



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 639 (Cy. 175)

2016 No. 639 (W. 175)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd ar gyfer Grwpiau
Penodol (Gofynion o ran
Gwybodaeth a Chyfansoddiad)
(Cymru) 2016

The Food for Specific Groups
(Information and Compositional
Requirements) (Wales) Regulations
2016

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 gwneud darpariaeth i orfodi, yng Nghymru, ddarpariaethau penodol yn Rheoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch bwyd a fwriedir ar gyfer babanod a phlant ifanc, bwyd at ddibenion meddygol arbennig, ac amnewid deiet yn llwyr er mwyn rheoli pwysau ac sy'n diddymu Cyfarwyddeb y Cyngor 92/52/EEC, Cyfarwyddebau'r Comisiwn 96/8/EC, 1999/21/EC, 2006/125/EC a 2006/141/EC, Cyfarwyddeb 2009/39/EC Senedd Ewrop a'r Cyngor a Rheoliadau'r Comisiwn (EC) Rhif 41/2009 ac (EC) Rhif 953/2009 (OJ Rhif L 181, 29.6.2013, t. 35) ("Rheoliad (EU) 609/2013").

These Regulations make provision to enforce, in Wales, certain provisions of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ No L 181, 29.6.2013, p. 35) ("Regulation (EU) 609/2013").

Mae Rheoliad (EU) 609/2013 yn diddymu ac yn disodli cyfundrefn sy'n rheoleiddio (yn bennaf, ond heb fod yn gyfyngedig i) gofynion cyfansoddiadol a labelu y mae rhaid i grwpiau penodol o fwyd eu bodloni cyn y caiff bwyd o'r fath gael ei farchnata mewn Aelod-wladwriaethau. Mae'r Rheoliadau hyn yn darparu ar gyfer gorfodi darpariaethau penodol yn Rheoliad (EU) Rhif 609/2013 ac yn darparu ar gyfer cyfundrefn gorfodi hysbysiaidau gwella ochr yn ochr â sancsiynau troseddol domestig presennol yn Rheoliadau Bwydydd y Bwriedir eu Defnyddio mewn Deietau Egni Cyfyngedig at Golli Pwysau 1997, Rheoliadau Bwyd Meddygol (Cymru) 2000, Rheoliadau Bwydydd Proses sydd wedi'u Seilio ar Rawn a Bwydydd Babanod ar gyfer Babanod a Phlant Ifanc (Cymru) 2004, Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007 a Rheoliadau Bwyd at Ddefnydd Maethol Neilltuol (Ychwanegu Sylweddau at Ddibenion Maethol Penodol) (Cymru) 2009.

Regulation (EU) 609/2013 repeals and replaces a regime regulating (mostly, but not exclusively) compositional and labelling requirements which must be met by certain groups of food before such food may be marketed in Member States. These Regulations provide for the enforcement of certain provisions of Regulation (EU) No 609/2013 and provide for an improvement notice enforcement regime alongside existing domestic criminal sanctions in the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, the Medical Food (Wales) Regulations 2000, the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, the Infant Formula and Follow-on Formula (Wales) Regulations 2007, and the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009.

Mae rheoliad 4 ac Atodlen 2 yn cymhwyso, gydag addasiadau, ddarpariaethau penodol yn Neddf Diogelwch Bwyd 1990 (“y Ddeddf”). Mae hyn yn cynnwys cymhwyso (gydag addasiadau) adran 10(1) o’r Ddeddf, sy’n galluogi i hysbysiad gwella gael ei gyflwyno sy’n gwneud cydymffurfedd â gofyniad UE penodedig yn Rheoliad (EU) Rhif 609/2013 yn ofynnol. Mae’r gofynion penodedig wedi eu rhestru yn Atodlen 1. Mae’r darpariaethau, fel y maent yn cael eu cymhwyso a’u haddasu, yn gwneud methu â chydymffurfio â hysbysiad gwella yn drosedd.

Mae Atodlen 3 yn diwygio offerynnau statudol sy’n gymwys i’r maes rheoleiddio hwn i alluogi i hysbysiad gwella gael ei gyflwyno sy’n gwneud cydymffurfedd â rheoliadau perthnasol yn ofynnol. Mae’r darpariaethau, fel y maent yn cael eu cymhwyso a’u haddasu yn yr offerynnau statudol, yn gwneud methu â chydymffurfio â hysbysiad gwella yn drosedd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â’r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o’r costau a’r manteision sy’n debygol o ddeillio o gydymffurfio â’r Rheoliadau hyn.

Regulation 4 and Schedule 2 apply, with modifications, certain provisions of the Food Safety Act 1990 (“the Act”). This includes the application (with modifications) of section 10(1) of the Act, enabling an improvement notice to be served requiring compliance with a specified EU requirement of Regulation (EU) No 609/2013. The specified requirements are listed in Schedule 1. The provisions, as applied and modified, make the failure to comply with an improvement notice a criminal offence.

Schedule 3 amends statutory instruments applying to this area of regulation to enable an improvement notice to be served requiring compliance with relevant regulations. The provisions, as applied and modified in the statutory instruments, make the failure to comply with an improvement notice a criminal offence.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

2016 Rhif 639 (Cy. 175)

2016 No. 639 (W. 175)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Bwyd ar gyfer Grwpiau
Penodol (Gofynion o ran
Gwybodaeth a Chyfansoddiad)
(Cymru) 2016**

**The Food for Specific Groups
(Information and Compositional
Requirements) (Wales) Regulations
2016**

Gwnaed 12 Gorffennaf 2016
Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru 12 Gorffennaf 2016
Yn dod i rym 2 Awst 2016

Made 12 July 2016
Laid before the National Assembly
for Wales 12 July 2016
Coming into force 2 August 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir iddynt gan adrannau 6(4), 16(1), 17(1) a (2), 26(1) a (3) ac 48(1) o Ddeddf Diogelwch Bwyd 1990(1) a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2).

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

Mae'r Rheoliadau hyn 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 gyfeiriadau at ddarpariaethau penodedig yn Rheoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch bwyd a fwriedir ar gyfer babanod a phlant

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 any references to specified provisions of Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for

(1) 1990 p. 16. Diwygiwyd adran 16(1) gan baragraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999 (p. 28) ("Deddf 1999"). Diwygiwyd adran 17(2) gan baragraffau 8 a 12 o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 48(1) gan baragraff 8 o Atodlen 5 i Ddeddf 1999. Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau yr oeddent 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, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2009 (p. 7), O.S. 2007/1388 ac O.S. 2014/2303 (Cy. 227).

(1) 1990 c. 16. Section 16(1) was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) ("the 1999 Act"). Section 17(2) was amended by paragraphs 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 48(1) was amended by paragraph 8 of Schedule 5 to the 1999 Act. 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 (c. 32).

(2) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2009 (c. 7), S.I. 2007/1388 and S.I. 2014/2303 (W. 227).

ifanc, bwyd at ddibenion meddygol arbennig, ac amnewid deiet yn llwyr er mwyn rheoli pwysau ac sy'n diddymu Cyfarwyddeb y Cyngor 92/52/EEC, Cyfarwyddebau'r Comisiwn 96/8/EC, 1999/21/EC, 2006/125/EC a 2006/141/EC, Cyfarwyddeb 2009/39/EC Senedd Ewrop a'r Cyngor a Rheoliadau'r Comisiwn (EC) Rhif 41/2009 ac (EC) Rhif 953/2009(1) gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

I'r graddau y mae'r Rheoliadau hyn 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)(2) o'r Ddeddf honno.

Cynhaliwyd 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(3), wrth lunio a gwerthuso'r Rheoliadau a ganlyn.

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Daw'r Rheoliadau hyn i rym ar 2 Awst 2016.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

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

ystyr “gofyniad UE penodedig” (“*specified EU requirement*”) yw darpariaeth yn Rheoliad yr UE a bennir yng nghlofn 1 o Atodlen 1, fel y'i darllenir gyda'r darpariaethau yng nghlofn 2;

ystyr “Rheoliad yr UE” (“*the EU Regulation*”) yw Rheoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch bwyd a fwriedir ar gyfer babanod a phlant ifanc, bwyd at ddibenion meddygol arbennig, ac amnewid deiet yn llwyr er mwyn rheoli pwysau ac sy'n diddymu

special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009(1) to be construed as references to those provisions as amended from time to time.

So far as these 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)(2) of that Act.

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(3), during the preparation and evaluation of the following Regulations.

Title, application and commencement

1.—(1) The title of these Regulations is the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 2 August 2016.

Interpretation

2.—(1) In these Regulations—

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

“the EU Regulation” (“*Rheoliad yr UE*”) means Regulation (EU) No 609/2013 of the European Parliament and of the Council on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament

(1) OJ Rhif L 181, 29.6.2013, t. 35.

(2) Mewnosodwyd adran 48(4A) gan baragraff 21 o Atodlen 5 i Ddeddf 1999.

(3) OJ Rhif L 31, 1.2.2002, t. 1, a ddiwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor (OJ Rhif L 189, 27.6.2014, t. 1).

(1) OJ No L 181, 29.6.2013, p. 35.

(2) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(3) OJ No L 31, 1.2.2002, p. 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No. L 189, 27.6.2014, p. 1).

Cyfarwyddeb y Cyngor 92/52/EEC, Cyfarwyddebau'r Comisiwn 96/8/EC, 1999/21/EC, 2006/125/EC a 2006/141/EC, Cyfarwyddeb 2009/39/EC Senedd Ewrop a'r Cyngor a Rheoliadau'r Comisiwn (EC) Rhif 41/2009 ac (EC) Rhif 953/2009.

(2) Pan fo unrhyw swyddogaethau o dan y Ddeddf wedi eu neilltuo i awdurdod iechyd porthladd drwy orchymyn o dan adran 2 o Ddeddf Iechyd y Cyhoedd (Rheoli Clefydau) 1984(1), dehonglir unrhyw gyfeiriad yn y Rheoliadau hyn at awdurdod bwyd, i'r graddau y mae'n ymwneud â'r swyddogaethau hynny, fel cyfeiriad at yr awdurdod iechyd porthladd y maent wedi eu neilltuo iddo.

(3) Mae unrhyw gyfeiriad at Erthygl neu Atodiad yn y Rheoliadau hyn yn gyfeiriad at Erthygl yn Rheoliad yr UE, neu Atodiad iddo.

(4) Mae unrhyw gyfeiriad at ddarpariaeth yn Rheoliad yr UE sydd wedi ei chynnwys yn y tabl yn Atodlen 1, ac eithrio cyfeiriad at Erthygl 1(1), yn gyfeiriad at y ddarpariaeth honno fel y'i diwygir o bryd i'w gilydd.

Gorfodi

3. Rhaid i bob awdurdod bwyd weithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal.

Cymhwyso darpariaethau'r Ddeddf

4.—(1) Mae adran 10 o'r Ddeddf (hysbysiadau gwella) yn gymwys mewn perthynas â gorfodi gofyniad UE penodedig at ddibenion y Rheoliadau hyn, gyda'r addasiadau a bennir yn Rhan 1 o Atodlen 2.

(2) Mae adran 32 o'r Ddeddf (pwerau mynediad) yn gymwys mewn perthynas â gorfodi gofyniad UE penodedig at ddibenion y Rheoliadau hyn, gyda'r addasiadau a bennir yn Rhan 2 o Atodlen 2.

(3) Mae adran 35 o'r Ddeddf (cosbi troseddau) yn gymwys mewn perthynas â gorfodi gofyniad UE penodedig at ddibenion y Rheoliadau hyn, gyda'r addasiad a bennir yn Rhan 3 o Atodlen 2.

(4) Mae adran 37(1), (3), (5) a (6) o'r Ddeddf (apelau) yn gymwys i hysbysiad gwella a gyflwynir mewn perthynas â gofyniad UE penodedig, gyda'r addasiadau (yn achos adran 37(1), (5) a (6)) a bennir yn Rhan 4 o Atodlen 2.

(5) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys i hysbysiad gwella a gyflwynir mewn perthynas â gofyniad UE penodedig, gyda'r addasiad a bennir yn Rhan 5 o Atodlen 2.

and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009;

“specified EU requirement” (“*gofyniad UE penodedig*”) means a provision of the EU Regulation specified in column 1 of Schedule 1, as read with the provisions in column 2.

(2) Where any functions under the Act are assigned to a port health authority by an order under section 2 of the Public Health (Control of Disease) Act 1984(1), any reference in these Regulations to a food authority is to be construed, so far as relating to those functions, as a reference to the port health authority to which they are assigned.

(3) Any reference to an Article or Annex in these Regulations is a reference to an Article of, or an Annex to, the EU Regulation.

(4) Any reference to a provision of the EU Regulation contained in the table in Schedule 1, except a reference to Article 1(1), is a reference to that provision as amended from time to time.

Enforcement

3. Each food authority must execute and enforce these Regulations within its area.

Application of provisions of the Act

4.—(1) Section 10 of the Act (improvement notices) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modifications specified in Part 1 of Schedule 2.

(2) Section 32 of the Act (powers of entry) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modifications specified in Part 2 of Schedule 2.

(3) Section 35 of the Act (punishment of offences) applies in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, with the modification specified in Part 3 of Schedule 2.

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies to an improvement notice served in relation to a specified EU requirement, with the modifications (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 2.

(5) Section 39 of the Act (appeals against improvement notices) applies to an improvement notice served in relation to a specified EU requirement, with the modification specified in Part 5 of Schedule 2.

(1) 1984 p. 22.

(1) 1984 c. 22.

(6) Mae darpariaethau'r Ddeddf a bennir ym mharagraff (7) yn gymwys mewn perthynas â gorfodi gofyniad UE penodedig at ddibenion y Rheoliadau hyn, i'r graddau y maent yn ymwneud â darpariaethau'r Ddeddf a bennir ym mharagraffau (1) i (5) ac sydd wedi eu haddasu ganddynt.

(7) Y darpariaethau o'r Ddeddf a bennir at ddibenion y paragraff hwn yw—

- (a) adran 3 (rhagdybiaethau bod bwyd wedi ei fwriadu i'w fwyta gan bobl);
- (b) adran 20 (troseddau oherwydd bai person arall);
- (c) adran 21 (amddiffyniad diwydrwydd dyladwy);
- (d) adran 22 (amddiffyniad cyhoeddi yng nghwrs busnes);
- (e) adran 29 (caffael samplau);
- (f) adran 30(8) (sy'n ymwneud â thystiolaeth o dystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd);
- (g) adran 33 (rhwystro etc. swyddogion);
- (h) adran 36 (troseddau gan gyrff corfforaethol);
- (i) adran 36A (troseddau gan bartneriaethau Albanaidd);
- (j) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyl);

ac mae unrhyw gyfeiriad yn y darpariaethau hynny at adran o'r Ddeddf, gan gynnwys cyfeiriad at "any of the preceding provisions of this Part", i gael ei ddarllen fel cyfeiriad at yr adrannau hynny o'r Ddeddf sy'n gymwys yn rhinwedd y Rheoliadau hyn, a chyda'r addasiadau a wneir ganddynt.

Dirymu

5. Mae'r Rheoliadau a ganlyn wedi eu dirymu—

- (a) Rheoliadau Hysbysiadau o Farchnata Bwyd at Ddefnydd Maethol Neilltuol (Cymru) 2007(1);
- (b) rheoliadau 26 a 27 o Reoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007(2);
- (c) Rheoliadau Bwyd at Ddefnydd Maethol Neilltuol (Diwygiadau Amrywiol) (Cymru) 2010(3);

(6) The provisions of the Act specified in paragraph (7) apply in relation to the enforcement of a specified EU requirement for the purposes of these Regulations, insofar as they relate to the provisions of the Act specified in and modified by paragraphs (1) to (5).

(7) The provisions of the Act specified for the purposes of this paragraph are—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence);
- (d) section 22 (defence of publication in the course of business);
- (e) section 29 (procurement of samples);
- (f) section 30(8) (which relates to evidence of certificates given by a food analyst or examiner);
- (g) section 33 (obstruction etc. of officers);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships);
- (j) section 44 (protection of officers acting in good faith);

and any reference in those provisions to a section of the Act, including a reference to "any of the preceding provisions of this Part", is to be read as a reference to such sections of the Act that apply by virtue of, and with the modifications made by, these Regulations.

Revocation

5. The following Regulations are revoked—

- (a) the Notification of Marketing of Food for Particular Nutritional Uses (Wales) Regulations 2007(1);
- (b) regulations 26 and 27 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007(2);
- (c) the Food for Particular Nutritional Uses (Miscellaneous Amendments) (Wales) Regulations 2010(3);

(1) O.S. 2007/1040 (Cy. 100).

(2) O.S. 2007/3573 (Cy. 316), a ddiwygiwyd gan O.S. 2008/2602.

(3) O.S. 2010/363 (Cy. 45).

(1) S.I. 2007/1040 (W. 100).

(2) S.I. 2007/3573 (W. 316), amended by S.I. 2008/2602.

(3) S.I. 2010/363 (W. 45).

(d) rheoliad 3 o Reoliadau Trosglwyddo Swyddogaethau (Bwyd) (Cymru) 2014(1).

(d) regulation 3 of the Transfer of Functions (Food) (Wales) Regulations 2014(1).

Diwygiadau i offerynnau statudol

6. Mae Atodlen 3 yn cael effaith.

Amendments to statutory instruments

6. Schedule 3 has effect.

Gweinidog Iechyd y Cyhoedd a Gwasanaethau
Cymdeithasol, o dan awdurdod Ysgrifennydd y
Cabinet dros Iechyd, Llesiant a Chwaraeon, un o
Weinidogion Cymru
12 Gorffennaf 2016

Rebecca Evans

Minister for Social Services and Public Health, under
authority of the Cabinet Secretary for Health, Well-
being and Sport, one of the Welsh Ministers
12 July 2016

(1) O.S. 2014/1102 (Cy. 110).

(1) S.I. 2014/1102 (W. 110).

ATODLEN 1 Rheoliad 2(1)

Gofynion UE penodedig

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Darpariaeth benodedig yn Rheoliad yr UE</i>	<i>Y darpariaethau sydd i gael eu darllen gyda'r ddarpariaeth benodedig yn Rheoliad yr UE</i>
Erthygl 4(2) (gofyniad i fwyd perthnasol gael ei ragbecynnu)	Erthyglau 1(1) a 4(1)
Erthygl 9(1) (gofyniad i gyfansoddiad bwyd fod yn briodol ac yn addas o ran maeth)	Erthyglau 1(1), 4(1) a 9(3)
Erthygl 9(2) (gwahardd sylweddau mewn meintiau peryglus)	Erthyglau 1(1) a 4(1)
Erthygl 9(5) (gofynion o ran labelu, cyflwyno a hysbysebu bwyd perthnasol)	Erthyglau 1(1), 4(1) a 9(6)
Erthygl 10 (gofynion ychwanegol ar gyfer fformiwla fabanod a fformiwla ddilynol)	Erthygl 4(1)

SCHEDULE 1 Regulation 2(1)

Specified EU requirements

<i>Column 1</i>	<i>Column 2</i>
<i>Specified provision of the EU Regulation</i>	<i>Provisions to be read with the specified provision of the EU Regulation</i>
Article 4(2) (requirement for relevant food to be pre-packed)	Articles 1(1) and 4(1)
Article 9(1) (requirement for the composition of food to be nutritionally appropriate and suitable)	Articles 1(1), 4(1) and 9(3)
Article 9(2) (prohibition on substances in dangerous quantities)	Articles 1(1) and 4(1)
Article 9(5) (requirements as to labelling, presentation and advertising of relevant food)	Articles 1(1), 4(1) and 9(6)
Article 10 (additional requirements for infant formula and follow-on formula)	Article 4(1)

ATODLEN 2

Addasu darpariaethau'r Ddeddf

RHAN 1 Rheoliad 4(1)

Addasu adran 10

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 a specified EU requirement, or has placed food on the market that does not comply with a specified EU requirement, 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, or as the case may be, that the food does not comply with the specified EU requirement;
- (b) specify the matters which constitute the failure to so comply;

SCHEDULE 2

Modification of provisions of the Act

PART 1 Regulation 4(1)

Modification of section 10

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 a specified EU requirement, or has placed food on the market that does not comply with a specified EU requirement, 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, or as the case may be, that the food does not comply with the specified EU requirement;
- (b) specify the matters which constitute the failure to so 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 such measures that are at least equivalent to them, within such period as may be specified in the notice."

2. Nid yw adran 10(3) yn gymwys.

3. Ar ôl adran 10(3) mewnosoder—

“(4) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.”

RHAN 2 Rheoliad 4(2)

Addasu adran 32

4. Yn lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU requirement; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of such a requirement;”.

5. Nid yw adran 32(9) yn gymwys.

6. Ar ôl adran 32(9) mewnosoder—

“(10) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.”

RHAN 3 Rheoliad 4(3)

Addasu adran 35

7. Yn adran 35 (cosbi troseddau), ar ôl is-adran (1) mewnosoder—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales)

- (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 such measures that are at least equivalent to them, within such period as may be specified in the notice.”

2. Section 10(3) does not apply.

3. After section 10(3) insert—

“(4) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.”

PART 2 Regulation 4(2)

Modification of section 32

4. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU requirement; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of such a requirement;”.

5. Section 32(9) does not apply.

6. After section 32(9) insert—

“(10) In this section “specified EU requirement” has the meaning given to that term in regulation 2(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016.”

PART 3 Regulation 4(3)

Modification of section 35

7. In section 35 (punishment of offences), after subsection (1) insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the Food for Specific Groups (Information and Compositional Requirements) (Wales)

Regulations 2016, is liable, on summary conviction, to a fine.”

RHAN 4 Rheoliad 4(4)

Addasu adran 37

8. 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 4(1) of, and Part 1 of Schedule 2 to, the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016, may appeal to the magistrates’ court.”

9. Yn lle adran 37(5) rhodder—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

10. Yn adran 37(6)—

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

RHAN 5 Rheoliad 4(5)

Addasu adran 39

11. Yn adran 39(3) (apelau yn erbyn hysbysiadau gwella) hepgorer “for want of prosecution”.

Regulations 2016, is liable, on summary conviction, to a fine.”

PART 4 Regulation 4(4)

Modification of section 37

8. 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 4(1) of, and Part 1 of Schedule 2 to, the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016, may appeal to the magistrates’ court.”

9. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

10. In section 37(6)—

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

PART 5 Regulation 4(5)

Modification of section 39

11. In section 39(3) (appeals against improvement notices) omit “for want of prosecution”.

Diwygiadau i offerynnau statudol

Rheoliadau Bwydydd y Bwriedir eu Defnyddio mewn Deietau Egni Cyfyngedig at Golli Pwysau 1997

1. Mae Rheoliadau Bwydydd y Bwriedir eu Defnyddio mewn Deietau Egni Cyfyngedig at Golli Pwysau 1997(1) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 1(2) yn lle'r diffiniad o "relevant food" rhodder—
 "“relevant food” means specially formulated food intended for use in energy-restricted diets for weight reduction, being food which complies with the compositional requirements in Schedule 1 and which, when used as instructed by the manufacturer, replaces the whole of the total daily diet;”;
- (b) yn lle rheoliad 2 rhodder—

“Name of the food and compositional requirements

2.—(1) No person shall sell any relevant food under any name other than “total diet replacement for weight control” in the case of products intended as a replacement for the whole of the daily diet.

(2) No person shall sell any food in the labelling of which the name “total diet replacement for weight control” is used unless that food is relevant food.

(3) Nothing in paragraph (1) prevents the use of the words “amnewidiad deiet cyflawn ar gyfer rheoli pwysau” in addition to the words “total diet replacement for weight control”.

(4) Nothing in paragraphs (1) or (3) prevents the use of equivalent words in any other language in addition to Welsh and English.”;

- (c) yn rheoliad 3(e) mewnosoder “and” ar ôl “adequate daily fluid intake;”;
- (d) yn rheoliad 3(f) yn lle “medical advice; and” rhodder “medical advice.”;
- (e) hepgorer rheoliad 3(g);

(1) O.S. 1997/2182, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

Amendments to statutory instruments

The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997

1. The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(1) are amended as follows—

- (a) in regulation 1(2) for the definition of “relevant food” substitute—
 ““relevant food” means specially formulated food intended for use in energy-restricted diets for weight reduction, being food which complies with the compositional requirements in Schedule 1 and which, when used as instructed by the manufacturer, replaces the whole of the total daily diet;”;
- (b) for regulation 2 substitute—

“Name of the food and compositional requirements

2.—(1) No person shall sell any relevant food under any name other than “total diet replacement for weight control” in the case of products intended as a replacement for the whole of the daily diet.

(2) No person shall sell any food in the labelling of which the name “total diet replacement for weight control” is used unless that food is relevant food.

(3) Nothing in paragraph (1) prevents the use of the words “amnewidiad deiet cyflawn ar gyfer rheoli pwysau” in addition to the words “total diet replacement for weight control”.

(4) Nothing in paragraphs (1) or (3) prevents the use of equivalent words in any other language in addition to Welsh and English.”;

- (c) in regulation 3(e) insert “and” after “adequate daily fluid intake;”;
- (d) in regulation 3(f) for “medical advice; and” substitute “medical advice.”;
- (e) omit regulation 3(g);

(1) S.I. 1997/2182, to which there are amendments not relevant to these Regulations.

- (f) yn rheoliad 5 yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
- (g) ar ôl rheoliad 6, mewnosoder—

“Application of the improvement notice provisions of the Act

6A.—(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 Schedule 3, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with any of the requirements specified in regulation 2; and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case of section 32(1)) specified in Part 2 of Schedule 3, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with one or more of the requirements specified in regulation 2 is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of regulation 2.

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of Schedule 3, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 3, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of Schedule 3, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”;

- (f) in regulation 5 for “regulation 2(1)(a)” substitute “regulation 2(1)”;
- (g) after regulation 6, insert—

“Application of the improvement notice provisions of the Act

6A.—(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 Schedule 3, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with any of the requirements specified in regulation 2; and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case of section 32(1)) specified in Part 2 of Schedule 3, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with one or more of the requirements specified in regulation 2 is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of regulation 2.

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of Schedule 3, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 3, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of Schedule 3, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”;

- (h) mae Atodlen 1 wedi ei diwygio fel a ganlyn—
 - (i) ym mharagraff 1.1 yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
 - (ii) hepgorer paragraff 1.2;
 - (iii) ym mharagraff 2.1 yn lle “regulation 2(1)(a) and (b)” rhodder “regulation 2(1)”, ac yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
 - (iv) ym mharagraff 3.2 yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
 - (v) hepgorer paragraff 3.3;
 - (vi) ym mharagraff 4 yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
 - (vii) ym mharagraff 5.1 yn lle “regulation 2(1)(a)” rhodder “regulation 2(1)”;
 - (viii) hepgorer paragraff 5.2; ac
- (i) ar ôl Atodlen 2, mewnosoder—

- (h) Schedule 1 is amended as follows—
 - (i) in paragraph 1.1 for “regulation 2(1)(a)” substitute “regulation 2(1)”;
 - (ii) omit paragraph 1.2;
 - (iii) in paragraph 2.1 for “regulation 2(1)(a) and (b)” substitute “regulation 2(1)”, and for “regulation 2(1)(a)” substitute “regulation 2(1)”;
 - (iv) in paragraph 3.2 for “regulation 2(1)(a)” substitute “regulation 2(1)”;
 - (v) omit paragraph 3.3;
 - (vi) in paragraph 4 for “regulation 2(1)(a)” substitute “regulation 2(1)”;
 - (vii) in paragraph 5.1 for “regulation 2(1)(a)” substitute “regulation 2(1)”;
 - (viii) omit paragraph 5.2; and
- (i) after Schedule 2, insert—

“SCHEDULE 3 Regulation 6A

Modification of the improvement notice 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 suspecting that a person is failing to comply with regulation 2 of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such measures that are at least equivalent to them, within such period as may be specified in the notice.”

“SCHEDULE 3 Regulation 6A

Modification of the improvement notice 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 suspecting that a person is failing to comply with regulation 2 of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there has been any contravention of regulation 2 of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997; and
- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 6A(1) of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, is liable, on summary conviction, to a fine.”

PART 4

Modification of section 37(1), (5) and (6)

4. 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 6A(1) of, and Part 1 of Schedule 3 to, the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

PART 2

Modification of section 32(1)

2. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there has been any contravention of regulation 2 of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997; and
- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 6A(1) of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, is liable, on summary conviction, to a fine.”

PART 4

Modification of section 37(1), (5) and (6)

4. 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 6A(1) of, and Part 1 of Schedule 3 to, the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

Rheoliadau Bwyd Meddygol (Cymru) 2000

2. Mae Rheoliadau Bwyd Meddygol (Cymru) 2000(1) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 2, ar ddiwedd y diffiniad o “gwerthu”, mewnosoder “, ac mae “cael ei werthu” (“*sold*”) i gael ei ddehongli yn unol â hynny”.
- (b) ar ôl rheoliad 5, mewnosoder—

“Cymhwyso darpariaethau’r Ddeddf sy’n ymwneud â hysbysiadau gwella

5A.—(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, at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy’n ei gwneud yn ofynnol i’r person sicrhau cydymffurfedd â rheoliad 3(1); a
- (b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn drosedd.

(2) Mae adran 32(1) i (8) o’r Ddeddf (pwerau mynediad) yn gymwys, gyda’r addasiad (yn

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

The Medical Food (Wales) Regulations 2000

2. The Medical Food (Wales) Regulations 2000(1) are amended as follows—

- (a) in regulation 2, at the end of the definition of “sell”, insert “, and “sold” (“*cael ei werthu*”) is to be construed accordingly”;
- (b) after regulation 5, insert—

“Application of the improvement notice provisions of the Act

5A.—(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, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with regulation 3(1); and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case

(1) O.S. 2000/1866 (Cy. 125), a ddiwygiwyd gan O.S. 2005/3254 (Cy. 247), O.S. 2007/3573 (Cy. 316), O.S. 2008/2602 (Cy. 228), O.S. 2014/1102 (Cy. 110).

(1) S.I. 2000/1866 (W. 125), amended by S.I. 2005/3254 (W. 247), S.I. 2007/3573 (W. 316), S.I. 2008/2602 (W. 228), S.I. 2014/1102 (W. 110).

achos adran 32(1)) a bennir yn Rhan 2 o'r Atodlen, at ddibenion galluogi swyddog awdurdodedig awdurdod gorfodi—

- (a) i arfer pŵer mynediad er mwyn canfod a yw bwyd nad yw'n cydymffurfio â gofynion rheoliad 3(1) yn cael neu wedi cael ei werthu; a
- (b) i arfer pŵer mynediad er mwyn canfod a oes unrhyw dystiolaeth bod rheoliad 3(1) wedi ei dorri.

(3) Mae adran 35 o'r Ddeddf (cosbi troseddau) yn gymwys, gyda'r addasiad a bennir yn Rhan 3 o'r Atodlen, at ddiben pennu'r gosb am drosedd a gyflawnir o dan baragraff (1)(b).

(4) Mae adran 37(1), (3), (5) a (6) o'r Ddeddf (apelau) yn gymwys, gyda'r addasiad (yn achos adran 37(1), (5) a (6)) a bennir yn Rhan 4 o'r Atodlen, at ddiben galluogi apelio yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys, gyda'r addasiad (yn achos adran 39(3)) a bennir yn Rhan 5 o'r Atodlen, at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a)."; ac

(c) ar ddiwedd y Rheoliadau, mewnosoder—

“ATODLEN Rheoliad 5A

Addasu darpariaethau'r Ddeddf sy'n ymwneud â hysbysiadau gwella

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 suspecting that a person is failing to comply with regulation 3(1) of the Medical Food (Wales) Regulations 2000, 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 suspecting that the person is failing to comply or, as the case may be, that the

of section 32(1)) specified in Part 2 of the Schedule, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with the requirements of regulation 3(1) is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of regulation 3(1).

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of the Schedule, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of the Schedule, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of the Schedule, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”; and

(c) at the end of the Regulations, insert—

“SCHEDULE Regulation 5A

Modification of the improvement notice 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 suspecting that a person is failing to comply with regulation 3(1) of the Medical Food (Wales) Regulations 2000, 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 suspecting that the person is failing to comply or, as the case may be, that the

- food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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 lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 3(1) of the Medical Food (Wales) Regulations 2000; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”

RHAN 3

Addasu adran 35

3. Yn adran 35 (cosbi troseddau), ar ôl is-adran (1), mewnosoder—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 5A(1) of the Medical Food (Wales) Regulations 2000, is liable, on summary conviction, to a fine.”

- food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 3(1) of the Medical Food (Wales) Regulations 2000; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 5A(1) of the Medical Food (Wales) Regulations 2000, is liable, on summary conviction, to a fine.”

RHAN 4

Addasu adran 37(1), (5) a (6)

4. 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 5A(1) of, and Part 1 of the Schedule to, the Medical Food (Wales) Regulations 2000, may apply to the magistrates’ court.”

5. Yn lle adran 37(5) rhodder—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. Yn adran 37(6)—

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

RHAN 5

Addasu adran 39(3)

7. Yn adran 39(3) (apelau yn erbyn hysbysiadau gwella), hepgorer “for want of prosecution”.

Rheoliadau Bwydydd Proses sydd wedi’u Seilio ar Rawn a Bwydydd Babanod ar gyfer Babanod a Phlant Ifanc (Cymru) 2004

3. Mae Rheoliadau Bwydydd Proses sydd wedi’u Seilio ar Rawn a Bwydydd Babanod ar gyfer Babanod a Phlant Ifanc (Cymru) 2004(1) wedi eu diwygio fel a ganlyn—

PART 4

Modification of section 37(1), (5) and (6)

4. 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 5A(1) of, and Part 1 of the Schedule to, the Medical Food (Wales) Regulations 2000, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004

3. The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004(1) are amended as follows—

(1) O.S. 2004/314 (Cy. 32), a ddiwygiwyd gan O.S. 2005/3111 (Cy. 231), O.S. 2005/3254 (Cy. 247), O.S. 2007/2753 (Cy. 232), O.S. 2011/2131, O.S. 2014/2303 (Cy. 227).

(1) S.I. 2004/314 (W. 32), amended by S.I. 2005/3111 (W. 231), S.I. 2005/3254 (W. 247), S.I. 2007/2753 (W. 232), S.I. 2011/2131, S.I. 2014/2303 (W. 227).

- (a) yn rheoliad 2(1), yn y diffiniad o “gwerthu”, ar ôl y geiriau “hysbysebu i’w werthu”, mewnosoder “, ac mae “cael ei werthu” (“*sold*”) i gael ei ddehongli yn unol â hynny”;
- (b) ar ôl rheoliad 10, mewnosoder—

“Cymhwyso darpariaethau’r Ddeddf sy’n ymwneud â hysbysiadau gwella

10A.—(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 Atodlen 9, at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy’n ei gwneud yn ofynnol i’r person sicrhau cydymffurfedd ag unrhyw un neu ragor o’r gofynion a bennir yn rheoliad 4; a
- (b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn dramgwydd.

(2) Mae adran 32(1) i (8) o’r Ddeddf (pwerau mynediad) yn gymwys, gyda’r addasiad (yn achos adran 32(1)) a bennir yn Rhan 2 o Atodlen 9, at ddibenion galluogi swyddog awdurdodedig awdurdod gofodi—

- (a) i arfer pŵer mynediad er mwyn canfod a yw bwyd nad yw’n cydymffurfio ag un neu ragor o’r gofynion a bennir yn rheoliad 4 yn cael neu wedi cael ei werthu; a
- (b) i arfer pŵer mynediad er mwyn canfod a oes unrhyw dystiolaeth bod rheoliad 4 wedi ei dorri.

(3) Mae adran 35 o’r Ddeddf (cosbi tramgwyddau) yn gymwys, gyda’r addasiad a bennir yn Rhan 3 o Atodlen 9, at ddiben pennu’r gosb am dramgwydd a gyflawnir o dan baragraff (1)(b).

(4) Mae adran 37(1), (3), (5) a (6) o’r Ddeddf (apelau) yn gymwys, gyda’r addasiad (yn achos adran 37(1), (5) a (6)) a bennir yn Rhan 4 o Atodlen 9, at ddiben galluogi apelio yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae adran 39 o’r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys, gyda’r addasiad (yn achos adran 39(3)) a bennir yn Rhan 5 o Atodlen 9, at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).”;

- (c) ar ôl Atodlen 8, mewnosoder—

- (a) in regulation 2(1), in the definition of “sell”, after the words “advertise for sale”, insert “, and “sold” (“*cael ei werthu*”) is to be construed accordingly”;
- (b) after regulation 10, insert—

“Application of the improvement notice provisions of the Act

10A.—(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 Schedule 9, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with any of the requirements specified in regulation 4; and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case of section 32(1)) specified in Part 2 of Schedule 9, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with one or more of the requirements specified in regulation 4 is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of regulation 4.

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of Schedule 9, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 9, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of Schedule 9, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”;

- (c) after Schedule 8, insert—

“ATODLEN 9 Rheoliad 10A

Addasu darpariaethau'r Ddeddf
sy'n ymwneud â hysbysiadau
gwella

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 suspecting that a person is failing to comply with regulation 4 of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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 lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 4 of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004; and

“SCHEDULE 9 Regulation 10A

Modification of the improvement
notice 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 suspecting that a person is failing to comply with regulation 4 of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 4 of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004; and

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

RHAN 3

Addasu adran 35

3. Yn adran 35 (cosbi tramgwyddau), ar ôl is-adran (1), mewnosoder—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 10A(1) of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, is liable, on summary conviction, to a fine.”

RHAN 4

Addasu adran 37(1), (5) a (6)

4. 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 10A(1) of, and Part 1 of Schedule 9 to, the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, may apply to the magistrates’ court.”

5. Yn lle adran 37(5) rhodder—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 10A(1) of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, is liable, on summary conviction, to a fine.”

PART 4

Modification of section 37(1), (5) and (6)

4. 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 10A(1) of, and Part 1 of Schedule 9 to, the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. Yn adran 37(6)—

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

RHAN 5

Addasu adran 39(3)

7. Yn adran 39(3) (apelau yn erbyn hysbysiadau gwella), hepgorer “for want of prosecution”.

Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007

4. Mae Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007(1) wedi eu diwygio fel a ganlyn—

- (a) yn rheoliad 28, yn lle “24, 25, 26 neu 27”, rhodder “24 neu 25”;
- (b) ar ôl rheoliad 28, mewnosoder—

“Cymhwyso darpariaethau'r Ddeddf sy'n ymwneud â hysbysiadau gwella

28A.—(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, at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy'n ei gwneud yn ofynnol i'r person sicrhau cydymffurfedd ag unrhyw un neu ragor o'r gofynion a bennir yn rheoliad 3(1) a (2); a
- (b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn dramgwydd.

(2) Mae adran 32(1) i (8) o'r Ddeddf (pwerau mynediad) yn gymwys, gyda'r addasiad (yn achos adran 32(1)) a bennir yn Rhan 2 o'r Atodlen, at ddibenion galluogi swyddog awdurdodedig awdurdod gorfodi—

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

The Infant Formula and Follow-on Formula (Wales) Regulations 2007

4. The Infant Formula and Follow-on Formula (Wales) Regulations 2007(1) are amended as follows—

- (a) in regulation 28, for “24, 25, 26 or 27”, substitute “24 or 25”;
- (b) after regulation 28, insert—

“Application of the improvement notice provisions of the Act

28A.—(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, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with any of the requirements specified in regulation 3(1) and (2); and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case of section 32(1)) specified in Part 2 of the Schedule, for the purposes of enabling an authorised officer of an enforcement authority—

(1) O.S. 2007/3573 (Cy. 316), a ddiwygiwyd gan O.S. 2008/2602 (Cy. 228), O.S. 2011/1043, O.S. 2014/123 (Cy. 13), O.S. 2014/1102 (Cy. 110).

(1) S.I. 2007/3573 (W. 316), amended by S.I. 2008/2602 (W. 228), S.I. 2011/1043, S.I. 2014/123 (W. 13), S.I. 2014/1102 (W. 110).

- (a) i arfer pŵer mynediad er mwyn canfod a yw bwyd nad yw'n cydymffurfio â gofynion rheoliad 3 yn cael neu wedi cael ei werthu; a
- (b) i arfer pŵer mynediad er mwyn canfod a oes unrhyw dystiolaeth bod rheoliad 3 wedi ei dorri.

(3) Mae adran 35 o'r Ddeddf (cosbi tramgwyddau) yn gymwys, gyda'r addasiad a bennir yn Rhan 3 o'r Atodlen, at ddiben pennu'r gosb am dramgwydd a gyflawnir o dan baragraff (1)(b).

(4) Mae adran 37(1), (3), (5) a (6) o'r Ddeddf (apelau) yn gymwys, gyda'r addasiad (yn achos adran 37(1), (5) a (6)) a bennir yn Rhan 4 o'r Atodlen, at ddiben galluogi apelio yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys, gyda'r addasiad (yn achos adran 39(3)) a bennir yn Rhan 5 o'r Atodlen, at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a)."; ac

(c) ar ddiwedd y Rheoliadau, mewnosoder—

“ATODLEN Rheoliad 28A

Addasu darpariaethau'r Ddeddf sy'n ymwneud â hysbysiadau gwella

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 suspecting that a person is failing to comply with regulation 3 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) to exercise a power of entry to ascertain whether food that does not comply with the requirements of regulation 3 is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of regulation 3.

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of the Schedule, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of the Schedule, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of the Schedule, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”; and

(c) at the end of the Regulations, insert—

“SCHEDULE Regulation 28A

Modification of the improvement notice 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 suspecting that a person is failing to comply with regulation 3 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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 lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 3 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

RHAN 3

Addasu adran 35

3. Yn adran 35 (cosbi tramgwyddau), ar ôl is-adran (1), mewnosoder—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 28A(1) of the Infant Formula and Follow-on Formula (Wales) Regulations 2007, is liable, on summary conviction, to a fine.”

- (a) state the officer's grounds for suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of regulation 3 of the Infant Formula and Follow-on Formula (Wales) Regulations 2007; and
- (b) to enter any business premises, whether within or outside the authority's area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”.

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 28A(1) of the Infant Formula and Follow-on Formula (Wales) Regulations 2007, is liable, on summary conviction, to a fine.”

RHAN 4

Addasu adran 37(1), (5) a (6)

4. 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 28A(1) of, and Part 1 of the Schedule to, the Infant Formula and Follow-on Formula (Wales) Regulations 2007, may apply to the magistrates’ court.”

5. Yn lle adran 37(5) rhodder—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. Yn adran 37(6)—

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

RHAN 5

Addasu adran 39(3)

7. Yn adran 39(3) (apelau yn erbyn hysbysiadau gwella), hepgorer “for want of prosecution”.

Rheoliadau Bwyd at Ddefnydd Maethol Neilltuol (Ychwanegu Sylweddau at Ddibenion Maethol Penodol) (Cymru) 2009

5. Mae Rheoliadau Bwyd at Ddefnydd Maethol Neilltuol (Ychwanegu Sylweddau at Ddibenion Maethol Penodol) (Cymru) 2009(1) wedi eu diwygio fel a ganlyn—

- (a) ar ôl rheoliad 3, mewnosoder—

PART 4

Modification of section 37(1), (5) and (6)

4. 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 28A(1) of, and Part 1 of the Schedule to, the Infant Formula and Follow-on Formula (Wales) Regulations 2007, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009

5. The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009(1) are amended as follows—

- (a) after regulation 3, insert—

(1) O.S. 2009/3254 (Cy. 283).

(1) S.I. 2009/3254 (W. 283).

“Cymhwyso darpariaethau'r Ddeddf sy'n ymwneud â hysbysiadau gwella

3A.—(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 Atodlen 2, at ddibenion—

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson sy'n ei gwneud yn ofynnol i'r person sicrhau cydymffurfedd â'r darpariaethau penodedig sydd wedi eu cynnwys yn Atodlen 1; a
- (b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn dramgwydd.

(2) Mae adran 32(1) i (8) o'r Ddeddf (pwerau mynediad) yn gymwys, gyda'r addasiad (yn achos adran 32(1)) a bennir yn Rhan 2 o Atodlen 2, at ddibenion galluogi swyddog awdurdodedig awdurdod gorfodi—

- (a) i arfer pŵer mynediad er mwyn canfod a yw bwyd nad yw'n cydymffurfio ag un neu ragor o'r darpariaethau penodedig sydd wedi eu cynnwys yn Atodlen 1 yn cael neu wedi cael ei werthu; a
- (b) i arfer pŵer mynediad er mwyn canfod a oes unrhyw dystiolaeth bod unrhyw un neu ragor o'r darpariaethau penodedig sydd wedi eu cynnwys yn Atodlen 1 wedi eu torri.

(3) Mae adran 35 o'r Ddeddf (cosbi tramgwyddau) yn gymwys, gyda'r addasiad a bennir yn Rhan 3 o Atodlen 2, at ddiben pennu'r gosb am dramgwydd a gyflawnir o dan baragraff (1)(b).

(4) Mae adran 37(1), (3), (5) a (6) o'r Ddeddf (apelau) yn gymwys, gyda'r addasiad (yn achos adran 37(1), (5) a (6)) a bennir yn Rhan 4 o Atodlen 2, at ddiben galluogi apelio yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys, gyda'r addasiad (yn achos adran 39(3)) a bennir yn Rhan 5 o Atodlen 2, at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).”;

- (b) yn enw'r Atodlen, yn lle “Yr Atodlen” rhodder “Atodlen 1”;
- (c) yn lle nodyn cwr tudalen Atodlen 1 rhodder “Rheoliadau 2(1), 3(1), a 3A(1) a (2)”;
- (d) ar ôl Atodlen 1, mewnosoder—

“Application of the improvement notice provisions of the Act

3A.—(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 Schedule 2, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to secure compliance with the specified provisions contained in Schedule 1; and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Section 32(1) to (8) of the Act (powers of entry) applies, with the modification (in the case of section 32(1)) specified in Part 2 of Schedule 2, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with one or more of the specified provisions contained in Schedule 1 is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of the specified provisions contained in Schedule 1.

(3) Section 35 of the Act (punishment of offences) applies, with the modification specified in Part 3 of Schedule 2, for the purpose of specifying the punishment of an offence committed under paragraph (1)(b).

(4) Section 37(1), (3), (5) and (6) of the Act (appeals) applies, with the modification (in the case of section 37(1), (5) and (6)) specified in Part 4 of Schedule 2, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modification (in the case of section 39(3)) specified in Part 5 of Schedule 2, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).”;

- (b) in the title of the Schedule, in place of “The Schedule” substitute “Schedule 1”;
- (c) for the shoulder note to Schedule 1 substitute “Regulations 2(1), 3(1), and 3A(1) and (2)”;
- (d) after Schedule 1, insert—

“ATODLEN 2 Rheoliad 3A

Addasu darpariaethau'r Ddeddf
sy'n ymwneud â hysbysiadau
gwella

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 suspecting that a person is failing to comply with the provisions specified in Schedule 1 of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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 lle paragraffau (a) i (c) o adran 32(1) (pwerau mynediad) rhodder—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of the provisions specified in Schedule 1 of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009; and

“SCHEDULE 2 Regulation 3A

Modification of the improvement
notice 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 suspecting that a person is failing to comply with the provisions specified in Schedule 1 of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, 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 suspecting that the person is failing to comply or, as the case may be, that the food does not comply with the relevant provision;
- (b) specify the matters which constitute the failure to so 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 such 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. For paragraphs (a) to (c) of section 32(1) (powers of entry) substitute—

- “(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of the provisions specified in Schedule 1 of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009; and

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”

RHAN 3

Addasu adran 35

3. Yn adran 35 (cosbi tramgwyddau), ar ôl is-adran (1), mewnosoder—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 3A(1) of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, is liable, on summary conviction, to a fine.”

RHAN 4

Addasu adran 37(1), (5) a (6)

4. 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 3A(1) of, and Part 1 of Schedule 2 to, the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, may apply to the magistrates’ court.”

5. Yn lle adran 37(5) rhodder—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of that regulation;”

PART 3

Modification of section 35

3. In section 35 (punishment of offences), after subsection (1), insert—

“(1A) A person guilty of an offence under section 10(2), as applied by regulation 3A(1) of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, is liable, on summary conviction, to a fine.”

PART 4

Modification of section 37(1), (5) and (6)

4. 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 3A(1) of, and Part 1 of Schedule 2 to, the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009, may apply to the magistrates’ court.”

5. For section 37(5) substitute—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought shall be—

- (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
- (b) the period specified in the improvement notice,

whichever ends the earlier; and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.

”

6. Yn adran 37(6)—

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

RHAN 5

Addasu adran 39(3)

7. Yn adran 39(3) (apelau yn erbyn hysbysiadau gwella), hepgorer “for want of prosecution”.

©Hawlfraint y Goron 2016

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.

”

6. In section 37(6)—

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

PART 5

Modification of section 39(3)

7. In section 39(3) (appeals against improvement notices), omit “for want of prosecution”.

© Crown copyright 2016

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

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 639 (Cy. 175)

2016 No. 639 (W. 175)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Bwyd ar gyfer Grwpiau
Penodol (Gofynion o ran
Gwybodaeth a Chyfansoddiad)
(Cymru) 2016

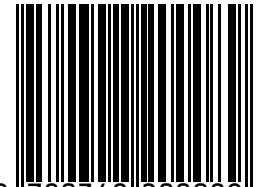
The Food for Specific Groups
(Information and Compositional
Requirements) (Wales) Regulations
2016

£6.00

W20160701211 07/2016 19585

<http://www.legislation.gov.uk/id/wsi/2016/639>

ISBN 978-0-348-20008-9



9 780348 200089