a chan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 a pharagraff 1A o Atodlen 2 iddi(7).

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4)(1), 16(1)(2), 17(1)(3), 26(1), (2) and (3)(4), 31(1) and 48(1)(5) of the Food Safety Act 1990(6), and by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(7).

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- (1) Diwygiwyd adran 6(4) gan adran 31 o Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40) a pharagraff 6 o Atodlen 9 iddi, adran 40(1) o Ddeddf Safonau Bwyd 1999 (p.28) ("Deddf 1999") a pharagraff 10(1) a (3) o Atodlen 5 ac Atodlen 6 iddi ac O.S. 2002/794.
 - (2) Diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf 1999 a pharagraffau 7 ac 8 o Atodlen 5 iddi.
 - (3) Diwygiwyd adran 17(1) gan adran 40(1) o Ddeddf 1999, a pharagraffau 8 a 12(a) o Atodlen 5 iddi, ac O.S. 2011/1043.
 - (4) Diddymwyd adran 26(3) yn rhannol gan adran 40(4) o Ddeddf 1999 ac Atodlen 6 iddi.
 - (5) Diwygiwyd adrannau 31(1) a 48(1) gan adran 40(1) o Ddeddf 1999 a pharagraff 8 o Atodlen 5 iddi.
 - (6) 1990 p. 16. 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 gydag adran 40(3) o Ddeddf 1999, ac fe'u trosglwyddwyd wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
 - (7) 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). Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006, ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 ac O.S. 2007/1388.

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- (1) Section 6(4) was amended by section 31 of, and paragraph 6 of Schedule 9 to, the Deregulation and Contracting Out Act 1994 (c. 40), section 40(1) of, and paragraph 10(1) and (3) of Schedule 5 and Schedule 6 to, the Food Standards Act 1999 (c. 28) ("the 1999 Act") and S.I. 2002/794.
 - (2) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act.
 - (3) Section 17(1) was amended by section 40(1) of, and paragraphs 8 and 12(a) of Schedule 5 to, the 1999 Act, and S.I. 2011/1043.
 - (4) Section 26(3) was partially repealed by section 40(4) of, and Schedule 6 to, the 1999 Act.
 - (5) Sections 31(1) and 48(1) were amended by section 40(1) of, and paragraph 8 of Schedule 5 to, the 1999 Act.
 - (6) 1990 c. 16. 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 section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
 - (7) 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). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006, and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 and S.I. 2007/1388.

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diodydd) gan gynnwys cynhyrchu sylfaenol o ran bwyd(1) ac mewn perthynas â'r polisi amaethyddol cyffredin(2).

Mae'r Rheoliadau a ganlyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i unrhyw gyfeiriad at Reoliad Gweithredu'r Comisiwn (EU) Rhif 1337/2013 sy'n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor o ran dangosiad gwlad tarddiad neu darddle cig ffres, cig sydd wedi ei oeri a chig sydd wedi ei rewi o deulu'r mochyn, o ddefaid, o eifr ac o ddodfenod(3) gael ei ddehongli fel cyfeiriad at y Rheoliad hwnnw fel y'i diwygir o bryd i'w gilydd.

I'r graddau y mae'r Rheoliadau a ganlyn wedi eu gwneud drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A) o'r Ddeddf honno(4).

Cafwyd ymgynghoriad fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(5), wrth lunio a gwerthuso'r Rheoliadau a ganlyn.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwlad Tarddiad Cigoedd Penodol (Cymru) 2015.

(2) Daw'r Rheoliadau hyn i rym ar 10 Awst 2015 ac maent yn gymwys o ran Cymru.

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food(1) and in relation to the common agricultural policy(2).

The following 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 any reference to Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry(3) to be construed as a reference to that Regulation as amended from time to time.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(4).

There has been consultation, 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(5), during the preparation and evaluation of the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Country of Origin of Certain Meats (Wales) Regulations 2015.

(2) These Regulations come into force on 10 August 2015 and apply in relation to Wales.

(1) O.S. 2005/1971. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru drwy'r dynodiad hwn wedi eu trosglwyddo i Weinidogion Cymru.

(2) O.S. 2010/2690.

(3) OJ Rhif L 335, 14.12.13, t 19.

(4) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf 1999 a pharagraff 21 o Atodlen 5 iddi.

(5) OJ Rhif L 31, 1.2.02, t 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor (OJ Rhif L 189, 27.6.14, t 1).

(1) S.I. 2005/1971. By virtue of section 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers.

(2) S.I. 2010/2690.

(3) OJ No L 335, 14.12.13, p 19.

(4) Section 48(4A) was inserted by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act.

(5) OJ No L 31, 1.2.02, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.14, p 1).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “awdurdod bwyd” (“*food authority*”) yw cyngor sir neu gyngor bwrdeistref sirol;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diogelwch Bwyd 1990;

mae i “gweithredydd y busnes bwyd” yr ystyr a roddir i “food business operator” ym mhwynt 3 o Erthygl 3 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a’r Cyngor;

ystyr “Rheoliad y Comisiwn” (“*Commission Regulation*”) yw Rheoliad Gweithredu’r Comisiwn (EU) Rhif 1337/2013 sy’n gosod rheolau ar gyfer cymhwyso Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a’r Cyngor o ran dangosiad gwlad tarddiad neu darddle cig ffres, cig sydd wedi ei oeri a chig sydd wedi ei rewi o deulu’r mochyn, o ddefaid, o eifr ac o ddodfenod;

ystyr “swyddog awdurdodedig” (“*authorised officer*”) yw person sydd wedi ei awdurdodi gan awdurdod gorfodi (o fewn ystyr y Ddeddf) at ddibenion y Rheoliadau hyn.

(2) Ac eithrio fel y darperir fel arall, mae unrhyw gyfeiriad yn y Rheoliadau hyn at Erthygl yn gyfeiriad at un o Erthyglau Rheoliad y Comisiwn.

(3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at un o Erthyglau Rheoliad y Comisiwn yn gyfeiriad at yr Erthygl honno fel y’i diwygir o bryd i’w gilydd.

Yr awdurdod cymwys

3. Pob awdurdod bwyd yn ei ardal yw’r awdurdod cymwys at ddibenion—

(a) trydydd is-baragraff Erthygl 5(1) (labelu cig pan nas cwblhawyd y cyfnod magu penodedig mewn unrhyw aelod-wladwriaeth neu drydedd wlad); a

(b) Erthygl 5(2) (labelu cig pan fo’r “tarddiad” wedi ei d dangos ar y label).

Awdurdodau gorfodi

4.—(1) Caiff y Rheoliadau hyn eu gorfodi gan bob awdurdod bwyd o fewn ei ardal a chan bob awdurdod iechyd porthladd o fewn ei ddsbarth.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“authorised officer” (“*swyddog awdurdodedig*”) means a person authorised by an enforcement authority (within the meaning of the Act) for the purposes of these Regulations;

“Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry;

“food authority” (“*awdurdod bwyd*”) means a county council or a county borough council;

“food business operator” (“*gweithredydd y busnes bwyd*”) has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

(2) Except as otherwise provided, any reference in these Regulations to an Article is a reference to an Article of the Commission Regulation.

(3) Any reference in these Regulations to an Article of the Commission Regulation is a reference to that Article as amended from time to time.

Competent authority

3. Each food authority in its area is the competent authority for the purposes of—

(a) the third sub-paragraph of Article 5(1) (labelling of meat where specified rearing period not attained in any member State or third country); and

(b) Article 5(2) (labelling of meat where “origin” indicated on the label).

Enforcement authorities

4.—(1) These Regulations are enforced by each food authority within its area and by each port health authority within its district.

(2) Yn y rheoliad hwn ystyr “awdurdod iechyd porthladd” (“*port health authority*”) mewn perthynas ag unrhyw ddosbarth iechyd porthladd a sefydlwyd 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 sefydlwyd drwy orchymyn o dan adran 2(4) o'r Ddeddf honno.

Cofnodion

5.—(1) Rhaid i weithredydd busnes bwyd gadw cofnod o'r wybodaeth o dan y system adnabod a chofrestru sy'n ofynnol gan Erthygl 3 (olrhain).

(2) Rhaid i weithredwr busnes bwyd gadw pob cofnod am gyfnod o 12 mis o ddiwedd y flwyddyn galendr y mae'r cofnod yn ymwneud â hi.

Cymhwyso darpariaethau'r Ddeddf

6.—(1) Mae adran 10(1) a (2) o'r Ddeddf (hysbysiadau gwella) yn gymwys gyda'r addasiad (yn achos adran 10(1)) a bennir yn Rhan 1 o'r Atodlen i'r Rheoliadau hyn at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy'n ei gwneud yn ofynnol i'r person gydymffurfio—
 - (i) ag unrhyw un neu ragor o Erthyglau 3 i 6 ac 8; neu
 - (ii) â rheoliad 5; a
- (b) ei gwneud yn drosedd i fethu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a).

(2) Mae adran 32 o'r Ddeddf (pwerau mynediad)(2) yn gymwys, gyda'r addasiadau a bennir yn Rhan 2 o'r Atodlen i'r Rheoliadau hyn, at ddibenion galluogi swyddog awdurdodedig—

- (a) i arfer pŵer mynediad i ddarganfod a oes neu a oedd unrhyw un neu ragor o Erthyglau 3 i 6 ac 8 wedi eu torri;
- (b) i arfer pŵer mynediad er mwyn darganfod a oes unrhyw dystiolaeth bod darpariaeth o'r fath wedi ei thorri; ac
- (c) wrth arfer pŵer mynediad o dan ddarpariaethau adran 32 fel y'i cymhwysir gan y paragraff hwn, i arfer y pwerau yn is-adrannau (5) a (6) ynglŷn â chofnodion.

(2) In this regulation “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 Diseases) Act 1984(1), the port health authority for that district constituted by order under section 2(4) of that Act.

Records

5.—(1) A food business operator must keep a record of information under the identification and registration system required by Article 3 (traceability).

(2) A food business operator must retain each record for a period of 12 months from the end of the calendar year to which the record relates.

Application of provisions of the Act

6.—(1) Section 10(1) and (2) of the Act (improvement notices) applies with the modification (in the case of section 10(1)) specified in Part 1 of the Schedule to these Regulations for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to comply with—
 - (i) any of Articles 3 to 6 and 8; or
 - (ii) regulation 5; and
- (b) making the failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) Section 32 of the Act (powers of entry)(2) applies, with the modifications specified in Part 2 of the Schedule to these Regulations, for the purposes of enabling an authorised officer—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of any of Articles 3 to 6 and 8;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(1) 1984 p. 22.

(2) Diwygiwyd adran 32(5) a (6) gan adran 70 o Ddeddf Cyfiawnder Troseddol a'r Heddlu 2001 (p. 16) a pharagraff 18 o Atodlen 2 iddi.

(1) 1984 c. 22.

(2) Section 32(5) and (6) were amended by section 70 of, and paragraph 18 of Schedule 2 to, the Criminal Justice and Police Act 2001 (c. 16).

(3) Mae adran 37(1) a (6) o'r Ddeddf (apelau) yn gymwys, gyda'r addasiadau a bennir yn Rhan 3 o'r Atodlen i'r Rheoliadau hyn at ddiben galluogi apêl yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(4) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys gyda'r addasiadau a bennir yn Rhan 4 o'r Atodlen i'r Rheoliadau hyn at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae darpariaethau'r Ddeddf a bennir yng ngholofn gyntaf y tabl yn Rhan 5 o'r Atodlen i'r Rheoliadau hyn yn gymwys gyda'r addasiadau a bennir yn yr ail golofn o'r tabl hwnnw at ddibenion y Rheoliadau hyn.

(3) Section 37(1) and (6) of the Act (appeals) applies with the modifications specified in Part 3 of the Schedule to these Regulations for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) Section 39 of the Act (appeals against improvement notices) applies with the modifications specified in Part 4 of the Schedule to these Regulations for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).

(5) The provisions of the Act specified in the first column of the table in Part 5 of the Schedule to these Regulations apply with the modifications specified in the second column of that table for the purposes of these Regulations.

Vaughan Gething

Y Dirprwy Weinidog Iechyd, un o Weinidogion
Cymru

13 Gorffennaf 2015

Deputy Minister for Health, one of the Welsh
Ministers

13 July 2015

Addasu darpariaethau'r Ddeddf

RHAN 1

Addasu adran 10(1)

1. Yn lle adran 10(1) (hysbysiadau gwella) rhodder—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any of Articles 3 to 6 and 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry, or regulation 5 of the Country of Origin of Certain Meats (Wales) Regulations 2015, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.”.

RHAN 2

Addasu adran 32(1)

2. Yn adran 32(1) (pwerau mynediad)—

Modification of provisions of the Act

PART 1

Modification of section 10(1)

1. For section 10(1) (improvement notices) substitute—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with any of Articles 3 to 6 and 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry, or regulation 5 of the Country of Origin of Certain Meats (Wales) Regulations 2015, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.”.

PART 2

Modification of section 32(1)

2. In section 32(1) (powers of entry)—

- (a) ym mharagraff (a), yn lle “this Act, or of regulations or orders made under it” rhodder “any of Articles 3 to 6 or 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry”; a
- (b) hepgorer paragraff (c).

RHAN 3

Addasu adran 37(1) a (6)

3.—(1) Yn lle adran 37(1) (apelau), rhodder—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015, may appeal to a magistrates’ court.”.

(2) Yn adran 37(6) —

- (a) yn lle “(3) or (4)” rhodder “(1)”; a
- (b) hepgorer “or to the sheriff”.

RHAN 4

Addasu adran 39(1) a (3)

4.—(1) Yn lle adran 39(1) (apelau yn erbyn hysbysiadau gwella) rhodder—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”.

(2) Yn adran 39(3), hepgorer “for want of prosecution”.

- (a) in paragraph (a), for “this Act, or of regulations or orders made under it” substitute “any of Articles 3 to 6 or 8 of Commission Implementing Regulation (EU) No 1337/2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry”; and
- (b) omit paragraph (c).

PART 3

Modification of section 37(1) and (6)

3.—(1) For section 37(1) (appeals) substitute—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015, may appeal to a magistrates’ court.”.

(2) In section 37(6)—

- (a) for “(3) or (4)” substitute “(1)”; and
- (b) omit “or to the sheriff”.

PART 4

Modification of section 39(1) and (3)

4.—(1) For section 39(1) (appeals against improvement notices) substitute—

“(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 6(1) of, and Part 1 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015, the magistrates’ court may either cancel or affirm the notice and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.”.

(2) In section 39(3), omit “for want of prosecution”.

RHAN 5

Addasu darpariaethau eraill y Ddeddf

<i>Y ddarpariaeth yn y Ddeddf</i>	<i>Yr addasiadau</i>
Adran 2(1) (ystyr estynedig “sale” etc.)	Yn is-adran (1), yn lle “this Act” rhodder “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
	Yn is-adran (2), yn lle “This Act” rhodder “The Country of Origin of Certain Meats (Wales) Regulations 2015”.
Adran 3 (rhagdybiaethau bod bwyd wedi ei fwrïadu i’w fwyta gan bobl)	Yn is-adran (1), yn lle “this Act” rhodder “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Adran 20 (troseddau oherwydd bai person arall)	Yn lle “any of the preceding provisions of this Part” rhodder “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Adran 21(2) (amddiffyniad o ddiwydrwydd dyladwy)	Yn is-adran (1), yn lle “any of the preceding provisions of this Part” rhodder “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”. Hepgorer is-adrannau (2) i (6).

PART 5

Modification of other provisions of the Act

<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(1) (extended meaning of “sale” etc.)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (Wales) Regulations 2015”. In subsection (2), for “This Act” substitute “The Country of Origin of Certain Meats (Wales) Regulations 2015”.
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Section 21(2) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”. Omit subsections (2) to (6).

(1) Diwygiwyd adran 2(1) gan adran 40(1) o Ddeddf 1999, a pharagraff 8 o Atodlen 5 iddi.

(2) Diwygiwyd adran 21(2) gan O.S. 2004/3279.

(1) Section 2(1) was amended by section 40(1) of, and paragraph 8 of Schedule 5 to, the 1999 Act.

(2) Section 21(2) was amended by S.I. 2004/3279.

*Y ddarpariaeth yn y Yr addasiadau
Ddeddf*

Adran 29 (caffael samplau)	Ym mharagraff (b)(ii), ar ôl “under section 32 below”, mewnosoder “including under section 32 as applied and modified by regulation 6(2) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Adran 30(8) (tystiolaeth tystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd)	Yn lle “this Act” rhodder “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Adran 33 (rhwystro etc. swyddogion)	Yn is-adran (1), yn lle “this Act” (ym mhob man lle y mae’n digwydd) rhodder “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Adran 35(1)(1) a 2 (cosbi troseddau)	Yn is-adran (1), ar ôl “section 33(1) above”, mewnosoder “, as applied and modified by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015,”. Ar ôl paragraff (1), mewnosoder— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015, shall be liable, on summary conviction, to a fine.”.

Provision of the Act *Modifications*

Section 29 (procurement of samples)	In paragraph (b)(ii), after “under section 32 below”, insert “including under section 32 as applied and modified by regulation 6(2) of, and Part 2 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Section 30(8) (evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (Wales) Regulations 2015”.
Section 35(1)(1) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015,”. After subsection (1), insert— “(1A) A person guilty of an offence under section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015, shall be liable, on summary conviction, to a fine.”.

(1) Diwygir adran 35(1) gan adran 280(2) o Ddeddf Cyfiawnder Troseddol 2003 (p.44) a pharagraff 42 o Atodlen 26 iddi, o ddyddiad sydd i’w bennu.

(1) Section 35(1) is amended by section 280(2) of, and paragraph 42 of Schedule 26 to, the Criminal Justice Act 2003 (c. 44), from a date to be appointed.

<i>Y ddarpariaeth yn y Ddeddf</i>	<i>Yr addasiadau</i>
	Yn is-adran (2), yn lle “any other offence under this Act” rhodder “an offence under section 33(2), as applied by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Adran 36 (troseddau corff corfforaethol)	Yn is-adran (1), yn lle “this Act” rhodder “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Adran 36A(1) (troseddau partneriaethau Albanaidd)	Yn lle “this Act” rhodder “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Adran 44 (amddiffyn swyddogion sy’n gweithredu’n ddidwyll)	Yn lle “this Act” (ym mhob man lle y mae’n digwydd) rhodder “the Country of Origin of Certain Meats (Wales) Regulations 2015”.

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<i>Provision of the Act</i>	<i>Modifications</i>
	In subsection (2), for “any other offence under this Act” substitute “an offence under section 33(2), as applied by regulation 6(5) of, and Part 5 of the Schedule to, the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Section 36 (offences by body corporate)	In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Section 36A(1) (offences by Scottish partnerships)	For “this Act” substitute “section 10(2), as applied by regulation 6(1) of the Country of Origin of Certain Meats (Wales) Regulations 2015,”.
Section 44 (protection of officers acting in good faith)	For “this Act” (in each place where it occurs) substitute “the Country of Origin of Certain Meats (Wales) Regulations 2015”.

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(1) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf 1999 a pharagraff 16 o Atodlen 5 iddi.

(1) Section 36A was inserted by section 40(1) of, and paragraph 16 of Schedule 5 to, the 1999 Act.

