



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2001 Rhif 1303 (Cy. 80)**

**2001 No. 1303 (W. 80)**

**BWYD, CYMRU  
ANIFEILIAID, CYMRU  
IECHYD ANIFEILIAID**

**FOOD, WALES  
ANIMALS, WALES  
ANIMAL HEALTH**

**Rheoliadau Cyfyngu Pithio  
(Cymru) 2001**

**The Restriction on Pithing (Wales)  
Regulations 2001**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn rhoi ei heffaith yng Nghymru i Erthygl 5 o Gyfarwyddeb y Comisiwn 2000/418/EC (OJ Rhif L158, 30.6.2000, t.70).

1. These Regulations, which apply to Wales only, give effect to Article 5 of Commission Decision 2000/418/EC (OJ No.L158, 30.6.2000, p.70).

2. Mae'r Rheoliadau hyn -

2. These Regulations -

(a) yn gwahardd defnyddio'r dechneg o'r enw "pithio" wrth gigyddio anifeiliaid o deulu'r ychen, teulu'r ddafad neu deulu'r afr i gael eu bwyta gan bobl neu gan anifeiliaid (rheoliad 2(1));

(a) prohibit the use of the technique known as "pithing" in the slaughter of bovine, ovine or caprine animals for human or animal consumption (regulation 2(1));

(b) yn darparu y bernir bod carcas (heblaw croen) anifail a bithiwyd yn anghyfreithlon yn ddeunydd risg penodedig (rheoliad 3);

(b) provide that the carcass (other than the hide) of an illegally pithed animal is deemed to be specified risk material (regulation 3);

(c) yn gwneud diwygiad canlyniadol i Reoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995 i'r graddau y maent yn gymwys i Gymru (rheoliad 4);

(c) make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995 insofar as they extend to Wales (regulation 4);

(ch) yn rhoi pŵer mynediad i bersonau a benodir yn arolygwyr gan yr awdurdod gorfodi perthnasol (rheoliad 5);

(d) give a power of entry to persons appointed as inspectors by the relevant enforcement authority (regulation 5);

(d) yn creu tramgwyddau a chosbau (rheoliadau 2(3), 6 a 7);

(e) create offences and penalties (regulations 2(3), 6 and 7);

(dd) yn pennu pwy sydd i'w gorfodi (rheoliad 8).

(f) specify who is to enforce them (regulation 8).

3. Mae'r Rheoliadau hyn (heblaw Rheoliad 3, sy'n dod i rym ar 1 Gorffennaf 2001) yn dod i rym ar 1 Ebrill 2001.

3. These Regulations (other than Regulation 3, which comes into force on 1st July 2001) come into force on 1st April 2001.

4. Mae arfarniad rheoleiddiol ar gyfer y Rheoliadau hyn wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 ac wedi'i osod yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Caerdydd CF10 1EN.

4. A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff, CF10 1EN.

**2001 Rhif 1303 (Cy. 80)****BWYD, CYMRU  
ANIFEILIAID, CYMRU  
IECHYD ANIFEILIAID****Rheoliadau Cyfyngu Pithio  
(Cymru) 2001***Wedi'u gwneud* 22 Mawrth 2001*Yn dod i rym**(a) yn achos pob**darpariaeth heblaw**rheoliad 3* 1 Ebrill 2001*(b) yn achos**rheoliad 3* 1 Gorffennaf 2001

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â mesurau sy'n ymwneud â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd gan weithredu ar y cyd i arfer y pwerau sydd wedi'u rhoi iddynt gan yr adran honno bellach yn gwneud y Rheoliadau canlynol:

**Enwi, cymhwyso a chychwyn**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyfyngu Pithio (Cymru) 2000.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn achos pob darpariaeth heblaw rheoliad 3, daw'r Rheoliadau hyn i rym ar 1 Ebrill 2001. Daw rheoliad 3 i rym ar 1 Gorffennaf 2001.

**Cyfyngu Pithio**

2.-(1) Ni chaiff neb bithio unrhyw anifail buchol, defeidiog neu afraidd cyn ei gigyddio i gael ei fwyta gan bobl neu gan anifeiliaid.

(2) At ddibenion y rheoliadau hyn, "pithio" anifail yw torri ei feinwe nerfol canolog, ar ôl ei stynio,

(a) O.S. 1999/2788.

(b) 1972 p.68.

**2001 No. 1303 (W. 80)****FOOD, WALES  
ANIMALS, WALES  
ANIMAL HEALTH****The Restriction on Pithing (Wales)  
Regulations 2001***Made* 22nd March 2001*Coming into force**(a) in the case of**all provisions other**than regulation 3* 1st April 2001*(b) in the case**of regulation 3* 1st July 2001

The National Assembly for Wales, being designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the common agricultural policy of the European Community, acting in exercise of the powers conferred on it by that section now makes the following Regulations:

**Title, application and commencement**

1.-(1) These Regulations may be cited as the Restriction on Pithing (Wales) Regulations 2000.

(2) These Regulations apply to Wales only.

(3) In the case of all provisions other than regulation 3, these Regulations shall come into force on 1st April 2001. Regulation 3 shall come into force on 1st July 2001.

**Restriction on pithing**

2.-(1) No person shall pith any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) For the purposes of these regulations, to "pith" an animal is to lacerate, after stunning, its central

(a) S.I. 1999/2788.

(b) 1972 c.68.

ag offeryn hir ar siâp rhoden a roddir i mewn i geudod y benglog.

(3) Bydd unrhyw berson sy'n torri paragraff (1) yn euog o dramgwydd.

### **Gwaredu anifeiliaid a bithiwyd yn anghyfreithlon**

3. Os oes unrhyw anifail buchol, defeidiog neu afraidd wedi'i bithio yn groes i reoliad 2(1), bernir bod pob rhan o'r garcas (ac eithrio'r croen) -

(a) yn "deunydd risg penodedig" yn unol â'r diffiniad o "specified risk material" yn rheoliad 2(1) o Rheoliadau Deunydd Risg Penodedig 1997(a); a

(b) yn "deunydd risg penodedig" yn unol â'r diffiniad o "specified risk material" yn erthygl 2(1) o Orchymyn Deunydd Risg Penodedig 1997 (b).

### **Diwygiad i Reoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995**

4. I'r graddau y maent yn gymwys i Gymru, mae Rheoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995(c) wedi'u diwygio drwy fewnosod y rheoliad canlynol yn union ar ôl rheoliad 3 (cymhwyso ac esemptiadau) -

#### **"Immobilisation after stunning**

3A.-(1) Nothing in these Regulations shall be taken as permitting the immobilisation, on after 1st April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) In paragraph (1), the "immobilisation" of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity."

### **Pwerau arolygwyr**

5.-(1) Os gofynnir iddo wneud hynny, bydd gan arolygydd, ar ôl cyflwyno rhyw ddogfen sydd wedi'i dilysu'n briodol ac sy'n dangos ei awdurdod, hawl ar bob adeg resymol i fynd i unrhyw dir neu adeilad (heblaw adeilad domestig nad yw'n cael ei ddefnyddio mewn cysylltiad â'r Rheoliadau hyn) er mwyn darganfod a yw rheoliad 2(1) yn cael neu wedi cael ei dorri.

(2) Ym mharagraff (1), ystyr "arolygydd" yw person a benodir yn arolygydd at ddibenion y Rheoliadau hyn gan yr Asiantaeth Safonau Bwyd, Cynulliad Cenedlaethol Cymru, y Gweinidog Amaethyddiaeth,

(a) O.S. 1997/2965, a ddiwygiwyd gan O.S. 1997/3062, O.S. 1998/2405 (a ddiwygiwyd ei hun gan O.S. 1998/2431), O.S. 1999/539 ac, mewn perthynas â Chymru, gan O.S. 2000/2659 (Cy.172) ac O.S. 2000/3387 (Cy.224).

(b) O.S. 1997/2964, a ddiwygiwyd mewn perthynas â Chymru gan O.S. 2000/2811 ac O.S. 2000/3387 (Cy.224).

(c) O.S. 1995/731, a ddiwygiwyd gan O.S. 1999/400 ac O.S. 2001/656.

nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

### **Disposal of illegally pithed animals**

3. Where any bovine, ovine or caprine animal has been pithed in contravention of regulation 2(1), all parts of its carcase (except the hide) shall be deemed to be -

(a) "specified risk material" as defined in regulation 2(1) of the Specified Risk Material Regulations 1997(a); and

(b) "specified risk material" as defined in article 2(1) of the Specified Risk Material Order 1997(b).

### **Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995**

4. In so far as they extend to Wales, the Welfare of Animals (Slaughter or Killing) Regulations 1995(c) are amended by the insertion of the following regulation immediately after regulation 3 (application and exemptions) -

#### **"Immobilisation after stunning**

3A.-(1) Nothing in these Regulations shall be taken as permitting the immobilisation, on or after 1st April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) In paragraph (1), the "immobilisation" of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity."

### **Powers of inspectors**

5.-(1) An inspector shall on producing if so required some duly authenticated document showing his or her authority have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purpose of ascertaining if there is or has been a breach of regulation 2(1).

(2) In paragraph (1), "inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Food Standards Agency, the National Assembly for Wales, the Minister of

(a) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1998/2431), S.I. 1999/539 and, in relation to Wales, by S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224).

(b) S.I. 1997/2964, amended in relation to Wales by S.I.2000/2811 and 2000/3387 (W.224).

(c) S.I. 1995/731, amended by S.I. 1999/400 and S.I. 2001/656.

Pysgodfeydd a Bwyd, neu awdurdod lleol.

(3) Ym mharagraffau (2) (4) ac yn rheoliad 8, ystyr “awdurdod lleol” yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

(4) Bernir bod unrhyw berson a benodir yn arolygydd at ddibenion Deddf Iechyd Anifeiliaid 1981(a) gan -

- (a) awdurdod lleol; neu
- (b) Cynulliad Cenedlaethol Cymru (p’un ai gan weithredu ar y cyd ag unrhyw un o Weinidogion y Goron neu beidio), neu
- (c) y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd (p’un ai gan weithredu ar y cyd ag unrhyw un o Weinidogion y Goron neu â Chynulliad Cenedlaethol Cymru neu beidio)

wedi’i benodi yn arolygydd at ddibenion y Rheoliadau hyn gan yr awdurdod hwnnw neu yn ôl fel y digwydd gan Gynulliad Cenedlaethol Cymru neu yn ôl fel y digwydd gan y Gweinidog hwnnw.

## Rhwystro

6.-(1) Ni chaiff neb -

- (a) rhwystro yn fwriadol unrhyw berson sydd wrthi yn gweithredu’r Rheoliadau hyn;
- (b) methu, heb esgus rhesymol, â rhoi i unrhyw berson sydd wrthi’n gweithredu’r Rheoliadau hyn unrhyw gymorth neu wybodaeth y gall y person hwnnw ofyn yn rhesymol amdano neu amdani er mwyn cyflawni ei swyddogaethau o dan y Rheoliadau hyn; neu
- (c) darparu gwybodaeth y mae’n gwybod ei bod yn ffug neu’n gamarweiniol i unrhyw berson sydd wrthi’n gweithredu’r Rheoliadau hyn;

a bydd unrhyw berson sy’n torri’r rheoliad hwn neu’n methu â chydymffurfio ag ef yn euog o dramgwydd.

(2) Rhaid peidio â dehongli dim ym mharagraff (1)(b) uchod fel pe bai’n ei gwneud yn ofynnol i unrhyw berson ateb unrhyw gais am wybodaeth a allai daflu bai arno pe bai’n gwneud hynny.

## Cosbi

7.-(1) Bydd person sy’n euog o dramgwydd o dan reoliad 6(1)(a) neu(b) yn agored o’i gollfarnu’n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol neu i garchar am gyfnod na fydd yn fwy na thri mis neu’r ddau.

(2) Bydd person sy’n euog o dramgwydd o dan reoliad 2(1) neu reoliad 6(1)(c) yn agored -

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(d) 1981 p.22.

Agriculture, Fisheries and Food, or a local authority.

(3) In paragraphs (2) and (4) and in regulation 8, “local authority” means a county council or county borough council in Wales.

(4) Any person appointed to be an inspector for the purposes of the Animal Health Act 1981(a) by -

- (a) a local authority;
- (b) the National Assembly for Wales (whether or not acting jointly with any Minister of the Crown), or
- (c) the Minister of Agriculture, Fisheries and Food (whether or not acting jointly with any other Minister of the Crown or the National Assembly for Wales)

shall be deemed to have been appointed to be an inspector for the purposes of these Regulations by that authority or as the case may be the National Assembly for Wales or as the case may be that Minister.

## Obstruction

6.-(1) No person shall -

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, fail to give to any person acting in the execution of these Regulations any assistance or information which that person may reasonably require of him or her for the purposes of his or her functions under these Regulations; or
- (c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading;

and any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any request for information if to do so might incriminate him or her.

## Penalties

7.-(1) A person guilty of an offence under regulation 6(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of an offence under regulation 2(1) or regulation 6(1)(c) shall be liable -

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(a) 1981 c.22.

- (a) o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na'r uchafswm statudol neu i garchar am gyfnod na fydd yn fwy na thri mis neu'r ddau;
- (b) o'i gollfarnu ar dditiad, i ddirwy neu i garchar am gyfnod heb fod yn fwy na dwy flynedd neu'r ddau.

### **Gorfodi**

**8.** Caiff y Rheoliadau hyn eu gorfodi -

- (a) gan yr Asiantaeth Safonau Bwyd mewn perthynas ag adeiladau a drwyddeddir o dan y Rheoliadau Cig Ffres (Hylendid ac Archwilio) 1995(a), a
- (b) gan Gynulliad Cenedlaethol Cymru neu'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd (neu Gynulliad Cenedlaethol Cymru a'r Gweinidog a enwyd yn gweithredu ar y cyd) neu gan yr awdurdod lleol perthnasol mewn perthynas ag unrhyw adeiladau eraill.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b)

*D. Elis Thomas*

22 Mawrth 2001

Llywydd Cynulliad Cenedlaethol Cymru

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment not exceeding three months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

### **Enforcement**

**8.** These Regulations shall be enforced -

- (a) by the Food Standards Agency in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(a), and
- (b) by the National Assembly for Wales or the Minister of Agriculture, Fisheries and Food (or the National Assembly for Wales and the said Minister acting jointly) or the relevant local authority in relation to any other premises.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

22nd March 2001

Presiding Officer of the National Assembly for Wales

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(a) O.S. 1995/539.

(b) 1998 p.38.

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(a) S.I. 1995/539.

(b) 1998 c.38.



**CYNULLIAD CENEDLAETHOL CYMRU**

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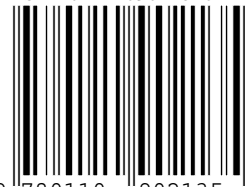
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ISBN 0-11-090213-0



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