

YR ATODLENNI

ATODLEN 2

Rheoliad 5

Cymhwyso ac addasu darpariaethau'r Ddeddf

RHAN 1

Addasu adran 10(1)

1. Yn lle adran 10(1) o'r Ddeddf (hysbysiadau gwella) rhodder—

“If an authorised officer has reasonable grounds for believing that a person is failing to comply with any provision specified in Schedule 1 to the Novel Foods (Wales) Regulations 2017, 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;
- (c) specify the matters which constitute the person's failure so to comply;
- (d) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
- (e) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”

RHAN 2

Addasu adran 9

2. Yn lle adran 9 o'r Ddeddf (arolygu bwyd amheus ac ymafael ynddo) rhodder—

“(1) This section applies where it appears to any authorised officer of a food authority that Article 6(2) of Regulation (EU) 2015/2283 is being is being, or has been, contravened in relation to any food which has been placed on the market.

(2) The authorised officer may either—

- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food—
 - (i) is not to be used for human consumption; and
 - (ii) either is not to be removed or is not to be removed except to some place specified in the notice; or
- (b) seize the food and remove it in order to have it dealt with by a justice of the peace; and any person who knowingly contravenes the requirements of a notice under paragraph (a) above is guilty of an offence and liable on summary conviction to a fine.

(3) Where the authorised officer exercises the powers conferred by subsection (2)(a) above, the authorised officer must, as soon as is reasonably practicable and in any event within 21 days, determine whether or not they are satisfied that the food complies with Article 6(2) of Regulation (EU) 2015/2283, and—

- (a) if so satisfied, immediately withdraw the notice;
- (b) if not so satisfied, seize the food and remove it in order to have it dealt with by a justice of the peace.

(4) Where an authorised officer exercises the powers conferred by subsection (2)(b) or (3)(b) above, the authorised officer must inform the person in charge of the food that it is to be dealt with by a justice of the peace and—

- (a) any person who might be liable to a prosecution in respect of the food must, if attending before the justice of the peace by whom the food falls to be dealt with, be entitled to be heard and to call witnesses; and
- (b) that justice of the peace may, but need not, be a member of the court before which any person is charged with an offence in relation to that food.

(5) If it appears to a justice of the peace, on the basis of such evidence as the justice of the peace considers appropriate in the circumstances, that any food falling to be dealt with under this section fails to comply with Article 6(2) of Regulation (EU) 2015/2283, the justice of the peace must condemn the food and order—

- (a) the food to be destroyed or to be disposed of as to prevent it from being used for human consumption; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.

(6) If a notice under subsection (2)(a) above is withdrawn, or the justice of the peace by whom any food falls to be dealt with under this section refuses to condemn it, the food authority must compensate the owner of the food for any depreciation in its value resulting from the action taken by the authorised officer.

(7) Any disputed question as to the right to or the amount of any compensation payable under subsection (6) above is to be determined by arbitration.

(8) For the purposes of this section, “Regulation (EU) 2015/2283” means Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and [Commission Regulation \(EC\) No 1852/2001](#).”

RHAN 3

Cymhwysio ac addasu darpariaethau eraill o'r Ddeddf

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Darpariaeth y Ddeddf</i>	<i>Addasiadau</i>
Adran 2 (ystyr estynedig “sale” etc.)	Yn lle “this Act” (ym mhob lle y mae’n digwydd) rhodder “the Novel Foods (Wales) Regulations 2017”.
Adran 3 (rhagdybiaethau y bwriedir i fwyd gael ei fwyta gan bobl)	Yn is-adran (1), yn lle “this Act” rhodder “the Novel Foods (Wales) Regulations 2017”.
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 5(1) of the Novel Foods (Wales) Regulations 2017 or under regulation 4 of those Regulations”.
Adran 21(1) a (5) (amddiffyniad diwydrwydd dyladwy)	Yn is-adran (1), yn lle “any of the preceding provisions of this Part” rhodder “section 10(2), as applied by regulation 5(1) of the Novel Foods (Wales) Regulations 2017 or under regulation 4 of those Regulations”.
Adran 30(6) ac (8) (tystiolaeth o dystysgrifau a roddir gan ddadansoddydd neu archwilydd bwyd)	Yn is-adran (8), yn lle “this Act” rhodder “the Novel Foods (Wales) Regulations 2017”.
Adran 32 (pwerau mynediad)	Yn is-adran (1), yn lle paragraffau (a) i (c), rhodder “(a) to enter any premises within the authority’s area for the purpose of ascertaining whether Article 6(2) of Regulation 2015/2283, is being or has been contravened on the premises;”.
Adran 33 (rhwystro etc. swyddogion)	Yn is-adran (1), yn lle “this Act” (ym mhob lle y mae’n digwydd) rhodder “the Novel Foods (Wales) Regulations 2017”.
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 5 of, and Part 3 of Schedule 2 to, the Novel Foods (Wales) Regulations 2017”.

(1) Mae adran 35(1) wedi ei diwygio gan baragraff 42 o Atodlen 26 i Ddeddf Cyfiawnder Troseddol 2003 (p. 44), o ddyddiad i’w bennu. Mae diwygiadau eraill i adran 35(1) nad ydynt yn berthnasol i’r Rheoliadau hyn.

(2) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28) a pharagraffau 7 ac 16 o Atodlen 5 iddi.

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Darpariaeth y Ddeddf</i>	<i>Addasiadau</i>
	Yn is-adran (2), yn y geiriau agoriadol, yn lle “any other offence under this Act” rhodder “an offence under section 33(2), as applied by regulation 5 of, and Part 3 of Schedule 2 to, the Novel Foods (Wales) Regulations 2017.”.
Adran 36 (troseddau gan gyrff corfforaethol)	Yn is-adran (1), yn lle “this Act” rhodder “section 10(2), as applied by regulation 5(1) of the Novel Foods (Wales) Regulations 2017 or under regulation 4 of those Regulations”.
Adran 36A ⁽²⁾ (troseddau gan bartneriaethau Albanaidd)	Yn lle “this Act” rhodder “section 10(2), as applied by regulation 5(1) of the Novel Foods (Wales) Regulations 2017 or under regulation 4 of those Regulations”.
Adran 37(1) a (6) (apelau i lys ynadon)	Yn lle is-adran (1) rhodder— “(1) Any person who is aggrieved by a decision of an authorised officer of a food authority to serve an improvement notice under section 10(1), as applied and modified by regulation 5 of, and Part 1 of Schedule 2 to, the Novel Foods (Wales) Regulations 2017, may appeal to a magistrates’ court.”
	Yn is-adran (6)— yn lle “(3) or (4)” rhodder “(1)”, ac ym mharagraff (a), hepgorer “or to the sheriff”.
Adran 39 (apelau yn erbyn hysbysiadau gwella)	Yn lle is-adran (1) rhodder— “(1) On an appeal against an improvement notice served under section 10(1), as applied and modified by regulation 5 of, and Part 1 of Schedule 2 to, the Novel Foods (Wales) Regulations 2017, 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

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(2) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28) a pharagraffau 7 ac 16 o Atodlen 5 iddi.

Colofn 1

Darpariaeth y Ddeddf

Colofn 2

Addasiadau

modifications as the magistrates' court may in the circumstances think fit.”

Yn is-adran (3), hepgorer “for want of prosecution”.

- (1) Mae adran 35(1) wedi ei diwygio gan baragraff 42 o Atodlen 26 i Ddeddf Cyfiawnder Troseddol 2003 (p. 44), o ddyddiad i'w bennu. Mae diwygiadau eraill i adran 35(1) nad ydynt yn berthnasol i'r Rheoliadau hyn.
- (2) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28) a pharagraffau 7 ac 16 o Atodlen 5 iddi.