



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2019 Rhif 57 (Cy. 20)**

**2019 No. 57 (W. 20)**

**ANIFEILIAID, CYMRU**

**ANIMALS, WALES**

**Rheoliadau Adnabod Ceffylau  
(Cymru) 2019**

**The Equine Identification (Wales)  
Regulations 2019**

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn yn cydategu Rheoliad Gweithredu'r Comisiwn (EU) 2015/262 ("Rheoliad yr UE"), ac yn gwneud darpariaeth ar gyfer gorfodi'r Rheoliad hwnnw, yng Nghymru. Maent yn darparu ar gyfer adnabod ceffylau ac yn disodli Rheoliadau Adnabod Ceffylau (Cymru) 2009 (O.S. 2009/2470) (Cy. 199).

Mae Rhan 2 o'r Rheoliadau'n cynnwys darpariaethau sy'n nodi amryw o ofynion gweinyddol a gweithdrefnol. Yn benodol, mae rheoliad 3 yn dynodi Gweinidogion Cymru yn awdurdod cymwys ac yn awdurdod sootecnegol at ddibenion Rheoliad yr UE. Mae darpariaethau eraill yn Rhan 2 yn nodi amryw o ofynion mewn perthynas ag adnabod ceffylau a'r ddogfen adnabod mewn perthynas â cheffyl.

Mae Rhan 3 yn nodi amryw o eithriadau mewn perthynas â cheffylau sy'n byw o dan amodau gwylt neu led-wyllt.

Mae Rhan 4 yn nodi amryw o droseddau ynglŷn â thorri darpariaethau yn y Rheoliadau hyn ac yn Rheoliad yr UE.

Mae Rhan 5 yn cynnwys darpariaethau ynghylch gorfodi a chosbi ac yn rhoi pwerau i arolygwyr a benodir gan Weinidogion Cymru neu gan awdurdod gorfodi. Yn benodol, mae rheoliad 35 yn darparu y caiff awdurdodau gorfodi ddewis cymhwyso sancsiynau sifil yn hytrach na chosbau troseddol pan fyddant yn siŵr bod trosedd wedi ei chyflawni. Mae Rhan 6 wedyn yn nodi'r sancsiynau sifil sydd ar gael i'r awdurdodau gorfodi.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations supplement, and make provision for the enforcement, of Commission Implementing Regulation (EU) 2015/262 (the "EU Regulation") in Wales. They provide for the identification of equines, and replace the Equine Identification (Wales) Regulations 2009 (S.I. 2009/2470) (W. 199).

Part 2 of the Regulations contains provisions which set out various administrative and procedural requirements. In particular, regulation 3 designates the Welsh Ministers as the competent authority and the zootechnical authority for the purposes of the EU Regulation. Other provisions in Part 2 set out various requirements in relation to the identification of equines and the identification document in relation to an equine.

Part 3 sets out various exceptions in relation to equines living under wild or semi-wild conditions.

Part 4 sets out various criminal offences for breach of provisions of these Regulations and the EU Regulation.

Part 5 contains provisions about enforcement and penalties and gives powers to inspectors appointed by the Welsh Ministers or an enforcing authority. In particular, regulation 35 provides that enforcing authorities may choose to apply civil sanctions instead of criminal penalties where they are sure that an offence has been committed. Part 6 then sets out the civil sanctions that are available to enforcing authorities.

Mae Rhan 7 yn cynnwys darpariaeth ynglŷn â dirymu Rheoliadau Adnabod Ceffylau (Cymru) 2009.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Part 7 contains a provision for the revocation of the Equine Identification (Wales) Regulations 2009.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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**Rheoliadau Adnabod Ceffylau  
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**The Equine Identification (Wales)  
Regulations 2019**

*Gwnaed* 15 Ionawr 2019

*Made* 15 January 2019

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Cymru* 17 Ionawr 2019

*Laid before the National Assembly for Wales*  
17 January 2019

*Yn dod i rym yn unol â rheoliad 1*

*Coming into force in accordance with  
regulation 1*

**CYNNWYS**

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Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf 1972(3) a chan baragraff 1A o Atodlen 2 i'r Ddeddf honno.

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

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the 1972 Act(3).

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(1) O.S. 2010/2690.

(2) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7), a Rhan 1 o'r Atodlen iddi. Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o'r diwrnod ymadael (gweler adran 20 o'r Ddeddf honno).

(3) Mewnosodwyd paragraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006. Fe'i diwygiwyd gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008, a Rhan 1 o'r Atodlen i'r Ddeddf honno a chan O.S. 2007/1388. Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 o'r diwrnod ymadael (gweler adran 20 o'r Ddeddf honno).

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(1) S.I. 2010/2690.

(2) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (see section 20 of that Act).

(3) Paragraph 1A of Schedule 2 to the European Communities Act 1972 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. It was amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and by S.I. 2007/1388. It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 from exit day (see section 20 of that Act).

Mae'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf 1972, ac mae'n ymddangos i Weinidogion Cymru yn hwylus i gyfeiriadau yn y rheoliadau hyn at ddarpariaethau yn offerynnau'r Undeb Ewropeaidd gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

## RHAN 1

### Rhagarweiniol

#### Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adnabod Ceffylau (Cymru) 2019 a, heblaw rheoliad 13(3)(c), daw'r Rheoliadau hyn i rym ar 12 Chwefror 2019.

(2) Daw rheoliad 13(3)(c) i rym ar 12 Chwefror 2021.

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

#### Dehongli

2. Yn y Rheoliadau hyn—

ystyr “ardal ddynodedig” (“*designated area*”) yw ardal a ddisgrifir felly yn rheoliad 16;

ystyr “arolygydd” (“*inspector*”) yw person a benodir yn arolygydd o dan reoliad 32 neu o dan Ddeddf Iechyd Anifeiliaid 1981(1);

ystyr “awdurdod gorfodi” (“*enforcing authority*”) yw awdurdod lleol sy'n syrthio o fewn rheoliad 31;

ystyr “ceffyl” (“*equine*”) yw anifail carngaled, gwyllt, lled-wyllt neu ddof, o fewn y genws *Equus* o'r teulu *Equidae*, a chroesiadau rhwng anifeiliaid o'r fath;

ystyr “ceffyl gwyllt neu led-wyllt” (“*wild or semi-wild equine*”) yw ceffyl sy'n syrthio o fewn rheoliad 16(1);

mae i “ceidwad” yr ystyr a roddir i “*keeper*” yn Erthygl 2;

ystyr “corff dyroddi” (“*issuing body*”) yw corff dyroddi fel y cyfeirir at “issuing body” yn Erthygl 5(1);

mae i “cosb am beidio â chydymffurfio” (“*non-compliance penalty*”) yr ystyr a roddir yn rheoliad 38;

mae i “cosb ariannol benodedig” (“*fixed monetary penalty*”) yr ystyr a roddir yn rheoliad 39;

These Regulations make provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for references in these Regulations to provisions of European Union instruments to be construed as references to those provisions as amended from time to time.

## PART 1

### Introductory

#### Title, commencement and application

1.—(1) The title of these Regulations is the Equine Identification (Wales) Regulations 2019 and, except for regulation 13(3)(c), these Regulations come into force on 12 February 2019.

(2) Regulation 13(3)(c) comes into force on 12 February 2021.

(3) These Regulations apply in relation to Wales.

#### Interpretation

2. In these Regulations—

“Article” (“*Erthygl*”) means an Article of the EU Regulation;

“compliance notice” (“*hysbysiad cydymffurfio*”) has the meaning given in regulation 37;

“designated area” (“*ardal ddynodedig*”) means an area described as such in regulation 16;

“enforcement costs” (“*costau gorfodi*”) means the costs which a person is required to pay under an enforcement costs recovery notice;

“enforcement costs recovery notice” (“*hysbysiad adennill costau gorfodi*”) has the meaning given in regulation 40;

“enforcing authority” (“*awdurdod gorfodi*”) means a local authority falling within regulation 31;

“equine” (“*ceffyl*”) means a wild, semi-wild or domesticated soliped within the genus *Equus* of the family *Equidae* and their crosses;

“EU Regulation” (“*Rheoliad yr UE*”) means Commission Implementing Regulation (EU) 2015/262 of 17 February 2015(1) laying down rules pursuant to Council Directives

(1) 1981 p. 22.

(1) OJ No. L.59, 3.3.2015, p. 1.

ystyr “costau gorfodi” (“*enforcement costs*”) yw’r costau y mae’n ofynnol i berson eu talu o dan hysbysiad adennill costau gorfodi;

ystyr “dogfen adnabod” (“*ID*”) yw’r ddogfen adnabod at adnabod ceffyl yn unol â Rheoliad yr UE a’r Rheoliadau hyn;

ystyr “Erthygl” (“*Article*”) yw Erthygl yn Rheoliad yr UE;

mae i “hysbysiad adennill costau gorfodi” (“*enforcement costs recovery notice*”) yr ystyr a roddir yn rheoliad 40;

mae i “hysbysiad cosb am beidio â chydymffurfio” (“*non-compliance penalty notice*”) yr ystyr a roddir yn rheoliad 38;

mae i “hysbysiad cosb ariannol benodedig” (“*fixed monetary penalty notice*”) yr ystyr a roddir yn rheoliad 39;

mae i “hysbysiad cydymffurfio” (“*compliance notice*”) yr ystyr a roddir yn rheoliad 37;

mae i “milfeddyg swyddogol” yr ystyr a roddir i “*official veterinarian*” yn Erthygl 2;

ystyr “o fewn 24 awr” (“*within 24 hours*”) yw cyn diwedd y cyfnod o 24 awr sy’n dechrau â’r amser—

- (a) y caiff yr wybodaeth ei chreu neu ei diwygio, at ddibenion rheoliad 15(1)(a); neu
- (b) y caiff y corff dyroddi gais Gweinidogion Cymru, at ddibenion rheoliad 15(1)(b),

ond heb gynnwys unrhyw amser nad yw’n rhan o ddiwrnod gwaith; ac at y diben hwn ystyr “diwrnod gwaith” (“*working day*”) yw diwrnod heblaw dydd Sadwrn, dydd Sul, dydd Nadolig, Dydd Gwener y Groglith neu ddiwrnod sy’n wyl banc o fewn ystyr Deddf Bancio a Thrafodion Ariannol 1971(1);

mae i “perchennog” yr ystyr a roddir i “*owner*” yn Erthygl 2;

ystyr “person cyfrifol” (“*responsible person*”) yw—

- (a) y perchennog; neu
- (b) os nad y perchennog sy’n bennaf cyfrifol am y ceffyl o dan sylw o ddydd i ddydd, y ceidwad;

90/427/EEC(1) and 2009/156/EC(2) as regards the methods for the identification of equidae, as amended from time to time;

“fixed monetary penalty” (“*cosb ariannol benodedig*”) has the meaning given in regulation 39;

“fixed monetary penalty notice” (“*hysbysiad cosb ariannol benodedig*”) has the meaning given in regulation 39;

“ID” (“*dogfen adnabod*”) means the identification document for the identification of an equine in accordance with the EU Regulation and these Regulations;

“inspector” (“*arolygydd*”) means a person appointed as such under regulation 32 or under the Animal Health Act 1981(3);

“issuing body” (“*corff dyroddi*”) means an issuing body as referred to in Article 5(1);

“keeper” (“*ceidwad*”) has the meaning given in Article 2;

“non-compliance penalty” (“*cosb am beidio â chydymffurfio*”) has the meaning given in regulation 38;

“non-compliance penalty notice” (“*hysbysiad cosb am beidio â chydymffurfio*”) has the meaning given in regulation 38;

“offender” (“*troseddwr*”) has the meaning given in regulation 35(1);

“official veterinarian” (“*milfeddyg swyddogol*”) has the meaning given in Article 2;

“owner” (“*perchennog*”) has the meaning given in Article 2;

“responsible person” (“*person cyfrifol*”) means—

- (a) the owner; or
- (b) if the owner does not have primary day-to-day responsibility for the equine concerned, the keeper;

“transponder” (“*trowsatebydd*”) has the meaning given in Article 2;

“wild or semi-wild equine” (“*ceffyl gwyllt neu led-wyllt*”) means an equine falling within regulation 16(1);

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(1) 1971 c. 80.

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(1) OJ No. L 224, 18.8.1990, p.55. The Directive was amended by Council Directive 2008/73/EC of 15 July 2008 (OJ No. L 219, 14.8.2008, p. 40).

(2) OJ No. L 192, 23.7.2010, p.1. The Directive was amended by Council Directive 2013/20/EU of 13 May 2013 (OJ No. L 158, 10.6.2013, p. 234 and by Commission Implementing Decision (EU) 2016/1840 of 14 October 2016 (OJ No. L 280, 18.10.2016, p. 33).

(3) 1981 c. 22.

ystyr “Rheoliad yr UE” (“*EU Regulation*”) yw Rheoliad Gweithredu'r Comisiwn (EU) 2015/262 dyddiedig 17 Chwefror 2015(1) yn gosod rheolau yn unol â Chyfarwydddebau'r Cyngor 90/427/EEC(2) a 2009/156/EC(3) o ran dulliau adnabod equidae, fel y'u diwygir o dro i dro;

mae i “trawsatebydd” yr ystyr a roddir i “*transponder*” yn Erthygl 2;

mae i “troseddwr” (“*offender*”) yr ystyr a roddir yn rheoliad 35(1).

“within 24 hours” (“*o fewn 24 awr*”) means before the end of the period of 24 hours beginning with the time at which—

- (a) for the purposes of regulation 15(1)(a), the information is created or amended; or
- (b) for the purposes of regulation 15(1)(b), the issuing body receives the Welsh Ministers' request,

but not including any time that is not part of a working day; and for this purpose “working day” (“*diwrnod gwaith*”) means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(1).

## RHAN 2

### Darpariaethau a gofynion gweinyddol a gweithdrefnol

#### Awdurdod cymwys ac awdurdod sootechnegol at ddibenion Rheoliad yr UE

3. Gweinidogion Cymru yw'r awdurdod cymwys a'r awdurdod sootechnegol at ddibenion Rheoliad yr UE.

#### Trosglwyddo perchnogaeth ceffylau

4.—(1) Rhaid i berson sy'n trosglwyddo perchnogaeth ceffyl i berson arall (y “trosglwyddai”) ddarparu dogfen adnabod y ceffyl hwnnw i'r trosglwyddai adeg y trosglwyddo.

(2) Cyn diwedd y cyfnod o 30 niwrnod sy'n dechrau â'r diwrnod y daeth y trosglwyddiad i rym, rhaid i'r trosglwyddai—

- (a) hysbysu'r awdurdod dyroddi—
  - (i) am drosglwyddiad y berchnogaeth; a
  - (ii) am enw, cyfeiriad a manylion cysylltu'r trosglwyddai; a
- (b) anfon dogfen adnabod y ceffyl o dan sylw at y corff dyroddi.

#### Adnabod ceffylau

5. Rhaid i berson beidio â chadw ceffyl oni bai bod y ceffyl wedi ei adnabod yn unol â Rheoliad yr UE a'r Rheoliadau hyn.

## PART 2

### Administrative and procedural provisions and requirements

#### Competent authority and zootechnical authority for the purposes of the EU Regulation

3. The Welsh Ministers are the competent authority and the zootechnical authority for the purposes of the EU Regulation.

#### Transfer of ownership of equines

4.—(1) A person who transfers the ownership of an equine to another person (the “transferee”) must provide that equine's ID to the transferee at the time of the transfer.

(2) Before the end of the period of 30 days beginning with the day on which the transfer took effect, the transferee must—

- (a) notify the issuing body of—
  - (i) the transfer of ownership; and
  - (ii) the transferee's name, address and contact details; and
- (b) send the ID for the equine concerned to the issuing body.

#### Identification of equines

5. A person must not keep an equine unless it is identified in accordance with the EU Regulation and these Regulations.

(1) OJ Rhif L.59, 3.3.2015, t.1.

(2) OJ Rhif L 224, 18.8.1990, t. 55. Diwygiwyd y Gyfarwydddeb gan Gyfarwydddeb y Cyngor 2008/73/EC dyddiedig 15 Gorffennaf 2008 (OJ Rhif. L 219, 14.8.2008, t. 40).

(3) OJ Rhif L 192, 23.7.2010, t. 1. Diwygiwyd y Gyfarwydddeb gan Gyfarwydddeb y Cyngor 2013/20/EU dyddiedig 13 Mai 2013 (OJ Rhif L 158, 10.6.2013, t. 234 a chan Benderfyniad Gweithredu'r Comisiwn (EU) 2016/1840 dyddiedig 14 Hydref 2016 (OJ Rhif L 280, 18.10.2016, t. 33).

(1) 1971 c. 80.



## **Ceisiadau am ddogfennau adnabod**

6.—(1) At ddibenion Erthyglau 3(3) ac 11(2), rhaid i berchennog ceffyl a aned yn yr Undeb Ewropeaidd ac a leolir ar ddaliad yng Nghymru sicrhau bod cais am ddogfen adnabod i'r ceffyl hwnnw yn dod i law corff dyroddi heb fod yn hwyrach na 30 niwrnod cyn y dyddiad olaf ar gyfer dyroddi dogfen adnabod fel y'i nodir ym mharagraff (2).

- (2) Y dyddiad terfynol yw'r hwyraf o'r ddau hyn—
- (a) 31 Rhagfyr ym mlwyddyn galendr genedigaeth y ceffyl; neu
  - (b) 6 mis ar ôl dyddiad geni'r ceffyl.

(3) Rhaid anfon gyda'r cais unrhyw ffi a bennir gan y corff dyroddi y cyflwynir y cais iddo.

## **Cwblhau dogfennau adnabod presennol ceffylau a fewnforiwyd i'r Undeb Ewropeaidd**

7. Rhaid i'r ceidwad ddarparu i'r corff dyroddi yr holl wybodaeth sy'n angenrheidiol i ganiatáu i'r corff gwblhau dogfen adnabod bresennol at ddibenion Erthygl 15(2), yn ddarostyngedig i Erthygl 15(3), fel ei bod yn cydymffurfio â gofynion Erthygl 7(2).

## **Addasu manylion adnabod mewn dogfennau adnabod**

8. Os yw'r person cyfrifol yn credu bod angen i unrhyw fanylion adnabod a gynhwysir yn nogfen adnabod y ceffyl gael eu haddasu neu eu diweddarau, boed yn unol ag Erthygl 27(1) neu fel arall, rhaid i'r perchennog ofyn i'r corff dyroddi addasu'r ddogfen adnabod neu ei diweddarau.

## **Ffurf a chynnwys dogfennau adnabod**

- 9.—(1) Mae corff dyroddi—
- (a) yn gorfod sicrhau bod unrhyw stoc o ddogfennau adnabod gwag a argraffwyd ymlaen llaw (“stoc wag a argraffwyd ymlaen llaw”) y mae'n ei dal neu'n ei chadw;
  - (b) yn gorfod sicrhau bod unrhyw ddogfen adnabod y mae'n ei dyroddi o'r stoc wag hon a argraffwyd ymlaen llaw; ac
  - (c) yn cael sicrhau bod dogfen adnabod y mae'n ei dyroddi heblaw o stoc wag a argraffwyd ymlaen llaw,
- yn cydymffurfio â pharagraff (2).

## **Applications for IDs**

6.—(1) For the purposes of Articles 3(3) and 11(2), the owner of an equine born in the European Union and located on a holding in Wales must ensure that an application for an ID for that equine is received by an issuing body no later than 30 days prior to the final date for issuing an ID as set out in paragraph (2).

- (2) The final date is the later of—
- (a) 31 December in the calendar year of the equine's birth; or
  - (b) 6 months following the date of the equine's birth.

(3) An application must be accompanied by such fee specified by the issuing body to which it is submitted.

## **Completion of existing IDs for equines imported into the European Union**

7. The keeper must provide to the issuing body all information necessary to allow the body to complete an existing ID for the purposes of Article 15(2), subject to Article 15(3), so that it complies with the requirements of Article 7(2).

## **Modification of identity details in IDs**

8. If the responsible person believes that any identity details contained in the equine's ID require modification or updating, whether pursuant to Article 27(1) or otherwise, the owner must ask the issuing body to modify or update the ID.

## **Format and content of IDs**

- 9.—(1) An issuing body—
- (a) must ensure that any stock of pre-printed blank IDs (“pre-printed blank stock”) which it holds or maintains;
  - (b) must ensure that any ID which it issues from such pre-printed blank stock; and
  - (c) may ensure that ID which it issues otherwise than from pre-printed blank stock,

complies with paragraph (2).

(2) At ddibenion paragraff (1), rhaid i'r ddogfen adnabod neu'r stoc wag a argraffwyd ymlaen llaw gynnwys o leiaf rif cyfresol a argraffwyd ar bob un o'r tudalennau sy'n ffurfio adrannau I i III o'r ddogfen adnabod (fel y nodir yn Atodiad I i Reoliad yr UE).

(3) Rhaid i gorff dyroddi sicrhau bod yr holl ddogfennau adnabod a'r holl stoc wag a argraffwyd ymlaen llaw yn cael eu rheoli mewn modd diogel ar ei fangreoddd.

(4) Os bydd dogfen adnabod neu unrhyw stoc wag a argraffwyd ymlaen llaw wedi eu colli, yn eisiau neu wedi eu dwyn, rhaid i'r corff dyroddi o dan sylw—

- (a) hysbysu Gweinidogion Cymru cyn gynted â phosibl eu bod wedi eu colli, yn eisiau neu wedi eu dwyn; a
- (b) gyda'r hysbysiad a grybwyllwyd yn is-baragraff (a), hysbysu Gweinidogion Cymru—
  - (i) am yr amgylchiadau ynglŷn â'r ffaith eu bod wedi eu colli, yn eisiau neu wedi eu dwyn; a
  - (ii) am rifau cyfresol y ddogfen adnabod neu'r stoc wag a argraffwyd ymlaen llaw ac sydd o dan sylw.

(5) At ddibenion Erthygl 9(1)(c), fel y'i darllenir gydag Erthygl 10(3), ac yn ddarostyngedig i'r Erthygl honno, rhaid i'r corff dyroddi o dan sylw sicrhau bod adran IV (manylion perchnogaeth) dogfen adnabod wedi ei chwblhau cyn i'r ddogfen adnabod gael ei dyroddi o dan Erthygl 9.

(6) Caiff dogfen adnabod neu unrhyw ran ohoni fod mewn iaith ychwanegol.

### **Dilysu dogfennau adnabod**

**10.** Os ceir cais gan Weinidogion Cymru, rhaid i gorff dyroddi ddilysu a yw dogfen adnabod a ddyroddwyd ganddo, neu y mae'n ymddangos ei bod wedi ei dyroddi ganddo, yn unigryw, yn wir ac yn ddilys.

### **Gofyniad i ddarparu dogfen adnabod i filfeddyg sy'n trin ceffyl**

**11.—(1)** Mae'r rheoliad hwn yn gymwys os bydd milfeddyg yn trin ceffyl.

(2) Os ceir cais rhesymol gan y milfeddyg, rhaid i'r person cyfrifol ddarparu dogfen adnabod y ceffyl i'r milfeddyg yn ddi-oed.

(2) For the purpose of paragraph (1), the ID or the pre-printed blank stock must, as a minimum, contain a serial number that is printed on each of the pages which form sections I to III of the ID (as set out in Annex I to the EU Regulation).

(3) An issuing body must ensure that all IDs and pre-printed blank stock are securely managed on its premises.

(4) If an ID or any pre-printed blank stock is lost, missing or stolen, the issuing body concerned must—

- (a) notify the Welsh Ministers as soon as possible of the loss, misplacement or theft; and
- (b) with the notification mentioned in subparagraph (a), inform the Welsh Ministers of—
  - (i) the circumstances of the loss, misplacement or theft; and
  - (ii) the serial numbers for the ID or the pre-printed blank stock concerned.

(5) For the purposes of Article 9(1)(c), as read with, and subject to, Article 10(3), the issuing body concerned must ensure that section IV (details of ownership) of an ID is completed before the ID is issued under Article 9.

(6) An ID or any part of it may be in an additional language.

### **Verification of IDs**

**10.** Upon request from the Welsh Ministers, an issuing body must verify whether an ID that has been, or which appears to have been, issued by it is unique, genuine and authentic.

### **Requirement to provide ID to a veterinary surgeon treating an equine**

**11.—(1)** This regulation applies if a veterinary surgeon is treating an equine.

(2) Upon reasonable request from the veterinary surgeon, the responsible person must provide the equine's ID to the veterinary surgeon without delay.

## Cigydda ceffyl, marwolaeth ceffyl neu golli ceffyl

12.—(1) Pan fo'n ofynnol, yn unol ag Erthygl 34(1)(c)(ii), i filfeddyg swyddogol, neu berson sy'n gweithredu o dan oruchwyliaeth milfeddyg swyddogol, ddychwelyd dogfen adnabod sydd heb ei dilysu i'r corff dyroddi, rhaid i'r milfeddyg swyddogol, neu'r person sy'n gweithredu o dan ei oruchwyliaeth, ddychwelyd y ddogfen adnabod honno i'r corff dyroddi cyn gynted ag y bo'n rhesymol ymarferol.

(2) Pan fo'n ofynnol, yn unol ag Erthygl 35(1), i geidwad ddychwelyd dogfen adnabod i'r corff dyroddi, rhaid i'r ceidwad ddychwelyd y ddogfen adnabod honno i'r corff dyroddi o fewn cyfnod o 30 niwrnod ar ôl marwolaeth y ceffyl neu ar ôl colli'r ceffyl.

## Trawsatebyddion

13.—(1) At ddibenion Erthygl 18(3), y cymhwyster gofynnol i'r person yr ymddiriedir ynddo i fewnblannu trawsatebydd yw aelodaeth o Goleg Brenhinol y Milfeddygon, ac yn y rheoliad hwn cyfeirir at y person hwnnw fel "milfeddyg".

(2) Rhaid i filfeddyg sy'n mewnblannu trawsatebydd mewn ceffyl gymryd y mesurau a nodir yn Erthyglau 16 a 17(1) ar ran corff dyroddi.

(3) At ddibenion Erthygl 18(5), rhaid i'r person cyfrifol drefnu bod milfeddyg yn mewnblannu trawsatebydd mewn ceffyl y bernir ei fod wedi ei adnabod yn unol ag Erthyglau 4(2) neu 43(1)—

- (a) os bydd trawsatebydd a fewnblannwyd ac a gofnodwyd o'r blaen yn peidio â gweithredu;
- (b) os bydd y ceffyl yn cyrraedd Cymru ar ôl mynd drwy ddull arall o ddilysu ei fanylion adnabod a awdurdodwyd gan Aelod-wladwriaeth arall o dan Erthygl 21; neu
- (c) os yw'r ceffyl—
  - (i) heb fod yn syrthio o fewn is-baragraffau (a) neu (b);
  - (ii) heb gael trawsatebydd wedi ei fewnblannu eisoes i gydymffurfio â'r gofynion neu'r manylion ynglŷn â thrawsatebyddion a nodir yn Rheoliad yr UE neu Reoliad y Comisiwn (EC) Rhif 504/2008(1) dyddiedig 6 Mehefin 2008 yn gweithredu Cyfarwyddebau'r Cyngor 90/426/EEC a 90/427/EEC o ran dulliau adnabod equidae; a

## Slaughter, death or loss of an equine

12.—(1) Where, in accordance with Article 34(1)(c)(ii), an official veterinarian, or a person acting under the supervision of an official veterinarian, is required to return an invalidated ID to the issuing body, the official veterinarian, or the person acting under his or her supervision, must return that ID to the issuing body as soon as is reasonably practicable.

(2) Where, in accordance with Article 35(1), a keeper is required to return an ID to the issuing body, the keeper must return that ID to the issuing body within a period of 30 days of the death or loss of the equine.

## Transponders

13.—(1) For the purposes of Article 18(3), the minimum qualification required for the person entrusted with the implantation of a transponder is membership of the Royal College of Veterinary Surgeons, and in this regulation that person is referred to as a "veterinary surgeon".

(2) A veterinary surgeon who implants a transponder into an equine must take the measures set out in Articles 16 and 17(1) on behalf of an issuing body.

(3) For the purposes of Article 18(5), the responsible person must arrange for a veterinary surgeon to implant a transponder into an equine that is deemed to be identified in accordance with Articles 4(2) or 43(1) if—

- (a) a previously implanted and recorded transponder ceases to function;
- (b) the equine arrives in Wales having been subject to an alternative method of identity verification authorised by another member State under Article 21; or
- (c) the equine—
  - (i) does not fall within sub-paragraphs (a) or (b);
  - (ii) has not already had a transponder implanted in compliance with the requirements or specifications as to transponders set out in the EU Regulation or Commission Regulation (EC) No 504/2008(1) of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae; and

(1) OJ Rhif L 149, 7.6.2008, t. 3.

(1) OJ No. L 149, 7.6.2008, p.3.

(iii) wedi ei eni ar neu cyn 30 Mehefin 2009.

(4) Rhaid i filfeddyg sy'n mewnblannu trawsatebydd mewn ceffyl sicrhau bod y trawsatebydd yn dangos cod sy'n unigryw i'r trawsatebydd.

### Cardiau clyfar

14.—(1) Caniateir i geffyl y mae dogfen adnabod wedi ei dyroddi ar ei gyfer gael ei symud neu ei gludo yng Nghymru, neu i Gymru o rannau eraill o'r Deyrnas Unedig, heb fod ei ddogfen adnabod gydag ef, os ceir cerdyn clyfar gydag ef sydd wedi ei ddyroddi yn unol ag Erthygl 25.

(2) Caiff Gweinidogion Cymru ddyroddi canllawiau ynghylch ffurf cardiau clyfar.

(3) Yn y rheoliad hwn, mae i "cerdyn clyfar" yr ystyr a roddir i "*smart card*" yn Erthygl 2.

### Cronfeydd data

15.—(1) Rhaid i gorff dyroddi ddarparu'r wybodaeth a ganlyn i'r gronfa ddata ganolog—

(a) o fewn 24 awr ar ôl i'r wybodaeth gael ei chreu neu ei diwygio gan y corff—

(i) y manylion adnabod a ddisgrifir yn Erthygl 27(1);

(ii) yr wybodaeth a gofnodwyd yng nghronfa ddata'r corff dyroddi o dan Erthygl 38(1);

(b) o fewn 24 awr ar ôl cael cais gan Weinidogion Cymru, unrhyw wybodaeth arall (nad yw'n syrthio o fewn is-baragraff (a)) y mae'n rhesymol i Weinidogion Cymru ofyn amdani mewn perthynas â dyroddi unrhyw ddogfen adnabod gan y corff dyroddi neu mewn perthynas â chyflawni swyddogaethau'r corff dyroddi o dan y Rheoliadau hyn neu Reoliad yr UE.

(2) Yn dilyn cais mewn ysgrifen gan gorff dyroddi, caiff Gweinidogion Cymru ymestyn yr amser pryd y mae'r corff dyroddi i ddarparu'r wybodaeth o dan baragraff (1) i'r gronfa ddata ganolog.

(3) Rhaid i unrhyw estyniad amser o dan baragraff (2) gael ei hysbysu i'r corff dyroddi mewn ysgrifen.

(4) At ddibenion Erthygl 40(1), rhaid i gorff dyroddi ymgorffori'r wybodaeth sy'n syrthio o fewn Erthyglau 28(e) a 38(1) yn y gronfa ddata ganolog.

(5) Caiff Gweinidogion Cymru ddyroddi canllawiau i gyrff dyroddi ynghylch y gronfa ddata ganolog a sut i gofnodi gwybodaeth ynddi.

(iii) was born on or before 30 June 2009.

(4) A veterinary surgeon who implants a transponder into an equine must ensure that the transponder displays a code that is unique to the transponder.

### Smart cards

14.—(1) An equine in respect of which an ID has been issued may be moved or transported within Wales, or into Wales from other parts of the United Kingdom, without being accompanied by its ID if it is accompanied by a smart card issued in accordance with Article 25.

(2) The Welsh Ministers may issue guidance about the format of smart cards.

(3) In this regulation, "smart card" has the meaning given in Article 2.

### Databases

15.—(1) An issuing body must provide the following information to the central database—

(a) within 24 hours of the information being created or amended by the body—

(i) the identification details described in Article 27(1);

(ii) the information recorded in the issuing body's database under Article 38(1);

(b) within 24 hours of a request from the Welsh Ministers, such other information (not falling within sub-paragraph (a)) as the Welsh Ministers may reasonably request in relation to the issuing of any ID by the issuing body or the carrying out by the issuing body of its functions under these Regulations or the EU Regulation.

(2) Following a request in writing from an issuing body, the Welsh Ministers may extend the time within which the issuing body is to provide the information under paragraph (1) to the central database.

(3) Any extension of time under paragraph (2) must be notified to the issuing body in writing.

(4) For the purposes of Article 40(1), an issuing body must incorporate the information falling within Articles 28(e) and 38(1) into the central database.

(5) The Welsh Ministers may issue guidance to issuing bodies about the central database and how to enter information into it.

(6) Caiff Gweinidogion Cymru rannu unrhyw ddata neu wybodaeth sy'n cael eu dal neu eu storio yn y gronfa ddata ganolog, neu sydd i'w dal neu i'w storio ynddi, gyda'r Ysgrifennydd Gwladol, Gweinidogion yr Alban ac, yng Ngogledd Iwerddon, yr Adran Amaethyddiaeth, Amgylchedd a Materion Gwledig.

(7) Yn y rheoliad hwn, ystyr "cronfa ddata ganolog" yw'r gronfa ddata a sefydlwyd gan yr Ysgrifennydd Gwladol yn unol ag Erthygl 39.

### RHAN 3

#### Ceffylau sy'n byw o dan amodau gwyllt neu led-wyllt

##### **Eithriadau mewn cysylltiad â cheffylau gwyllt neu led-wyllt penodol**

16.—(1) Mae'r rhanddirymiad yn Erthygl 13 yn gymwys mewn perthynas â cheffylau—

- (a) a nodir yn y rhestrau a gedwir gan Gymdeithasau Gwella Merlod Mynydd Cymru; neu
- (b) a nodir yn y rhestrau a gedwir gan Gymdeithas Merlod y Carneddau.

(2) At ddibenion Erthygl 13, fel y'i darllenir gydag Erthygl 43(3), yr ardaloedd ("ardaloedd dynodedig") a ddiffinnir gan Weinidogion Cymru ac sy'n cynnwys cheffylau gwyllt neu led-wyllt nad oes angen eu hadnabod â dogfennau adnabod tra byddant yn aros o fewn yr ardaloedd dynodedig yw'r ardaloedd hynny a hysbyswyd gan Weinidogion Cymru i'r Comisiwn ar 17 Medi 2009.

(3) At ddibenion Erthygl 13(1), nid oes angen i geffylau gwyllt neu led-wyllt a drosglwyddir o dan oruchwyliaeth swyddogol o un o'r rhestrau a ddisgrifir ym mharagraff (1) i'r rhestr arall a ddisgrifir ym mharagraff (1) gael eu hadnabod â dogfennau adnabod.

(4) Rhaid i geffylau gwyllt neu led-wyllt sy'n byw mewn ardal ddynodedig gael eu hadnabod â dogfen adnabod pan ddechreuir eu defnyddio at ddibenion domestig.

##### **Gofyniad ynghylch dogfen adnabod a thrawsatebydd i geffylau gwyllt neu led-wyllt a drinnir â chynhyrchion meddyginiaethol milfeddygol**

17. Os trinnir ceffyl gwyllt neu led-wyllt sydd heb ddogfen adnabod mewn ardal ddynodedig ag unrhyw gynnyrch meddyginiaethol milfeddygol, rhaid i'r person cyfrifol sicrhau bod gan y ceffyl ddogfen adnabod a'i fod yn cael ei fewnblannu â thrawsatebydd—

(6) The Welsh Ministers may share any data or information held or stored in, or which is to be held or stored in, the central database with the Secretary of State, the Scottish Ministers and, in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.

(7) In this regulation, "central database" means the database established by the Secretary of State in accordance with Article 39.

### PART 3

#### Equines living under wild or semi-wild conditions

##### **Exceptions in respect of certain wild or semi-wild equines**

16.—(1) The derogation in Article 13 applies in relation to equines that are—

- (a) identified in the lists kept by the Hill Pony Improvement Societies of Wales ; or
- (b) identified in the lists kept by the Cymdeithas Merlod y Carneddau.

(2) For the purposes of Article 13, as read with Article 43(3), the areas ("designated areas") defined by the Welsh Ministers containing wild or semi-wild equines that do not need to be identified with IDs while they remain within the designated areas are those areas notified by the Welsh Ministers to the Commission on 17 September 2009.

(3) For the purposes of Article 13(1), wild or semi-wild equines transferred under official supervision from one of the lists described in paragraph (1) to the other list described in paragraph (1) do not need to be identified with IDs.

(4) Wild or semi-wild equines living on a designated area must be identified with an ID when they are brought into domestic use.

##### **Requirement for ID and transponder for wild or semi-wild equines treated with veterinary medicinal products**

17. If a wild or semi-wild equine without an ID in a designated area is treated with any veterinary medicinal product, the responsible person must ensure that the equine has an ID and is implanted with a transponder—

- (a) yn unol â Rheoliad yr UE; a
- (b) o fewn 30 niwrnod ar ôl y driniaeth.

- (a) in accordance with the EU Regulation; and
- (b) within 30 days of the treatment.

**Ceffylau gwyllt a led-wyllt: gofyniad ynghylch dogfen adnabod i symud o ardal ddynodedig**

18. Yn ddarostyngedig i reoliad 19, ni chaiff y person cyfrifol symud ceffyl gwyllt neu led-wyllt sydd heb ddogfen adnabod allan o ardal ddynodedig.

**Wild and semi-wild equines: requirement for ID for movement from designated area**

18. Subject to regulation 19, the responsible person may not move a wild or semi-wild equine without an ID out of a designated area.

**Eithriad i'r gofyniad ynghylch dogfen adnabod: ceffylau gwyllt neu led-wyllt a symudir am resymau lles neu i'w cigyddu**

19.—(1) Caiff y person cyfrifol symud ceffyl gwyllt neu led-wyllt allan o ardal ddynodedig heb ddogfen adnabod—

- (a) os yw'r ceffyl yn cael ei symud allan o'r ardal ddynodedig dros dro ac am resymau lles; neu
- (b) os yw'r ceffyl—
  - (i) yn llai na 12 mis oed a chanddo sêr deintyddol gweledol ar y blaenddannedd ochrol dros dro;
  - (ii) yn cael ei symud yn uniongyrchol o'r ardal ddynodedig y'i ganed ynnddi i le i gael ei gigydda (boed ar gyfer ei fwyta gan bobl ai peidio);
  - (iii) heb gael ei drin o'r blaen ag unrhyw gynnyrch meddyginiaethol milfeddygol; a
  - (iv) â sticer a ddyroddwyd gan gorff dyroddi wedi ei osod arno cyn iddo ymadael â'r ardal ddynodedig, ac mae'n rhaid bod y sticer wedi ei farcio â rhif adnabod unigryw a'r dyddiad y cafodd ei osod ar y ceffyl.

(2) Rhaid i'r person cyfrifol sicrhau bod ceffyl sy'n syrthio o fewn paragraff (1)(b) yn cael ei gigydda o fewn 7 niwrnod ar ôl y dyddiad a welir ar y sticer.

**Exception to requirement for ID: wild or semi-wild equines moved for welfare reasons or for slaughter**

19.—(1) The responsible person may move a wild or semi-wild equine out of a designated area without an ID if—

- (a) the equine is being moved out of the designated area temporarily and for welfare reasons; or
- (b) the equine—
  - (i) is aged under 12 months and has visible dental stars of the temporary lateral incisors;
  - (ii) is being moved directly from the designated area in which it was born to a place for slaughter (whether or not for the purpose of human consumption);
  - (iii) has not previously been treated with any veterinary medicinal product; and
  - (iv) has a sticker issued by an issuing body attached to it before it leaves the designated area, and the sticker must be marked with a unique identification number and the date on which it was attached to the equine.

(2) The responsible person must ensure that an equine falling within paragraph (1)(b) is slaughtered within 7 days of the date shown on the sticker.

**Gofynion ynglŷn â cheffylau gwyllt neu led-wyllt 12 mis oed neu drosodd a symudir i'w cigyddu**

20.—(1) Mae'r rheoliad hwn yn gymwys i geffyl gwyllt neu led-wyllt—

- (a) sy'n 12 mis neu drosodd; a
- (b) sy'n cael ei symud o ardal ddynodedig i le i gael ei gigydda (boed ar gyfer ei fwyta gan bobl ai peidio).

**Requirements for wild or semi-wild equines aged 12 months or over moved for slaughter**

20.—(1) This regulation applies to a wild or semi-wild equine that is—

- (a) aged 12 months or over; and
- (b) being moved from a designated area to a place for slaughter (whether or not for the purpose of human consumption).

(2) Rhaid i'r person cyfrifol sicrhau bod gan y ceffyl (yn ychwanegol at ddogfen adnabod) sticer a ddyroddwyd gan gorff dyroddi wedi ei osod arno cyn iddo ymadael â'r ardal ddynodedig, ac mae'n rhaid bod y sticer wedi ei farcio â rhif adnabod unigryw a'r dyddiad y cafodd ei osod ar y ceffyl.

(3) Rhaid i'r person cyfrifol sicrhau bod ceffyl sy'n syrthio o fewn paragraff (1) yn cael ei gigydda o fewn 7 niwrnod ar ôl y dyddiad a welir ar y sticer.

### **Gofynion ynglŷn â cheffylau gwyllt neu led-wyllt a symudir heblaw i'w cigydda**

**21.**—(1) Mae'r rheoliad hwn yn gymwys i geffyl gwyllt neu led-wyllt sydd—

- (a) o unrhyw oedran; a
- (b) yn cael ei symud o ardal ddynodedig i le arall (y "cyrchnod crynhoi") at ddiben heblaw cigydda.

(2) Rhaid i'r person cyfrifol sicrhau bod gan y ceffyl (yn ychwanegol at ddogfen adnabod) sticer a ddyroddwyd gan gorff dyroddi wedi ei osod arno cyn iddo ymadael â'r ardal ddynodedig, ac mae'n rhaid bod y sticer wedi ei farcio â rhif adnabod unigryw a'r dyddiad y cafodd ei osod ar y ceffyl.

(3) Rhaid i'r person cyfrifol sicrhau bod ceffyl sy'n syrthio o fewn paragraff (1) yn cyrraedd ei gyrchnod crynhoi o fewn 7 niwrnod ar ôl y dyddiad a welir ar y sticer.

(4) Rhaid i'r person cyfrifol sicrhau bod trawsatebydd yn cael ei fewnblannu yn y ceffyl cyn diwedd y cyfnod o 30 niwrnod sy'n dechrau â'r diwrnod y mae'r ceffyl yn cyrraedd y cyrchnod crynhoi.

(5) Heblaw dros dro neu am resymau lles, rhaid i'r person cyfrifol sicrhau nad yw'r ceffyl yn cael ei symud allan o'r cyrchnod crynhoi nes bod y trawsatebydd wedi ei fewnblannu.

## **RHAN 4**

### **Troseddau**

#### **Cyffredinol**

**22.**—(1) Mae perchennog yn euog o drosedd os yw'n torri gwaharddiad, neu'n methu â chydymffurfio â gofyniad, sy'n gymwys i berchennog (gan gynnwys perchennog yn rhinwedd ei swydd fel person cyfrifol) yn Rhannau 2 a 3 neu yn Rheoliad yr UE.

(2) The responsible person must ensure that the equine has (in addition to an ID) a sticker issued by an issuing body attached to it before it leaves the designated area, and the sticker must be marked with a unique identification number and the date on which it was attached to the equine.

(3) The responsible person must ensure that an equine falling within paragraph (1) is slaughtered within 7 days of the date shown on the sticker.

### **Requirements for wild or semi-wild equines moved other than for slaughter**

**21.**—(1) This regulation applies to a wild or semi-wild equine that is—

- (a) of any age; and
- (b) being moved from a designated area to another place (the "holding destination") for a purpose other than for slaughter.

(2) The responsible person must ensure that the equine has (in addition to an ID) a sticker issued by an issuing body attached to it before it leaves the designated area, and the sticker must be marked with a unique identification number and the date on which it was attached to the equine.

(3) The responsible person must ensure that an equine falling within paragraph (1) reaches its holding destination within 7 days of the date shown on the sticker.

(4) The responsible person must ensure that a transponder is implanted into the equine before the expiry of the period of 30 days beginning with the day on which the equine arrives at the holding destination.

(5) Unless temporarily or for welfare reasons, the responsible person must ensure that the equine is not moved out of the holding destination until the transponder has been implanted.

## **PART 4**

### **Criminal offences**

#### **General**

**22.**—(1) An owner is guilty of an offence if the owner breaches a prohibition, or fails to comply with a requirement, which applies to an owner (including an owner as a responsible person) in Parts 2 and 3 or in the EU Regulation.

(2) Mae ceidwad yn euog o drosedd os yw'n torri gwaharddiad, neu'n methu â chydymffurfio â gofyniad, sy'n gymwys i geidwad (gan gynnwys ceidwad yn rhinwedd ei swydd fel person cyfrifol) yn Rhannau 2 a 3 neu yn Rheoliad yr UE.

(3) Mae corff dyroddi'n euog o drosedd os yw'n torri gwaharddiad, neu'n methu â chydymffurfio â gofyniad, sy'n gymwys i gorff dyroddi yn Rhannau 2 a 3 neu yn Rheoliad yr UE.

(4) Yn ddarostyngedig i baragraff (5), mae milfeddyg yn euog o drosedd os yw'n torri gwaharddiad, neu'n methu â chydymffurfio â gofyniad, sy'n gymwys i filfeddyg yn Rhannau 2 a 3 neu yn Rheoliad yr UE.

(5) Nid yw milfeddyg yn euog o unrhyw drosedd o fethu â chofnodi gwybodaeth mewn dogfen adnabod, neu fethu â diweddarau dogfen adnabod, os yw wedi gofyn i'r person cyfrifol am y ddogfen adnabod at y diben hwnnw ac nad yw'r person cyfrifol yn darparu, neu nad yw wedi darparu, y ddogfen adnabod i'r milfeddyg.

### **Cadw dogfen adnabod yn ôl oddi wrth y person cyfrifol**

**23.** Mae person yn euog o drosedd os yw, heb esgus rhesymol, yn cadw dogfen adnabod ceffyl yn ôl oddi wrth y person cyfrifol.

### **Darparu gwybodaeth ffug neu gamarweiniol**

**24.** Mae person yn euog o drosedd os yw'n gwneud datganiad neu'n darparu gwybodaeth sy'n ffug neu'n gamarweiniol—

- (a) wrth wneud cais am ddyroddi neu amrywio dogfen adnabod;
- (b) mewn perthynas â chofnodi gwybodaeth mewn dogfen adnabod neu â chofrestru dogfen adnabod; neu
- (c) i unrhyw berson sy'n gweithredu mewn perthynas â gorfodi'r Rheoliadau hyn neu Reoliad yr UE.

### **Meddu ar ddogfen adnabod a ffugwyd**

**25.—(1)** Mae person yn euog o drosedd os yw'n meddu ar ddogfen adnabod gan wybod ei bod wedi ei ffugio.

(2) Nid yw paragraff (1) yn gymwys os oes gan y person, ar yr adeg o dan sylw, ddogfen adnabod a ffugwyd dim ond er mwyn ei dinistrio neu i'w rhoi i awdurdod gorfodi, yr heddlu neu Weinidogion Cymru.

(2) A keeper is guilty of an offence if the keeper breaches a prohibition, or fails to comply with a requirement, which applies to a keeper (including a keeper as a responsible person) in Parts 2 and 3 or in the EU Regulation.

(3) An issuing body is guilty of an offence if the issuing body breaches a prohibition, or fails to comply with a requirement, which applies to an issuing body in Parts 2 and 3 or in the EU Regulation.

(4) Subject to paragraph (5), a veterinary surgeon is guilty of an offence if the veterinary surgeon breaches a prohibition, or fails to comply with a requirement, which applies to a veterinary surgeon in Parts 2 and 3 or in the EU Regulation.

(5) A veterinary surgeon is not guilty of any offence for failing to enter information into, or failing to update, an ID if the veterinary surgeon has asked the responsible person for the ID for that purpose and the responsible person does not provide, or has not provided, the ID to the veterinary surgeon.

### **Withholding ID from the responsible person**

**23.** A person is guilty of an offence if the person, without reasonable excuse, withholds an equine's ID from the responsible person.

### **Provision of false or misleading information**

**24.** A person is guilty of an offence if the person makes a statement or provides information that is false or misleading—

- (a) when applying for an ID to be issued or varied;
- (b) in relation to the entering of information into an ID or the registration of an ID; or
- (c) to any person acting in relation to the enforcement of these Regulations or the EU Regulation.

### **Possession of a forged ID**

**25.—(1)** A person is guilty of an offence if the person is in possession of an ID knowing it to be a forgery.

(2) Paragraph (1) does not apply if the person, at the time concerned, holds a forged ID simply for the purpose of destroying it or providing it to an enforcing authority, the police or the Welsh Ministers.



### **Dinistrio, difwyno neu newid etc yn amhriodol**

26. Mae person yn euog o drosedd os yw, heblaw yn unol ag unrhyw hawlogaeth, rhwymedigaeth neu ofyniad i wneud hynny yn y Rheoliadau hyn neu Reoliad yr UE—

- (a) yn dinistrio neu'n difwyno dogfen adnabod;
- (b) yn newid unrhyw gofnod mewn dogfen adnabod; neu
- (c) yn difwyno, yn difodi neu'n dileu unrhyw farc a osodwyd o dan reoliad 33, ac eithrio o dan awdurdod ysgrifenedig arolygydd.

### **Troseddau ynghylch mewtblannu trawsatebydd**

27. Mae person yn euog o drosedd os yw yn fwriadol—

- (a) yn mewtblannu, neu'n ceisio mewtblannu, mewn ceffyl, ddyfais—
  - (i) nad yw'n drawsatebydd dilys; neu
  - (ii) sydd wedi ei fewtblannu o'r blaen mewn anifail arall, neu wedi ei defnyddio ar gyfer anifail arall; neu
- (b) yn ymyrryd â thrawsatebydd, neu'n ei newid fel arall, gan fwriadu twyllo.

### **Rhwystro**

28. Mae person yn euog o drosedd os yw—

- (a) yn fwriadol yn rhwystro arolygydd sy'n gweithredu wrth orfodi'r Rheoliadau hyn neu Reoliad yr UE;
- (b) heb achos rhesymol, yn methu â rhoi i arolygydd sy'n gweithredu wrth orfodi'r Rheoliadau hyn neu Reoliad yr UE unrhyw gymorth neu wybodaeth y mae'n rhesymol i'r arolygydd ofyn amdanynt at y diben hwnnw; neu
- (c) yn methu â dangos dogfen, cofnod neu ddogfen adnabod pan ofynnir iddo wneud hynny i unrhyw berson sy'n gweithredu wrth orfodi'r Rheoliadau hyn neu Reoliad yr UE.

### **Troseddau gan gyrff corfforaethol**

29.—(1) Pan fo corff corfforaethol yn euog o drosedd o dan y Rheoliadau hyn, ac y profir bod y drosedd honno wedi ei chyflawni gyda chydysyniad neu ymoddefiad, neu i'w phriodoli i unrhyw esgeulustod ar ran—

- (a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu berson tebyg arall i'r corff corfforaethol; neu

### **Improper destruction, defacement or alteration, etc**

26. A person is guilty of an offence if the person, otherwise than in accordance with any entitlement, obligation or requirement to do so in these Regulations or the EU Regulation—

- (a) destroys or defaces an ID;
- (b) alters any entry in an ID; or
- (c) defaces, obliterates or removes any mark applied under regulation 33, except under the written authority of an inspector.

### **Offences relating to implantation of transponder**

27. A person is guilty of an offence if the person knowingly—

- (a) implants, or attempts to implant, into an equine, a device which—
  - (i) is not a genuine transponder; or
  - (ii) has previously been implanted into, or used for, another animal; or
- (b) tampers with, or otherwise alters, a transponder with intent to deceive.

### **Obstruction**

28. A person is guilty of an offence if the person—

- (a) intentionally obstructs an inspector acting in the course of enforcing these Regulations or the EU Regulation;
- (b) without reasonable cause, fails to give to an inspector acting in the course of enforcing these Regulations or the EU Regulation any assistance or information that the inspector may reasonably require for that purpose; or
- (c) fails to produce a document, record or ID when required to do so to any person acting in the course of enforcing these Regulations or the EU Regulation.

### **Offences by bodies corporate**

29.—(1) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or

- (b) unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swydd o'r fath,

mae'r person hwnnw (yn ogystal â'r corff corfforaethol) hefyd yn euog o'r drosedd.

(2) Yn y rheoliad hwn, ystyr "cyfarwyddwr", mewn perthynas â chorff corfforaethol y rheolir ei faterion gan ei aelodau, yw aelod o'r corff corfforaethol.

### **Troseddau gan bartneriaethau a chymdeithasau anghorfforedig**

**30.**—(1) Caniateir i achos ynglŷn â throedd o dan y Rheoliadau hyn yr honnir ei bod wedi ei chyflawni gan bartneriaeth neu gymdeithas anghorfforedig gael ei ddwyn yn enw'r bartneriaeth neu'r gymdeithas.

(2) At ddibenion achos o'r fath—

- (a) bydd rheolau llys mewn perthynas â chyflwyno dogfennau yn cael effaith fel pe bai'r bartneriaeth neu'r gymdeithas yn gorff corfforaethol;
- (b) bydd adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2) yn gymwys mewn perthynas â'r bartneriaeth neu'r gymdeithas fel y maent yn gymwys mewn perthynas â chorff corfforaethol.

(3) Mae dirwy a osodir ar bartneriaeth neu gymdeithas yn dilyn euogfarn am drosedd o dan y Rheoliadau hyn i'w thalu allan o gronfeydd y bartneriaeth neu'r gymdeithas.

(4) Pan fo partneriaeth yn euog o drosedd o dan y Rheoliadau hyn, ac y profir bod y drosedd honno wedi ei chyflawni gyda chydysyniad neu ymoddefiad partner, neu i'w phriodoli i unrhyw esgeulustod ar ran partner, mae'r partner hwnnw (yn ogystal â'r bartneriaeth) hefyd yn euog o'r drosedd.

(5) At y dibenion hyn, mae "partner" yn cynnwys person sy'n honni ei fod yn gweithredu fel partner.

(6) Pan fo cymdeithas anghorfforedig yn euog o drosedd o dan y Rheoliadau hyn, ac y profir bod y drosedd honno wedi ei chyflawni gyda chydysyniad neu ymoddefiad swyddog i'r gymdeithas, neu i'w phriodoli i unrhyw esgeulustod ar ran swyddog i'r gymdeithas, mae'r swyddog hwnnw (yn ogystal â'r gymdeithas) hefyd yn euog o'r drosedd.

- (b) any person who was purporting to act in any such capacity,

that person (as well as the body corporate) is also guilty of the offence.

(2) In this regulation "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

### **Offences by partnerships and unincorporated associations**

**30.**—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Courts Act 1980(2) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where a partnership is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is also guilty of the offence.

(5) For these purposes, "partner" includes a person purporting to act as a partner.

(6) Where an unincorporated association is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is also guilty of the offence.

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(1) 1925 p. 86. Deddfiadau diwygio perthnasol yw Atodlen 6 i Ddeddf Llysoedd Ynadon 1952 (p. 55) ac Atodlen 8 i Ddeddf Llysoedd 1971 (p. 23).

(2) 1980 p. 43.

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(1) 1925 c. 86. Relevant amending enactments are Schedule 6 to the Magistrates' Court Act 1952 (c. 55) and Schedule 8 to the Courts Act 1971 (c. 23).

(2) 1980 c. 43.

(7) At y dibenion hyn, ystyr “swyddog” yw swyddog i’r gymdeithas neu aelod o’i chorff llywodraethu, neu berson sy’n honni ei fod yn gweithredu yn rhinwedd swydd o’r fath.

## RHAN 5

### Gorfodi a chosbi

#### Awdurdodau gorfodi

**31.**—(1) Yr awdurdod lleol sy’n gorfodi’r Rheoliadau hyn a Rheoliad yr UE.

(2) Mewn perthynas ag achosion o ddisgrifiad penodol neu mewn unrhyw achos penodol, caiff Gweinidogion Cymru gyfarwyddo bod rhaid i ddyletswydd orfodi a osodir ar yr awdurdod lleol o dan y rheoliad hwn gael ei chyflawni gan Weinidogion Cymru, ac nid gan yr awdurdod lleol ac mewn achosion o’r fath, Gweinidogion Cymru fydd yr awdurdod gorfodi at ddibenion y Rheoliadau hyn.

#### Penodi arolygwyr

**32.** Caiff Gweinidogion Cymru neu awdurdod gorfodi benodi person (“arolygydd”) er mwyn gorfodi’r Rheoliadau hyn neu Reoliad yr UE.

#### Arolygwyr: pwerau i fynd i mewn a phwerau cyffredinol

**33.**—(1) Caiff arolygydd, wedi iddo ddangos, os gofynnir iddo wneud hynny, awdurdodiad a ddilyswyd yn briodol, fynd i mewn i unrhyw dir, mangre (ac eithrio unrhyw fangre nad oes ceffyl ynddi ac a ddefnyddir fel annedd yn unig) neu eiddo er mwyn gweinyddu a gorfodi’r Rheoliadau hyn neu Reoliad yr UE, ac at ddibenion y rheoliad hwn mae “mangre” yn cynnwys unrhyw gerbyd neu gynhwysydd.

(2) Caiff arolygydd—

- (a) ei gwneud yn ofynnol i ddogfen adnabod gael ei dangos, a marcio’r ddogfen adnabod honno yn ôl yr angen;
- (b) cynnal unrhyw ymholiadau;
- (c) cael mynediad at unrhyw ddogfennau neu gofnodion (ym mha ffurf bynnag y’u cedwir) sy’n berthnasol i’r Rheoliadau hyn neu Reoliad yr UE, eu harchwilio a’u copïo, a’u cludo ymaith i’w copïo;
- (d) archwilio a gwirio gweithrediad unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu a ddefnyddiwyd mewn cysylltiad â ddogfennau neu gofnodion; ac

(7) For these purposes, “officer” means an officer of the association or a member of its governing body, or a person purporting to act in such capacity.

## PART 5

### Enforcement and penalties

#### Enforcing authorities

**31.**—(1) These Regulations and the EU Regulation are enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to cases of a particular description or any particular case, that an enforcement duty imposed on the local authority under this regulation must be discharged by the Welsh Ministers and not by the local authority and in such cases, the Welsh Ministers will be the enforcing authority for the purposes of these Regulations.

#### Appointment of inspectors

**32.** The Welsh Ministers or an enforcing authority may appoint a person (an “inspector”) for the purpose of enforcing these Regulations or the EU Regulation.

#### Inspectors: powers of entry and general powers

**33.**—(1) An inspector may, on producing a duly authenticated authorisation if required, enter any land, premises (excluding any premises not containing any equine and used only as a dwelling) or property for the purpose of administering and enforcing these Regulations or the EU Regulation; and, for the purposes of this regulation, “premises” includes any vehicle or container.

(2) An inspector may—

- (a) require the production of an ID and mark it as necessary;
- (b) carry out any inquiries;
- (c) have access to, and inspect and copy any documents or records (in whatever form they are held) relevant to these Regulations or the EU Regulation, and remove them to enable them to be copied;
- (d) inspect and check the operation of any computer and any associated apparatus or material that is, or that may have been, in use in connection with documents or records; and

(e) marcio unrhyw geffyl at ddibenion adnabod.

(3) Pan fo arolygydd wedi mynd i mewn i unrhyw fangre ac nad yw'n rhesymol ymarferol penderfynu a yw dogfennau yn y fangre honno yn berthnasol i'r Rheoliadau hyn neu Reoliad yr UE, caiff yr arolygydd ymafael yn y dogfennau hynny er mwyn penderfynu a ydynt yn berthnasol ai peidio.

(4) Caiff yr arolygydd fynd gydag—

- (a) unrhyw bersonau eraill a ystyrir gan yr arolygydd yn angenrheidiol; a
- (b) unrhyw gynrychiolydd i'r Comisiwn Ewropeaidd sy'n gweithredu er mwyn gorfodi un o rwymedigaethau'r UE.

### **Cosbau troseddol**

**34.** Yn ddarostyngedig i reoliad 35, mae person sy'n euog o drosedd o dan y Rheoliadau hyn yn agored, o'i euogfarnu'n ddiannod, i ddirwy.

### **Dewis mynd ar ôl sancsiynau sifil yn lle cosbau troseddol**

**35.**—(1) Caiff awdurdod gorfodi osod sancsiwn sifil, neu gyfuniad o sancsiynau sifil, o dan Ran 6 yn erbyn person (“troseddwr”) os yw'r awdurdod wedi ei fodloni y tu hwnt i amheuaeth resymol fod y troseddwr yn euog o drosedd a ddisgrifir yn Rhan 4.

(2) Yn ddarostyngedig i baragraff (3), ni chaniateir dechrau neu barhau achos troseddol yn erbyn troseddwr os bydd awdurdod gorfodi, mewn cysylltiad â'r drosedd—

- (a) yn dewis cymhwyso sancsiynau sifil o dan baragraff (1); a
- (b) yn cyflwyno i'r troseddwr—
  - (i) hysbysiad cydymffurfio;
  - (ii) hysbysiad cosb am beidio â chydymffurfio; neu
  - (iii) hysbysiad cosb ariannol benodedig.

(3) Os bydd y troseddwr yn methu â chydymffurfio â'r sancsiynau sifil a gyflwynir o dan baragraff (2)(b), caiff yr awdurdod gorfodi ddwyn achos troseddol.

## **RHAN 6**

### **Sancsiynau sifil**

#### **Eu cymhwyso**

**36.** Mae'r Rhan hon yn gymwys os bydd awdurdod gorfodi yn penderfynu, o dan reoliad 35(1), gosod sancsiwn sifil, neu gyfuniad o sancsiynau sifil, ar droseddwr.

(e) mark any equine for identification purposes.

(3) Where an inspector has entered any premises and it is not reasonably practicable to determine whether documents on those premises are relevant to these Regulations or the EU Regulation, the inspector may seize them to ascertain whether or not they are relevant.

(4) The inspector may be accompanied by—

- (a) such other persons as the inspector considers necessary; and
- (b) any representative of the European Commission acting for the purpose of the enforcement of an EU obligation.

### **Criminal penalties**

**34.** Subject to regulation 35, a person who is guilty of an offence under these Regulations is liable, on summary conviction, to a fine.

### **Choosing to pursue civil sanctions instead of criminal penalties**

**35.**—(1) An enforcing authority may impose a civil sanction, or a combination of civil sanctions, under Part 6 against a person (an “offender”) if the authority is satisfied beyond reasonable doubt that the offender is guilty of an offence described in Part 4.

(2) Subject to paragraph (3), criminal proceedings against an offender may not be started or continued if an enforcing authority, in respect of the offence—

- (a) chooses to apply civil sanctions under paragraph (1); and
- (b) serves on the offender—
  - (i) a compliance notice;
  - (ii) a non-compliance penalty notice; or
  - (iii) a fixed monetary penalty notice.

(3) If the offender fails to comply with civil sanctions served under paragraph (2)(b), the enforcing authority may start criminal proceedings.

## **PART 6**

### **Civil sanctions**

#### **Application**

**36.** This Part applies if an enforcing authority decides, under regulation 35(1), to impose a civil sanction, or a combination of civil sanctions, on an offender.

## Hysbysiad cydymffurfio

37.—(1) Caiff awdurdod gorfodi, o ran cyflwyno hysbysiad ysgrifenedig (“hysbysiad cydymffurfio”) i’r troseddwr, ei gwneud yn ofynnol i’r troseddwr gymryd unrhyw gamau a bennir gan yr awdurdod, o fewn unrhyw gyfnodau a bennir, i sicrhau na fydd y weithred neu’r anweithred sy’n arwain at y drosedd yn parhau neu’n ailddigwydd.

(2) Ni chaniateir cyflwyno hysbysiad cydymffurfio os oes hysbysiad cosb ariannol benodedig wedi ei chyflwyno i’r troseddwr am yr un weithred neu anweithred.

## Hysbysiad cosb am beidio â chydymffurfio

38.—(1) Os bydd troseddwr yn methu â chydymffurfio â hysbysiad cydymffurfio, caiff yr awdurdod gorfodi, o ran cyflwyno hysbysiad ysgrifenedig (“hysbysiad cosb am beidio â chydymffurfio”) i’r troseddwr, ei gwneud yn ofynnol i’r troseddwr dalu i’r awdurdod unrhyw swm (y “gosb am beidio â chydymffurfio”) a bennir gan yr awdurdod mewn cysylltiad â’r methiant hwnnw i gydymffurfio.

(2) Caiff yr awdurdod gorfodi bennu—

- (a) swm y gosb am beidio â chydymffurfio, ond rhaid i’r swm hwnnw beidio â bod yn fwy na’r swm sy’n cyfateb i lefel 1 ar y raddfa safonol; a
- (b) a gaiff unrhyw ddisgownt ei gynnig mewn perthynas â thalu’n gynnar ac, os felly, swm unrhyw ddisgownt o’r fath (ond gweler rheoliad 41(2)).

(3) Os caiff gofynion hysbysiad cydymffurfio eu bodloni cyn i’r cyfnod talu a bennir mewn hysbysiad cosb perthnasol am beidio â thalu ddod i ben, mae’r rhwymedigaeth i dalu’r gosb am beidio â chydymffurfio wedi ei gollwng.

## Hysbysiad cosb ariannol benodedig

39.—(1) Caiff awdurdod gorfodi, o ran cyflwyno hysbysiad ysgrifenedig (“hysbysiad cosb ariannol benodedig”) i’r troseddwr, ei gwneud yn ofynnol i’r troseddwr dalu i’r awdurdod unrhyw swm (y “gosb ariannol benodedig”) a bennir gan yr awdurdod mewn perthynas â’r weithred neu’r anweithred sy’n arwain at y drosedd.

(2) O ran cosb ariannol benodedig—

- (a) dim ond os nad yw’n rhesymol ymarferol i’r awdurdod gorfodi gyflwyno hysbysiad cydymffurfio y caniateir ei gosod; a
- (b) ni chaniateir ei gosod fwy nag unwaith am yr un weithred neu anweithred.

## Compliance notice

37.—(1) An enforcing authority may, by way of serving a written notice (a “compliance notice”) on the offender, require the offender to take such steps as the authority may specify, within such periods as may be specified, to secure that the act or omission giving rise to the offence does not continue or recur.

(2) A compliance notice may not be served if a fixed monetary penalty notice has been served on the offender for the same act or omission.

## Non-compliance penalty notice

38.—(1) If an offender fails to comply with a compliance notice, the enforcing authority may, by way of serving a written notice (a “non-compliance penalty notice”) on the offender, require the offender to pay to the authority such sum (the “non-compliance penalty”) as the authority may specify in respect of that failure to comply.

(2) The enforcing authority may determine—

- (a) the amount of the non-compliance penalty, but this must not exceed the amount which corresponds with level 1 on the standard scale; and
- (b) whether any discount is offered in relation to early payment and, if so, the amount of any such discount (but see regulation 41(2)).

(3) If the requirements of a compliance notice are met before the payment period specified in a related non-compliance penalty notice expires, liability to pay the non-compliance penalty is discharged.

## Fixed monetary penalty notice

39.—(1) An enforcing authority may, by way of serving a written notice (a “fixed monetary penalty notice”) on an offender, require the offender to pay to the authority such sum (the “fixed monetary penalty”) as the authority may specify in relation to the act or omission giving rise to the offence.

(2) A fixed monetary penalty—

- (a) may only be imposed if it is not reasonably practicable for the enforcing authority to serve a compliance notice; and
- (b) may not be imposed more than once for the same act or omission.

(3) Caiff yr awdurdod gorfodi bennu—

- (a) swm y gosb am beidio â chydymffurfio, ond rhaid i'r swm hwnnw beidio â bod yn fwy na'r swm sy'n cyfateb i lefel 1 ar y raddfa safonol; a
- (b) a gaiff unrhyw ddisgownt ei gynnig mewn perthynas â thalu'n gynnar ac, os felly, swm unrhyw ddisgownt o'r fath (ond gweler rheoliad 41(2)).

### **Hysbysiad adennill costau gorfodi**

**40.**—(1) Caiff awdurdod gorfodi, o ran cyflwyno hysbysiad ysgrifenedig (“hysbysiad adennill costau gorfodi”) i droseddwr y cyflwynwyd hysbysiad cydymffurfio iddo, ei gwneud yn ofynnol i'r troseddwr dalu'r costau a ysgwyddwyd gan yr awdurdod mewn perthynas â'r hysbysiad cydymffurfio hyd at yr amser y cyflwynwyd yr hysbysiad cydymffurfio i'r troseddwr.

(2) Yn is-baragraff (1), ystyr y cyfeiriad at “costau” yw'r canlynol pan fyddant wedi eu hysgwyddo'n rhesymol ac yn angenrheidiol—

- (a) costau ymchwilio;
- (b) costau gweinyddu; ac
- (c) costau sicrhau cyngor arbenigol, gan gynnwys cyngor cyfreithiol.

(3) Raid i awdurdod gorfodi ddarparu dadansoddiad manwl o'r costau a bennir mewn hysbysiad adennill costau gorfodi os bydd y troseddwr yn gofyn iddo wneud hynny.

### **Gwybodaeth i'w darparu mewn hysbysiad neu gydag ef**

**41.**—(1) Os yw'n cyflwyno hysbysiad, rhaid i'r awdurdod gorfodi sicrhau bod yr hysbysiad yn cynnwys yr wybodaeth a ganlyn, neu'n cael ei gyflwyno gyda'r wybodaeth a ganlyn—

- (a) enw a chyfeiriad y troseddwr y cyflwynir yr hysbysiad iddo;
- (b) y rhesymau dros gyflwyno'r hysbysiad, gan gynnwys dyddiad y weithred neu'r anweithred sy'n arwain at y drosedd;
- (c) gwybodaeth am y camau y mae'n rhaid i'r troseddwr eu cymryd mewn ymateb i'r hysbysiad, gan gynnwys swm unrhyw gosb y mae'n rhaid ei dalu ac o fewn pa gyfnod y mae'n rhaid cwblhau'r camau hynny neu dalu unrhyw daliad;

(3) The enforcing authority may determine—

- (a) the amount of the fixed monetary penalty, but this must not exceed the amount which corresponds with level 1 on the standard scale; and
- (b) whether any discount is offered in relation to early payment and, if so, the amount of any such discount (but see regulation 41(2)).

### **Enforcement costs recovery notice**

**40.**—(1) An enforcing authority may, by way of serving a written notice (an “enforcement costs recovery notice”) on an offender on whom a compliance notice has been served, require the offender to pay the costs incurred by the authority in relation to the compliance notice up to the time of its service on the offender.

(2) In sub-paragraph (1), the reference to “costs” means reasonably and necessarily incurred—

- (a) investigation costs;
- (b) administration costs; and
- (c) costs of obtaining expert advice, including legal advice.

(3) An enforcing authority must provide a detailed breakdown of the costs specified in an enforcement costs recovery notice if requested to do so by the offender.

### **Information to be provided in or with a notice**

**41.**—(1) If serving a notice, the enforcing authority must ensure that the notice contains, or is served with, the following information—

- (a) the name and address of the offender on whom the notice is served;
- (b) the reasons for serving the notice, including the date of the act or omission giving rise to the offence;
- (c) information as to the steps that the offender must take in response to the notice, including the amount of any penalty that must be paid and the period within which those steps must be completed or any payment made;

- (d) gwybodaeth am y canlynol—
  - (i) yr hawl i apelio;
  - (ii) canlyniadau apêl, gan gynnwys rhoi gwybod bod yr hysbysiad yn cael ei atal nes ceir y penderfyniad terfynol neu nes tynnir unrhyw apêl yn ôl; a
  - (iii) canlyniadau methu â chydymffurfio â'r hysbysiad.

(2) Os bydd awdurdod gorfodi yn cynnig disgownt am dalu'n gynnar o dan reoliad 38(2)(b) neu 39(3)(b), ni chaiff yr awdurdod ofyn am dalu'r swm llawn heb ddisgownt a ddisgrifir yn yr hysbysiad cyn diwedd y cyfnod o 28 niwrnod yn dechrau â'r dyddiad y cyflwynir yr hysbysiad.

(3) Yn y rheoliad hwn, ystyr "hysbysiad" yw—

- (a) hysbysiad cydymffurfio;
- (b) hysbysiad cosb am beidio â chydymffurfio;
- (c) hysbysiad cosb ariannol benodedig; neu
- (d) hysbysiad adennill costau gorfodi.

### Tynnu hysbysiad yn ôl a'i ailddyroddi

**42.**—(1) Caiff awdurdod gorfodi fynd ati, unrhyw bryd, mewn ysgriflen, i dynnu hysbysiad a gyflwynwyd gan yr awdurdod o dan y Rhan hon yn ôl.

(2) Mae paragraff (3) yn gymwys i hysbysiad a gyflwynir i droseddwr o dan y Rhan hon ond sydd wedyn yn cael ei dynnu'n ôl gan yr awdurdod gorfodi cyn i'r troseddwr ffeilio apêl yn erbyn y penderfyniad a bennir yn yr hysbysiad.

(3) Caiff yr awdurdod gorfodi gyflwyno hysbysiad arall i'r troseddwr ynglŷn â'r methiant a ddisgrifir yn yr hysbysiad gwreiddiol.

(4) Caniateir i hysbysiad gael ei dynnu'n ôl gan awdurdod gorfodi, os bydd yr awdurdod gorfodi'n penderfynu na chyflawnwyd y drosedd y mae'r hysbysiad yn ymwneud â hi neu na ddylai'r hysbysiad fod wedi ei ddyroddi i'r person a enwyd fel y person y cafodd ei ddyroddi iddo.

(5) Pan fo hysbysiad sy'n ei gwneud yn ofynnol i swm gael ei dalu (sef swm sydd wedi ei bennu yn yr hysbysiad) wedi ei dynnu'n ôl—

- (a) nid oes swm yn daladwy yn unol â'r hysbysiad hwnnw; a
- (b) rhaid i unrhyw swm a dalwyd yn unol â'r hysbysiad hwnnw gael ei ad-dalu i'r person a'i talodd.

(6) Yn y rheoliad hwn mae i "hysbysiad" yr ystyr a roddir yn rheoliad 41(3).

- (d) information as to—
  - (i) the right of appeal;
  - (ii) the consequences of an appeal, including notification that the notice is suspended pending final determination or withdrawal of any appeal; and
  - (iii) the consequences of failure to comply with the notice.

(2) If an enforcing authority offers a discount for early payment under regulation 38(2)(b) or 39(3)(b), the authority may not require payment of the full, undiscounted sum described in the notice before the expiry of the period of 28 days beginning with the date on which the notice is served.

(3) In this regulation, "notice" means—

- (a) a compliance notice;
- (b) a non-compliance penalty notice;
- (c) a fixed monetary penalty notice; or
- (d) an enforcement costs recovery notice.

### Withdrawing and re-issuing a notice

**42.**—(1) An enforcing authority may, at any time, in writing, withdraw a notice served by the authority under this Part.

(2) Paragraph (3) applies to a notice served on an offender under this Part but which is subsequently withdrawn by the enforcing authority before the offender files an appeal against the decision specified in the notice.

(3) The enforcing authority may serve a further notice on the offender for the failure described in the original notice.

(4) A notice may be withdrawn by an enforcing authority, if the enforcing authority determines that the offence to which the notice relates was not committed or that the notice ought not to have been issued to the person named as the person to whom it was issued.

(5) Where a notice requiring payment of a sum (such sum being specified in the notice) has been withdrawn—

- (a) no amount is payable in pursuance of that notice; and
- (b) any amount paid in pursuance of that notice must be repaid to the person who paid it.

(6) In this regulation, "notice" has the meaning given in regulation 41(3).

## Apelio

**43.—**(1) Caiff person apelio yn erbyn unrhyw un neu ragor o'r penderfyniadau a ganlyn gan awdurdod gorfodi—

- (a) penderfyniad, drwy gyflwyno hysbysiad o dan reoliad 37, i gyflwyno hysbysiad cydymffurfio i'r person hwnnw;
- (b) penderfyniad, drwy gyflwyno hysbysiad o dan reoliad 38, i osod cosb am beidio â chydymffurfio ar y person hwnnw;
- (c) penderfyniad, drwy gyflwyno hysbysiad o dan reoliad 39, i osod cosb ariannol benodedig ar y person hwnnw;
- (d) penderfyniad, drwy gyflwyno hysbysiad o dan reoliad 40, i'w gwneud yn ofynnol i'r person hwnnw dalu costau gorfodi.

(2) Dyma'r seiliau dros apelio—

- (a) bod y penderfyniad wedi ei seilio ar wall ffeithiol;
- (b) bod y penderfyniad yn anghywir o ran y gyfraith neu am unrhyw reswm arall;
- (c) bod y penderfyniad yn afresymol am unrhyw reswm.

(3) Apêl i'r Tribiwnlys Haen Gyntaf yw apêl o dan y Rhan hon.

(4) Mae apêl o dan y rheoliad hwn yn atal effaith yr hysbysiad yr apelir yn ei erbyn hyd nes i'r apêl gael ei phenderfynu neu ei thynnu'n ôl.

(5) Pan geir apêl caiff y Tribiwnlys Haen Gyntaf ganslo'r hysbysiad yr apelir yn ei erbyn, ei gadarnhau neu ei amrywio.

## Y cyfnod y mae angen talu o'i fewn a'r pŵer i adennill taliadau

**44.—**(1) I'r graddau y bydd penderfyniad i osod cosb am beidio â chydymffurfio, cosb ariannol benodedig, neu benderfyniad i adennill costau gorfodi yn cael ei gynnal ar apêl, neu os tynnir yr apêl yn ôl, rhaid i'r gosb neu'r costau gael eu talu cyn diwedd y cyfnod o 28 niwrnod ("y cyfnod y mae angen talu o'i fewn") gan ddechrau â'r diwrnod y caiff yr apêl ei phenderfynu neu ei thynnu'n ôl.

(2) Yn dilyn y cyfnod y mae angen talu o'i fewn, caiff awdurdod gorfodi adennill unrhyw gosb am beidio â chydymffurfio neu gosb ariannol benodedig a osodwyd o dan y Rhan hon, ac unrhyw gostau gorfodi a all gael eu hadennill gan yr awdurdod o dan y Rhan hon—

- (a) fel dyled sifil; neu
- (b) ar orchymyn y llys, fel pe baent yn daladwy o dan orchymyn llys.

## Appeals

**43.—**(1) A person may appeal against the following decisions of an enforcing authority—

- (a) a decision, by the service of a notice under regulation 37, to serve a compliance notice on that person;
- (b) a decision, by the service of a notice under regulation 38, to impose a non-compliance penalty on that person;
- (c) a decision, by the service of a notice under regulation 39, to impose a fixed monetary penalty on that person;
- (d) a decision, by the service of a notice under regulation 40, to require that person to pay enforcement costs.

(2) The grounds for appeal are that—

- (a) the decision was based on an error of fact;
- (b) the decision was wrong in law or for any other reason;
- (c) the decision was unreasonable for any reason.

(3) An appeal under this Part is to the First-tier Tribunal.

(4) An appeal under this regulation suspends the effect of the notice appealed against until the appeal is determined or withdrawn.

(5) On appeal the First-tier Tribunal may cancel, confirm or vary the notice appealed against.

## Period within which payment is required and power to recover payments

**44.—**(1) To the extent that a decision to impose a non-compliance penalty, a fixed monetary penalty, or a decision to recover enforcement costs is upheld on appeal, or if the appeal is withdrawn, the penalty or costs must be paid before the expiry of the period of 28 days ("the period in which payment is required") beginning with the day on which the appeal is determined or withdrawn.

(2) Following the period in which payment is required, an enforcing authority may recover any non-compliance penalty or fixed monetary penalty imposed under this Part, and any enforcement costs recoverable by the authority under this Part—

- (a) as a civil debt; or
- (b) on the order of the court, as if payable under a court order.



## Derbyniadau

45.—(1) Yn ddarostyngedig i baragraff (2) a (3), caiff awdurdod gorfodi gadw symiau (“derbyniadau”) a delir mewn cysylltiad â hysbysiadau gorfodi a gyflwynir o dan y Rhan hon.

(2) Rhaid i’r swm y caniateir i awdurdod gorfodi ei gadw o dan baragraff (1) beidio â bod yn uwch na chostau rhesymol ac angenrheidiol (“costau”) a ysgwyddir, mewn perthynas â hysbysiadau gorfodi, gan yr awdurdod wrth gyflawni ei swyddogaethau o dan Rannau 4 a 5 a’r Rhan hon.

(3) Os bydd y derbyniadau’n uwch na’r costau, rhaid i’r awdurdod gorfodi dalu’r gormodedd i’r Gronfa Gyfunol.

(4) At ddibenion paragraff (2), mewn perthynas â hysbysiadau gorfodi, caiff costau gynnwys—

- (a) costau ymchwilio;
- (b) costau gweinyddu; ac
- (c) costau sicrhau cyngor arbenigol, gan gynnwys cyngor cyfreithiol.

(5) Pan wneir cais gan Weinidogion Cymru, rhaid i awdurdod gorfodi ddarparu gwybodaeth i Weinidogion Cymru am dderbyniadau a chostau.

(6) Yn y rheoliad hwn, ystyr “hysbysiadau gorfodi” yw hysbysiadau cosb am beidio â chydymffurfio â hysbysiadau cosb ariannol benodedig.

## RHAN 7

### Amrywiol

#### **Dirymu Rheoliadau Adnabod Ceffylau (Cymru) 2009**

46. Mae Rheoliadau Adnabod Ceffylau (Cymru) 2009(1) wedi eu dirymu.

## Receipts

45.—(1) Subject to paragraph (2) and (3), an enforcing authority may retain sums (“receipts”) paid in respect of enforcement notices served under this Part.

(2) The amount which an enforcing authority may retain under paragraph (1) must not exceed reasonable and necessary costs (“costs”) incurred, in relation to enforcement notices, by the authority in discharging its functions under Parts 4 and 5 and this Part.

(3) If receipts exceed costs, the enforcing authority must pay the excess into the Consolidated Fund.

(4) For the purposes of paragraph (2), costs may include, in relation to enforcement notices—

- (a) investigation costs;
- (b) administration costs; and
- (c) costs of obtaining expert advice, including legal advice.

(5) Upon request from the Welsh Ministers, an enforcing authority must provide to the Welsh Ministers information as to receipts and costs.

(6) In this regulation, “enforcement notices” means non-compliance penalty notices and fixed monetary penalty notices.

## PART 7

### Miscellaneous

#### **Revocation of the Equine Identification (Wales) Regulations 2009**

46. The Equine Identification (Wales) Regulations 2009(1) are revoked.

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
un o Weinidogion Cymru  
15 Ionawr 2019

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Minister for Environment, Energy and Rural Affairs,  
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