CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 1735 (Cy. 122)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Sgil-gynhyrchion Anifeiliaid (Diwygio) (Cymru) 2001

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Sgil-gynhyrchion Anifeiliaid 1999 (O.S. 1999/646, y "prif Orchymyn"), i'r graddau y mae'n gymwys i Gymru, fel ei fod yn gwahardd porthi da byw â chategorïau penodol o wastraff arlwyo p'un a yw'r gwastraff hwnnw wedi'i brosesu neu heb ei brosesu. Mae'n dileu'r posibilrwydd hefyd o sgil-gynhyrchion anifeiliaid anfamalaidd yn cael eu rendro er mwyn cynhyrchu golchion i'w porthi i foch neu ddofednod.

Hysbyswyd y Gorchymyn hwn ar ffurf drafft i'r Comisiwn Ewropeaidd fel safon dechnegol, yn unol â Chyfarwyddeb 98/34/EC y Senedd Ewropeaidd a'r Cyngor (OJ rhif L204, 21.7.98, t.37) sydd yn pennu'r drefn ar gyfer darparu gwybodaeth yn y maes safonau a rheoliadau technegol (fel y'i diwygiwyd diwethaf gan Gyfarwyddeb y Cyngor 98/48/EC y Senedd Ewropeaidd a'r Cyngor, OJ Rhif L217, 05.08.1998, t.18).

Ni wnaed arfarniad rheoleiddiol ar gyfer Cymru'n unig mewn perthynas â'r Rheoliadau hyn, ond fe baratowyd asesiad effaith rheoleiddiol ar gyfer Prydain Fawr gyfan. Gellir cael copïau o Is-adran Iechyd Anifeiliaid (BSE), Y Weinyddiaeth Amaethyddiaeth, Pysgodfeydd a Bwyd, 1A Page Street, Llundain, SW1P 4PQ.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 1735 (W. 122)

ANIMALS, WALES

ANIMAL HEALTH

The Animal By-Products (Amendment) (Wales) Order 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Animal By-Products Order 1999 (S.I. 1999/646, the "principal Order"), so far as it is applicable to Wales, so as to prohibit the feeding to livestock of certain categories of catering waste whether that waste has been processed or is unprocessed. It also removes the possibility of non-mammalian animal by-products being rendered for the production of swill for feeding to pigs or poultry.

This Order has been notified in draft to the European Commission as a technical standard, pursuant to Directive 98/34/EC of the European Parliament and of the Council (OJ No. L 204, 21.7.98, p.37) laying down a procedure for the provision of information in the field of technical standards and regulations (as last amended by Directive 98/48/EC of the European Parliament and of the Council, OJ No. L217, 05.08.1998, p.18).

No regulatory appraisal for Wales alone has been prepared in relation to these Regulations but a regulatory impact assessment has been prepared for the whole of Great Britain. Copies can be obtained from the Animal Health (BSE) Division of the Ministry of Agriculture, Fisheries and Food, 1A Page Street, London SW1P 4PQ.

OFFERYNNAU STATUDOL

2001 Rhif 1735 (Cy.122)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Sgil-gynhyrchion Anifeiliaid (Diwygio) (Cymru) 2001

Wedi'u gwneud	*3 Mai 2001*
Yn dod i rym	*24 Mai 2001*

Mae Cynulliad Cenedlaethol Cymru a'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd, drwy arfer y pwerau a roddwyd iddynt gan adrannau 1, 8(1), 87(2) a (3) o Ddeddf Iechyd Anifeiliaid 1981(**a**), a phob pŵer arall sy'n eu galluogi yn y cyswllt hwnnw yn gwneud y Gorchymyn canlynol :

Teitl, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Sgil-gynhyrchion Anifeiliaid (Diwygio) (Cymru) 2001 a daw i rym ar 24 Mai 2001.

(2) Bydd y Gorchymyn hwn yn gymwys mewn perthynas â Chymru.

Diwygio Gorchymyn Sgil-gynhyrchion Anifeiliaid 1999

2. Diwygir Gorchymyn Sgil-gynhyrchion Anifeiliaid 1999(**b**), i'r graddau y mae'n gymwys i Gymru, fel a ganlyn:

(a) yn erthygl 3, paragraff (1):

(a) 1981 p.22. Gweler adran 86(1) i gael y diffiniadau o "the Ministers" a "the Minister". Trosglwyddwyd swyddogaethau "the Ministers", i'r graddau y maent yn arferadwy gan Ysgrifennydd Gwladol yr Alban, i'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd gan Orchymyn Trosglwyddo Swyddogaethau (Amaethyddiaeth a Bwyd) 1999 (O.S. 1999/3141). Trosglwyddwyd swyddogaethau "the Ministers", i'r graddau y maent yn arferadwy gan Ysgrifennydd Gwladol Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(b) O.S. 1999/646.

STATUTORY INSTRUMENTS

2001 No. 1735 (W. 122)

ANIMALS, WALES

ANIMAL HEALTH

The Animal By-Products (Amendment) (Wales) Order 2001

Made	*3rd May 2001*
Coming into force	*24th May 2001*

The National Assembly for Wales and the Minister of Agriculture, Fisheries and Food in exercise of the powers conferred on them by sections 1, 8(1), 87(2) and (3) of the Animal Health Act 1981(**a**), and of all other powers enabling them in that behalf make the following Order:

Title, commencement and application

1.-(1) This Order may be cited as the Animal By-Products (Amendment) (Wales) Order 2001 and shall come into force on 24th May 2001.

(2) This Order shall apply in relation to Wales.

Amendment to the Animal By-Products Order 1999

2. The Animal By-Products Order 1999(**b**) shall, so far as it is applicable in relation to Wales, be amended as follows:

(a) in article 3, paragraph (1):

(a) 1981 c.22 See section 86(1) for the definitions of "the Ministers" and "the Minister". Functions of "the Ministers", in relation to Wales, so far as exercisable by the Secretary of State for Scotland were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141). Functions of "the Ministers" so far as exercisable by the Secretary of State for Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(b) S.I. 1999/646

(i) mewnosodir y diffiniad canlynol yn y lle priodol:

" "livestock" means

(a) any creature, including fish, kept for the production of food, wool, skin or fur, and any creature, other than a dog, kept for use in the farming of land; and

(b) any ruminant animal, pig, poultry or equine animal.";

""used cooking oil" means catering waste consisting of oils and fats from food-processing and the by-products of such oils and fats (other than any such oils and fats derived in any way from ruminant bones) where these are collected from food businesses (as such term is defined in Article 2 of Council Directive 93/43/EC on the hygiene of foodstuffs (**a**));" a

(ii) dilëir y diffiniad o "swill";

(b) Yn erthygl 7:

(i) ychwaneger y gair "or" wedi'r geiriau "Schedule 2" ym mharagraff 2(c)(i), a dilëir "or" ble mae'n ymddangos ar ddiwedd paragraff 2(c)(ii);

(ii) dilëir paragraff 2(c)(iii);

(c) dilëir y geiriau "swill or" yn erthygl 9, paragraff (1);

(ch) lle erthyglau 19 - 26 (gan gynnwys y ddau erthygl) rhoddir yr erthyglau canlynol:

"19.-(1) No person shall feed to any livestock or allow any livestock to have access to any catering waste to which this article applies or any feeding stuffs which have been in contact with it.

(2) No person shall bring catering waste to which this article applies onto any premises where any livestock are kept.

(3) This article applies to catering waste (other than used cooking oil) whether processed or unprocessed which:

(a) contains or has been in contact with animal carcases, parts of animal carcases (including blood) or products of animal origin (other than milk or milk products, eggs, rennet, gelatin or melted fat which

(a) OJ No. L175, 19.07.93, p.1.

(i) the following definitions shall be inserted in the appropriate places:

" "livestock" means

(a) any creature, including fish, kept for the production of food, wool, skin or fur, and any creature, other than a dog, kept for use in the farming of land; and

(b) any ruminant animal, pig, poultry or equine animal.";

""used cooking oil" means catering waste consisting of oils and fats from food-processing and the by-products of such oils and fats (other than any such oils and fats derived in any way from ruminant bones) where these are collected from food businesses (as such term is defined in Article 2 of Council Directive 93/43/EC on the hygiene of foodstuffs (**a**);" and

(ii) the definition of "swill" shall be deleted;

(b) in article 7:

(i) the word "or" shall be added after the words "Schedule 2" in paragraph (2)(c)(i) and deleted where it appears at the end of paragraph 2(c)(ii); and

(ii) paragraph (2)(c)(iii) shall be deleted;

(c) in article 9, paragraph (1), the words "swill or" shall be deleted;

(d) For articles 19 to 26 (inclusive of both articles) there shall be substituted the following articles:

"19.-(1) No person shall feed to any livestock or allow any livestock to have access to any catering waste to which this article applies or any feeding stuffs which have been in contact with it.

(2) No person shall bring catering waste to which this article applies onto any premises where any livestock are kept.

(3) This article applies to catering waste (other than used cooking oil) whether processed or unprocessed which:

(a) contains or has been in contact with animal carcases, parts of animal carcases (including blood) or products of animal origin (other than milk or milk products, eggs, rennet, gelatin or

(a) OJ No. L175, 19.07.93, p.1.

have been incorporated into another product);or

(b) originates from any premises where any animal carcases, parts of animal carcases or products of animal origin (with the exceptions referred to in sub-paragraph (a) above) are handled or where foodstuffs containing or coming into contact with any of the same are prepared or produced.

20. No person shall feed to any livestock or allow any livestock to have access to any catering waste imported into Great Britain and originally intended for consumption on the means of transport in which it was imported, or any feedingstuffs which have been in contact with it.";

(d) yn Atodlen 1, paragraff 4, dilëir y geiriau o "except in the case of premises" i ddiwedd y paragraff;

(dd) yn Atodlen 1, paragraff 14, dilëir y geiriau "subject to sub-paragraph (2) below" yn is-baragraff 1, a'r cyfan o is-baragraff (2);

(e) yn Atodlen 2, Rhan I, dilëir paragraff 5; a

(f) dilëir Atodlen 5.

melted fat which have been incorporated into another product);or

(b) originates from any premises where any animal carcases, parts of animal carcases or products of animal origin (with the exceptions referred to in sub-paragraph (a) above) are handled or where foodstuffs containing or coming into contact with any of the same are prepared or produced.

20. No person shall feed to any livestock or allow any livestock to have access to any catering waste imported into Great Britain and originally intended for consumption on the means of transport in which it was imported, or any feedingstuffs which have been in contact with it.";

(e) in Schedule 1, paragraph 4, the words from "except in the case of premises" to the end of the paragraph shall be deleted;

(f) in Schedule 1, paragraph 14, the words "subject to sub-paragraph (2) below" in sub-paragraph 1 and the whole of sub-paragraph (2) shall be deleted;

(g) in Schedule 2, Part I, paragraph 5 shall be deleted; and

(h) Schedule 5 shall be deleted.

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

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

Joyce Davidson

3 Mai 2001

3rd May 2001

Ysgrifennydd Cynulliad dros Addysg a Dysgu Gydol Oes

Assembly Secretary for Education and Lifelong Learning

Jayne Quinn

3 Mai 2001

3rd May 2001

Gweinidog Gwladol Y Weinyddiaeth Amaethyddiaeth, Pysgodfeydd a Bwyd

Minister of State Ministry of Agriculture Fisheries, and Food

(a) 1998.p.38

(a) 1998 c.38.

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Gorchymyn Sgil-gynhyrchion Anifeiliaid (Diwygio) (Cymru) 2001

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