



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 2360 (Cy.197)

2001 No. 2360 (W.197)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

**Rheoliadau Monitro BSE
(Cymru) 2001**

**The BSE Monitoring (Wales)
Regulations 2001**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note does not form part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth i ymdrin yng Nghymru â'r rhwymedigaethau a geir yn y canlynol -

These Regulations make provision for the purpose of dealing in Wales with the obligations -

- (a) yn erthygl 1.2 o Benderfyniad y Comisiwn 2000/764/EC (OJ Rhif L 305, 6.12.2000, t.35) ynghylch profi anifeiliaid buchol am bresenoldeb enseffalopathi sbyngffurf buchol ac sy'n diwygio Penderfyniad 98/272/EC (OJ Rhif L122, 24.4.1998, t.59) ynghylch arolygiaeth epidemiolegol am enseffalopathïau trosglwyddadwy; a
- (b) Penderfyniad y Comisiwn 2001/233/EC (OJ Rhif L 84, 23.3. 2001, t.59) sy'n diwygio Penderfyniad 2000/418/EC o ran cig wedi'i adfer yn fecanyddol ac esgyrn cefn buchol.

- (a) in article 1.2 of Commission Decision 2000/764/EC (OJ No. L 305, 6.12.2000, p.35) on the testing of bovine animals for the presence of bovine spongiform encephalopathy and amending Decision 98/272/EC (OJ No. L122, 24.4.1998, p.59) on epidemio-surveillance for transmissible encephalopathies; and
- (b) Commission Decision 2001/233/EC (OJ No. L 84, 23.3. 2001, p.59) amending Decision 2000/418/EC as regards mechanically recovered meat and bovine vertebral column.

Mae'r rhain yn ei gwneud yn ofynnol i'r Aelod-wladwriaethau sicrhau bod categorïau penodol o anifeiliaid buchol dros 30 mis oed yn cael eu harchwilio yn unol â gofynion rhagnodedig ar gyfer monitro BSE.

These require member States to ensure that certain categories of bovine animals over 30 months of age are examined in accordance with prescribed minimum requirements for monitoring BSE.

Er mwyn i'r rhwymedigaethau hyn gael eu rhoi ar waith, mae'r Rheoliadau hyn yn ei gwneud yn ofynnol i'r person y mae ganddo yn ei feddiant neu o dan ei ofal anifail buchol hysbysadwy, a ddiffinnir yn rheoliad 2 fel anifail buchol dros 30 mis oed sy'n marw ar unrhyw fferm neu wrth gael ei gludo neu sydd wedi'i ladd heblaw i'w fwyta gan bobl, roi gwybod am y

To enable these obligations to be implemented the Regulations require the person in possession or in charge of a notifiable bovine animal, defined in regulation 2 as a bovine animal aged over 30 months of age which dies on any farm or in transport or which has been killed otherwise than for human consumption, to notify the death to the agent appointed for this purpose

farwolaeth i'r asiant a benodir at y diben hwnnw gan Gynulliad Cenedlaethol Cymru. Mae'r Rheoliadau'n darparu ar gyfer pwerau mynediad, pwerau archwilio a chwilio, tramgwyddo a chosbi a gorfodi.

Mae diwygiadau cysylltiedig, i ymdrin â'r rhwymedigaethau Cymunedol hyn, yn cael eu gwneud i erthygl 11 o Orchymyn Enseffalopathi Sbyngffurf Buchol (Rhif 2) 1996 i'r graddau y mae'n gymwys i Gymru (O.S. 1996/3183, a ddiwygiwyd gan O.S. 1997/2387, O.S. 1998/3071 ac O.S. 1999/921) a rheoliadau 2 a 26 o Reoliadau Adnabod Gwartheg 1998 (O.S. 1998/871, a ddiwygiwyd gan O.S. 1998/2969 ac O.S. 1999/1339) a rheoliadau 2 a 9 o Reoliadau Gwartheg (Adnabod Anifeiliaid Hŷn) (Cymru) (O.S. 2000/3339 (Cy.217)).

Nid oes arfarniad rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn.

by the National Assembly for Wales. The Regulations provide powers of entry, examination and search, offences and penalties and enforcement.

Related amendments for the purpose of dealing with these Community obligations are made to article 11 of the Bovine Spongiform Encephalopathy (No. 2) Order 1996 in so far as it applies to Wales (S.I. 1996/3183, amended by S.I. 1997/2387, S.I. 1998/3071 and S.I. 1999/921) and regulations 2 and 26 of the Cattle Identification Regulations 1998 (S.I. 1998/871, amended by S.I. 1998/2969 and S.I. 1999/1339) and regulations 2 and 9 of Cattle (Identification of Older Animals) (Wales) Regulations (S.I. 2000/3339 (W.217)).

A regulatory appraisal has not been prepared for these Regulations.

2001 Rhif 2360 (Cy.197)**2001 No. 2360 (W.197)****ANIFEILIAID, CYMRU****ANIMALS, WALES****IECHYD ANIFEILIAID****ANIMAL HEALTH****Rheoliadau Monitro BSE
(Cymru) 2001****The BSE Monitoring (Wales)
Regulations 2001**

Wedi'u gwneud *26 Mehefin 2001*
Yn dod i rym *1 Gorffennaf 2001*

Made *26th June 2001*
Coming into force *1st July 2001*

Trefn y darpariaethau**Arrangement of provisions**

Rheoliad

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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 pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, drwy arfer y pwerau a roddwyd iddo gan yr adran 2(2) honno, drwy hyn yn gwneud yn Rheoliadau canlynol:-

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 the common agricultural policy of the European Community, in exercise of the powers conferred on it by that section 2(2), hereby make the following Regulations:-

(a) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 1999 (O.S. 1999/2788).

(b) 1972 p.68.

(a) By virtue of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788).

(b) 1972 c.68.

Teitl, cychwyn a chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Monitro BSE (Cymru) 2001, maent yn gymwys i Gymru a deuant i rym ar 1 Gorffennaf 2001.

Dehongli

2.- (1) Yn y Rheoliadau hyn, oni fydd y cyd-destun yn mynnu fel arall -

ystyr "anifail buchol" ("*bovine animal*") yw byffalo o'r rhywogaeth bubalus bubalis neu bison bison, tarw, buwch, bustach, treisiad neu lo;

ystyr "anifail buchol hysbysadwy" ("*a notifiable bovine animal*") yw anifail buchol dros 30 mis oed sydd -

- (a) yn marw ar unrhyw fferm neu wrth gael ei gludo; neu
- (b) sydd wedi'i ladd heblaw i gael ei fwyta gan bobl;

ystyr "arolygydd ("*inspector*") yw -

- (a) person a benodwyd felly at ddibenion y Rheoliadau hyn gan y Gweinidog, gan gynnwys arolygydd milfeddygol; a
- (b) person a benodwyd felly at ddibenion y Rheoliadau hyn gan awdurdod lleol mewn perthynas â'i gyfrifoldebau gorfodi o dan y Rheoliadau hyn;

ystyr "arolygydd milfeddygol" ("*veterinary inspector*") yw arolygydd milfeddygol a benodwyd at ddibenion y Rheoliadau hyn gan y Gweinidog;

ystyr "awdurdod lleol" ("*local authority*") mewn perthynas â sir neu fwrdeistref sirol, yw cyngor y sir neu'r fwrdeistref sirol honno;

ystyr "BSE" ("*BSE*") yw'r clefyd enseffalopathi sbyngffurf buchol;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "Gorchymyn BSE (Rhif 2)" ("*the BSE (No.2) Order*") yw Gorchymyn Enseffalopathi Sbyngffurf Buchol (Rhif 2) 1996(a);

ystyr "y Gweinidog" ("*the Minister*") yw'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd;

ystyr "milfeddyg" ("*veterinary surgeon*") yw person sydd wedi'i gofrestru yn y gofrestr milfeddygon neu yn y gofrestr filfeddygol atodol;

(a) O.S. 1996/3183, a ddiwygiwyd gan O.S. 1997/2387, O.S. 1998/3071 ac O.S. 1999/921.

Title, commencement and application

1. These Regulations may be cited as the BSE Monitoring (Wales) Regulations 2001, they apply to Wales and shall come into force on 1st July 2001.

Interpretation

2.- (1) In these Regulations, unless the context otherwise requires -

"BSE" ("*BSE*") means the disease bovine spongiform encephalopathy;

"the BSE (No.2) Order" ("*Gorchymyn BSE (Rhif 2)*") means the Bovine Spongiform Encephalopathy (No. 2) Order 1996(a);

"bovine animal" ("*anifail buchol*") means a buffalo of the species bubalus bubalis or bison bison, a bull, cow, steer, heifer or calf;

"the Commission Decisions" ("*Penderfyniadau'r Comisiwn*") means -

- (a) Commission Decision 2000/764/EC(b) on the testing of bovine animals for the presence of bovine spongiform encephalopathy and amending Decision 98/272/EC(c) on epidemio-surveillance for transmissible spongiform encephalopathies; and
- (b) Commission Decision 2001/233/EC(d) amending Decision 2000/418/EC(e) as regards mechanically recovered meat and bovine vertebral column;

"inspector" ("*arolygydd*") means -

- (a) a person appointed as such for the purposes of these Regulations by the Minister, including a veterinary inspector; and
- (b) a person appointed as such for the purposes of these Regulations by a local authority in relation to its enforcement responsibilities under these Regulations;

"local authority" ("*awdurdod lleol*") means in respect of a county or county borough, the council of that county or county borough;

"the Minister" ("*y Gweinidog*") means the Minister of Agriculture, Fisheries and Food;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"a notifiable bovine animal" ("*anifail buchol hysbysadwy*") means a bovine animal over 30 months of age which -

(a) S.I. 1996/3183, amended by S.I. 1997/2387, S.I. 1998/3071 and S.I. 1999/921.

(b) OJ No. L 305, 6.12.2000, p.35.

(c) OJ No. L122, 24.4.1998, p.59.

(d) OJ No. L 84, 23.3.2001 p. 59.

(e) OJ No. L 158, 30.6.2000, p. 76, as amended by Commission Decision 2001/2/EC (OJ No. L 1, 4.1.2001).

ystyr "Penderfyniadau'r Comisiwn" (*"the Commission Decisions"*) yw-

- (a) Penderfyniad y Comisiwn 2000/764/EC(a) ynghylch profi anifeiliaid buchol am bresenoldeb enffalopathi sbyngffurf buchol ac yn diwygio Penderfyniad 98/272/EC(b) ynghylch arolygaeth epidemiolegol am enffalopathïau sbyngffurf trosglwyddadwy; a
- (b) Penderfyniad y Comisiwn 2001/233/EC(c) yn diwygio Penderfyniad 2000/418/EC(ch) o ran cig wedi'i adfer yn fecanyddol ac esgryn cefn buchol;

ystyr "safle" (*"premises"*) yw unrhyw le (gan gynnwys unrhyw strwythur neu gerbyd) lle gall anifeiliaid buchol gael eu bridio, eu trafod, eu dal, eu cadw, eu marchnata neu eu dangos i'r cyhoedd, ac mae'n cynnwys unrhyw le o'r fath sy'n cael ei feddiannu fel annedd breifat.

(2) Mae i'r ymadroddion yn y Rheoliadau hyn nad ydynt wedi'u diffinio ym mharagraff (1) uchod ac sydd i'w gweld yn y naill neu'r llall o Benderfyniadau'r Comisiwn yr un ystyr yn y Rheoliadau hyn ag sydd iddynt at ddibenion y Penderfyniad y maent i'w gweld ynddo.

(3) Bernir bod unrhyw berson a benodwyd gan y Gweinidog neu gan awdurdod lleol at ddibenion Deddf Iechyd Anifeiliaid 1981(d) wedi'i benodi gan y Gweinidog neu gan yr awdurdod hwnnw i fod yn arolygydd at ddibenion y Rheoliadau hyn.

(4) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at reoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn.

Gofynion sy'n ymwneud ag anifeiliaid buchol dros 30 mis oed

3.-(1) Rhaid i berson y mae ganddo anifail buchol hysbysadwy neu garcas anifail o'r fath yn ei feddiant neu o dan ei ofal, cyn gynted ag y bo'n ymarferol ac o fewn 24 awr beth bynnag o'r adeg y bydd yr anifail yn marw neu y mae'r carcass yn dod i'w feddiant, roi gwybod am y ffaith i'r Cynulliad Cenedlaethol neu, os yw'r Cynulliad Cenedlaethol wedi penodi asiant i dderbyn hysbysiadau ar ei ran o dan y rheoliad hwn, i'r asiant hwnnw.

(2) Rhaid i unrhyw filfeddyg neu berson arall sydd, yng nghwrs ei ddyletswyddau -

- (a) yn archwilio neu'n arolygu unrhyw anifail buchol hysbysadwy sy'n marw yn ystod cwrs y dyletswyddau hynny; neu

(a) OJ Rhif L 305, 6.12.2000, t.35.

(b) OJ Rhif L122, 24.4.1998, t.59.

(c) OJ Rhif L 84, 23.3.2001 t. 59.

(ch) OJ Rhif L 158, 30.6.2000, t. 76, fel y'i diwygiwyd gan Benderfyniad y Comisiwn 2001/2/EC (OJ Rhif L 1, 4.1.2001).

(d) 1981 p.22.

- (a) dies on any farm or in transport; or
- (b) has been killed otherwise than for human consumption.

"premises" (*"safle"*) means any place (including any structure or vehicle) in which bovine animals may be bred, handled, held, kept, marketed or shown to the public, and includes any such place occupied as a private dwelling;

"veterinary inspector" (*"arolygydd milfeddygol"*) means a veterinary inspector appointed for the purposes of these Regulations by the Minister; and

"veterinary surgeon" (*"milfeddyg"*) means a person registered in the register of veterinary surgeons or in the supplemental veterinary register.

(2) Expressions in these Regulations which are not defined in paragraph (1) above and which appear in either of the Commission Decisions have the same meaning in these Regulations as they have for the purposes of the Decision in which they appear.

(3) Any person appointed by the Minister or a local authority to be an inspector for the purposes of the Animal Health Act 1981(a) shall be deemed to have been appointed by the Minister or that authority to be an inspector for the purposes of these Regulations.

(4) Any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations.

Requirements relating to bovine animals over 30 months of age

3.-(1) A person who is in possession or in charge of a notifiable bovine animal, or the carcass of such an animal, shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcass comes into his or her possession or charge, notify the fact to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent.

(2) Any veterinary surgeon or other person who, in the course of his or her duties -

- (a) examines or inspects any notifiable bovine animal which dies during the course of those duties; or

(a) 1981 c.22.

- (b) yn archwilio neu'n arolygu carcass anifail o'r fath,

cyn gynted ag y bo'n ymarferol, ac o fewn 24 awr beth bynnag o'r adeg y bydd yr anifail yn marw neu y mae'r carcass yn cael ei archwilio neu ei arolygu, roi gwybod am y ffaith i'r Cynulliad Cenedlaethol neu, os yw'r Cynulliad Cenedlaethol wedi penodi asiant i dderbyn hysbysiadau ar ei ran o dan y rheoliad hwn, i'r asiant hwnnw.

(3) Os yw'r Cynulliad Cenedlaethol yn penodi asiant i dderbyn hysbysiadau ar ei ran o dan y rheoliad hwn, rhaid i'r Cynulliad Cenedlaethol gyhoeddi, drwy unrhyw gyfrwng a wêl yn dda, gan gynnwys hysbysiad yn y London Gazette, enw'r asiant, ei gyfeiriad a'r manylion perthnasol eraill ar gyfer cysylltu ag ef ac ar ba ddyddiad ac o ba ddyddiad y mae'n rhaid i hysbysiadau o dan y rheoliad hwn gael eu gwneud i'r asiant yn lle eu gwneud i'r Cynulliad Cenedlaethol.

(4) Rhaid i berson y mae ganddo anifail buchol hysbysadwy, neu carcass anifail o'r fath, yn ei feddiant neu o dan ei ofal ar unrhyw safle, ei gadw ar y safle nes iddo gael ei gasglu gan neu ar ran y Cynulliad Cenedlaethol.

Pwerau mynediad, pwerau archwilio a chwilio a samplu etc.

4.- (1) Ar ôl cyflwyno rhyw ddogfen sydd wedi'i dilysu'n briodol ac sy'n dangos ei awdurdod, os gofynnir iddo wneud hynny, bydd gan arolygydd hawl ar bob adeg resymol i fynd i unrhyw safle (gan gynnwys unrhyw safle, neu unrhyw ran o safle, sy'n cael ei meddiannu fel annedd breifat) -

- (a) er mwyn darganfod a oes unrhyw anifail buchol hysbysadwy yn cael ei gadw neu wedi cael ei gadw ar y safle;
- (b) er mwyn darganfod a oes neu a fu unrhyw dorri ar y Rheoliadau hyn neu fethiant â chydymffurfio â hwy.

(2) Os oes ynad heddwch, ar ôl cael hysbysiaeth ysgrifenedig ar lw, wedi'i fodloni bod yna sail resymol dros fynd i unrhyw safle (heblaw unrhyw safle sy'n cael ei feddiannu fel annedd breifat) at unrhyw ddiben a grybwyllir ym mharagraff (1) uchod a naill ai -

- (a) bod mynediad i'r safle wedi'i wrthod, neu'n debyg o gael ei wrthod, a bod hysbysiad o'r bwriad i wneud cais am warrant wedi'i roi i'r meddiannydd; neu
- (b) y byddai gwneud cais am fynediad neu roi hysbysiad o'r fath yn rhwystro bwriad y mynediad, neu fod yna frys ynglŷn â'r achos, neu nad yw'r safle yn cael ei feddiannu, neu fod y meddiannydd yn absennol dros dro,

fe gaiff yr ynad heddwch, drwy gyfrwng gwarant a lofnodir ganddo, awdurdodi arolygydd i fynd i'r safle, drwy ddefnyddio grym rhesymol os oes ei angen.

- (b) examines or inspects the carcass of such an animal

shall with all practicable speed, and in any event within 24 hours from the time when the animal dies or the carcass is examined or inspected, notify the fact to the National Assembly or, where the National Assembly has appointed an agent to receive notifications under this regulation on its behalf, to that agent.

(3) Where the National Assembly appoints an agent for the purposes of receiving notifications under this regulation on its behalf, the National Assembly shall publish by such means as it thinks fit, including a notice in the London Gazette, the name of the agent, his address and other relevant contact information and the date on and after which notifications under this regulation shall be made to the agent instead of the National Assembly.

(4) A person who has in his or her possession or under his or her charge on any premises a notifiable bovine animal, or the carcass of such an animal, shall detain it on the premises until it has been collected by or on behalf of the National Assembly.

Powers of entry, examination, search and sampling etc.

4.- (1) An inspector, on producing, if required to do so, some duly authenticated document showing his or her authority, shall have the right at all reasonable hours to enter any premises (including any premises, or part of any premises, occupied as a private dwelling) -

- (a) for the purpose of ascertaining whether any notifiable bovine animal is being or has been kept on the premises;
- (b) for the purpose of ascertaining whether there is or has been any contravention of, or failure to comply with, these Regulations.

(2) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises (other than any premises occupied as a private dwelling) for any such purpose as is mentioned in paragraph (1) above and that either-

- (a) admission to the premises has been refused, or a refusal is apprehended, and that notice of the intention to apply for a warrant has been given to the occupier; or
- (b) an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice of the peace may by warrant signed by him or her authorise an inspector to enter the premises, if need be by reasonable force.

(3) Caiff arolygydd sy'n mynd i unrhyw safle yn rhinwedd y rheoliad hwn, neu yn rhinwedd gwarant a roddir odano, fynd ag unrhyw bersonau eraill gydag ef y mae'n credu ei fod yn angenrheidiol, ac wrth ymadael ag unrhyw safle sydd heb ei feddiannu rhaid iddo sicrhau ei fod yn cael ei adael wedi'i gau yr un mor effeithiol rhag mynediad diawdurdod â phan ddaeth o hyd iddo.

(4) Caiff arolygydd -

- (a) arolygu ac archwilio unrhyw anifail buchol neu garcas unrhyw anifail o'r fath ar y safle;
- (b) gwneud unrhyw brofion mewn perthynas ag unrhyw anifail buchol neu garcas unrhyw anifail o'r fath ar y safle a chymryd unrhyw samplau ohonynt y mae'n credu eu bod yn angenrheidiol at ddibenion y Rheoliadau hyn;
- (c) marcio unrhyw anifail buchol neu garcas unrhyw anifail o'r fath ar y safle, a hynny at ddibenion adnabod;
- (ch) archwilio unrhyw gofnodion, ar ba ffurf bynnag, ar y safle, a chymryd copiâu o'r cofnodion hynny;
- (d) mynd at unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig sy'n cael eu defnyddio neu sydd wedi'u defnyddio mewn cysylltiad ag unrhyw gofnodion a'u harchwilio a gwirio eu gweithrediad, a gall ei gwneud yn ofynnol i unrhyw berson sy'n gofalu am y cyfrifiadur, y cyfarpar neu'r deunydd, neu sydd fel arall yn ymwneud â'u gweithredu, roi unrhyw gymorth iddo y gall yn rhesymol ofyn amdano;
- (dd) pan fydd cofnodion yn cael eu cadw drwy gyfrwng cyfrifiadur, ei gwneud yn ofynnol i'r cofnodion gael eu cynhyrchu ar ffurf y gellir mynd â hwy oddi yno;
- (e) mynd ag unrhyw bersonau eraill gydag ef y mae'n credu eu bod yn angenrheidiol at unrhyw ddiben mewn perthynas â gorfodi'r Rheoliadau hyn; a
- (f) mynd â chynrychiolydd o'r Comisiwn Ewropeaidd sy'n gweithredu at unrhyw ddiben mewn perthynas â Phenderfyniadau'r Comisiwn gydag ef.

Rhwystro

5.- (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

(3) An inspector entering any premises by virtue of this regulation, or of a warrant issued under it, may take with him or her such other persons as he or she considers necessary, and on leaving any unoccupied premises shall ensure that they are left as effectively secured against unauthorised entry as when he or she found them.

(4) An inspector may -

- (a) inspect and examine any bovine animal or the carcase of any such animal on the premises;
- (b) make such tests in relation to, and take such samples from any bovine animal or the carcase of any such animal on the premises as he or she considers necessary for the purposes of these Regulations;
- (c) mark for identification purposes any bovine animal or the carcase of any such animal on the premises;
- (d) examine any records in whatever form on the premises, and take copies of those records;
- (e) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with any records, and may require any person having charge of, or who is otherwise concerned with the operation of the computer, apparatus or material to afford him or her such assistance as he or she may reasonably require;
- (f) where records are kept by means of a computer, require the records to be produced in a form in which they may be taken away;
- (g) take with him or her such other persons as he or she considers necessary for any purpose in relation to the enforcement of these Regulations; and
- (h) take with him or her a representative of the European Commission acting for any purposes in relation to the Commission Decisions.

Obstruction

5.- (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 purpose of carrying out his or her functions under these Regulations; or

- (c) darparu gwybodaeth y mae'n gwybod ei bod yn ffug neu'n gamarweiniol i unrhyw berson sydd wrthi'n gweithredu'r Rheoliadau hyn.

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

Tramgwyddo a chosbi

6.- (1) Bydd unrhyw berson sydd, heb awdurdod neu esgus cyfreithlon, y mae'n rhaid iddo yntau eu profi -

- (a) yn torri neu yn methu â chydymffurfio â rheoliad 3(1), 3(2) neu 3(4); neu
- (b) yn fwriadol yn achosi neu'n caniatáu unrhyw dorri neu fethu â chydymffurfio o'r fath,

yn euog o dramgwydd.

(2) Bydd person sy'n euog o dramgwydd o dan y Rheoliadau hyn yn agored -

- (a) o'i gollfarnu ar dditiad, i ddirwy neu i garchar am gyfnod na fydd yn fwy na dwy flynedd neu i'r ddau;
- (b) 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 i'r ddau.

Tramgwyddau cyrff corfforaethol

7.- (1) Pan fydd corff corfforaethol yn euog o dramgwydd o dan y Rheoliadau hyn, a phan brofir bod y tramgwydd hwnnw wedi'i gyflawni gyda chydysyniad neu ymoddefiad -

- (a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu swyddog tebyg arall i'r corff corfforaethol, neu
- (b) unrhyw berson a oedd yn honni gweithredu yn rhinwedd unrhyw swyddogaeth o'r fath,

neu y gellir priodoli'r tramgwydd i unrhyw esgeulustod ar ei ran, bydd yntau, yn ogystal â'r corff corfforaethol, yn euog o'r tramgwydd a bydd yn agored i achos a chosb yn unol â hynny.

(2) At ddibenion paragraff (1) uchod, ystyr "cyfarwyddwr", mewn perthynas â chorff corfforaethol y mae ei fusnes yn cael ei reoli gan ei aelodau, yw aelod o'r corff corfforaethol hwnnw.

Gorfodi

8. Caiff darpariaethau'r Rheoliadau hyn eu gweithredu a'u gorfodi gan y Cynulliad Cenedlaethol neu gan yr awdurdod lleol.

- (c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading.

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

Offences and penalties

6.- (1) Any person who, without lawful authority or excuse, proof of which shall lie on him or her -

- (a) contravenes or fails to comply with regulation 3(1), 3(2) or 3(4); or
- (b) knowingly causes or permits any such contravention or non-compliance,

shall be guilty of an offence.

(2) A person guilty of an offence under these Regulations shall be liable-

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

Offences by bodies corporate

7.- (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 have been attributable to any neglect on the part of -

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he or she, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1) above, "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Enforcement

8. The provisions of these Regulations shall be executed and enforced by the National Assembly or by the local authority.

Diwygio Gorchymyn Enseffalopathi Sbyngffurf Buchol (Rhif 2) 1996

9.- (1) Caiff erthygl 11 of Orchymyn BSE (Rhif 2), i'r graddau y mae'n gymwys i Gymru, ei diwygio yn unol â'r darpariaethau canlynol yn y rheoliad hwn.

(2) Ym mharagraff (1) ar ôl y gair "carcase" caiff y geiriau canlynol eu mewnosod -

or any blood derived from any carcase whether or not the carcase from which it is derived is seized, destroyed or disposed of by an inspector".

(3) Ym mharagraff (2) -

- (a) ar ôl y gair "carcase", lle y'i gwelir gyntaf, caiff y geiriau canlynol eu mewnosod -"or any blood derived from any carcase."; a
- (b) ar ôl y gair "carcase" lle y'i gwelir wedyn caiff y geiriau canlynol eu mewnosod -

"or blood".

(4) Ym mharagraff (3), ar ôl y gair "carcases" caiff y geiriau canlynol eu mewnosod -

"or any blood derived from the carcasses".

Diwygio Rheoliadau Adnabod Gwartheg 1998

10.-(1) Caiff Rheoliadau Adnabod Gwartheg 1998(a) eu diwygio yn unol â'r darpariaethau canlynol yn y rheoliad hwn.

(2) Yn rheoliad 2(1) ar ôl y diffiniad o "local authority" caiff y diffiniad canlynol ei fewnosod -

"notifiable bovine animal" means a bovine animal over 30 months of age which -

- (a) dies on any farm or in transport; or
- (b) has been killed otherwise than for human consumption;".

(3) Yn rheoliad 26(1) ar ddechrau paragraff (1) caiff y geiriau canlynol eu mewnosod -

"Subject to paragraph (1A) below,".

(4) Yn rheoliad 26, ar ôl paragraff (1) caiff y paragraff canlynol ei fewnosod -

"(1A) If a notifiable bovine animal with a cattle passport dies, the keeper will be treated as having complied with paragraph (1) above if, on notifying the fact in accordance with regulation 3(1) of the BSE Monitoring (Wales) Regulations 2001, the keeper surrenders the cattle passport to the Minister or, where the Minister has appointed an agent to receive notifications, to that agent."

(a) O.S. 1998/871 a ddiwygiwyd gan O.S. 1998/2969, O.S. 1999/1339.

Amendment of the Bovine Spongiform Encephalopathy (No. 2) Order 1996

9.- (1) Article 11 of BSE (No. 2) Order shall in so far as it applies to Wales be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) after the word "carcase" there shall be inserted the following words -

or any blood derived from any carcase whether or not the carcase from which it is derived is seized, destroyed or disposed of by an inspector".

(3) In paragraph (2) -

- (a) after the word "carcase", where it first appears, there shall be inserted the following words -"or any blood derived from any carcase."; and
- (b) after the word "carcase" where it subsequently appears there shall be inserted the following words -

"or blood".

(4) In paragraph (3), after the word "carcases" there shall be inserted the following words -

"or any blood derived from the carcasses".

Amendment of the Cattle Identification Regulations 1998

10.-(1) The Cattle Identification Regulations 1998(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) after the definition of "local authority" there shall be inserted the following definition -

"notifiable bovine animal" means a bovine animal over 30 months of age which -

- (a) dies on any farm or in transport; or
- (b) has been killed otherwise than for human consumption;".

(3) In regulation 26(1) at the beginning of paragraph (1) there shall be inserted the following words -

"Subject to paragraph (1A) below,".

(4) In regulation 26, after paragraph (1) there shall be inserted the following paragraph -

"(1A) If a notifiable bovine animal with a cattle passport dies, the keeper will be treated as having complied with paragraph (1) above if, on notifying the fact in accordance with regulation 3(1) of the BSE Monitoring (Wales) Regulations 2001, the keeper surrenders the cattle passport to the Minister or, where the Minister has appointed an agent to receive notifications, to that agent."

(a) S.I. 1998/871 amended by S.I. 1998/2969, S.I. 1999/1339.

Diwygio Rheoliadau Gwartheg (Adnabod Anifeiliaid Hŷn) (Cymru) 2000

11.-(1) Caiff Rheoliadau Gwartheg (Adnabod Anifeiliaid Hŷn) (Cymru) 2000(a) eu diwygio yn unol â'r darpariaethau canlynol yn y rheoliad hwn.

(2) Yn rheoliad 2(1), cyn y diffiniad o "Arolygydd" caiff y diffiniad canlynol ei fewnosod -

"ystyr "anifail buchol hysbysadwy" ("*notifiable bovine animal*") yw anifail buchol dros 30 mis oed sydd -

- (a) yn marw ar unrhyw fferm neu wrth gael ei gludo; neu
- (b) sydd wedi'i ladd heblaw i'w fwyta gan bobl;".

(3) Yn rheoliad 9 ar y dechrau caiff y geiriau canlynol eu mewnosod -

"(1) Yn ddarostyngedig i baragraff (2) isod".

(4) Yn rheoliad 9, ar ôl paragraff (1) caiff y paragraff canlynol ei fewnosod -

"(2) Os bydd anifail buchol hysbysadwy a chanddo dystysgrif gofrestru yn marw, trinnir y ceidwad fel pe bai wedi cydymffurfio â pharagraff (1) uchod os yw, wrth hysbysu'r ffaith yn unol â rheoliad 3(1) o Reoliadau Monitro BSE (Cymru) 2001, yw ildio'r dystysgrif gofrestru i'r Cynulliad Cenedlaethol neu, os yw'r Cynulliad Cenedlaethol wedi penodi asiant i dderbyn hysbysiadau, i'r asiant hwnnw.".

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

26 Mehefin 2001

Llywydd y Cynulliad Cenedlaethol

Amendment of the Cattle (Identification of Older Animals) (Wales) Regulations 2000

11.-(1) The Cattle (Identification of Older Animals) (Wales) Regulations 2000(a) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1), after the definition of "National Assembly" there shall be inserted the following definition -

"notifiable bovine animal" means a bovine animal over 30 months of age which -

- (a) dies on any farm or in transport; or
- (b) has been killed otherwise than for human consumption;".

(3) In regulation 9 at the beginning there shall be inserted the following words -

"(1) Subject to paragraph (2) below".

(4) In regulation 9, after paragraph (1) there shall be inserted the following paragraph -

"(2) If a notifiable bovine animal with a registration certificate dies, the keeper will be treated as having complied with paragraph (1) above if, on notifying the fact in accordance with regulation 3(1) of the BSE Monitoring (Wales) Regulations 2001, the keeper surrenders the registration certificate to the National Assembly or, where the National Assembly has appointed an agent to receive notifications, to that agent.".

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

26th June 2001

The Presiding Officer of the National Assembly

(a) O.S. 2000/3339 (Cy.217).

(b) 1998 p.38.

(a) S.I. 2000/3339 (W.217).

(b) 1998 c.38.

OFFERYNNAU STATUDOL

2001 Rhif 2360 (Cy.197)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Monitro BSE
(Cymru) 2001

STATUTORY INSTRUMENTS

2001 No. 2360 (W.197)

ANIMALS, WALES

ANIMAL HEALTH

The BSE Monitoring (Wales)
Regulations 2001

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£2.50

T358/08/01

ON

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ISBN 0-11-090325-0



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