



CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 3053 (Cy.291)

BWYD, CYMRU

Rheoliadau Llaeth Cyddwys a Llaeth Sych (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys i Gymru. Maent yn gweithredu Cyfarwyddeb y Cyngor 2001/114/ (OJ Rhif L19, 17.1.2002, t.19). Ymwneud â chynhyrchion llaeth penodol a fwriedir i'w bwyta gan bobl ac sydd naill ai'n rhannol neu'n llwyr wedi'u sychu (wedi'u dadhydradu) a'u cadw (eu preserfio) y mae'r Gyfarwyddeb honno. Mae'r Rheoliadau hyn yn dirymu ac yn disodli Rheoliadau Llaeth Cyddwys a Llaeth Sych 1977, fel y'u diwygiwyd, mewn perthynas â Chymru.

Mae'r Rheoliadau yn -

- (a) rhagnodi diffiniadau a disgrifiadau neilltuedig ar gyfer cynhyrchion llaeth cyddwys a llaeth sych (rheoliad 2 ac Atodleni 1 a 2);
- (b) darparu i'r Rheoliadau fod yn gymwys i gynhyrchion llaeth a llaeth sych a fwriedir i'w bwyta gan bobl ac sy'n barod i'w dosbarthu i'r defnyddiwr olaf neu i sefydliad arlwyd (rheoliad 3);
- (c) cyfyngu ar y defnydd o ddisgrifiadau neilltuedig i'r cynhyrchion llaeth cyddwys a llaeth sych y maent yn ymwneud â hwy (rheoliad 4);
- (ch) rhagnodi gofynion labelu ar gyfer cynhyrchion llaeth cyddwys a llaeth sych dynodedig (rheoliad 5);
- (d) rhagnodi dull y marcio neu labelu a chymhwys darpariaethau penodedig Rheoliadau Labelu Bwyd 1996 (rheoliad 6);
- (dd) pennu cosb, awdurdodau gorfodi ac, yn unol ag Erthyglau 2 a 3 o Gyfarwyddeb y Cyngor

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 3053 (W.291)

FOOD, WALES

The Condensed Milk and Dried Milk (Wales) Regulations 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, implement Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk products intended for human consumption (OJ No. L15, 17.1.2002, p.19). They revoke and replace the Condensed Milk and Dried Milk Regulations 1977, as amended, in relation to Wales.

The Regulations -

- (a) prescribe definitions and reserved descriptions for condensed milk and dried milk products (regulation 2 and Schedules 1 and 2);
- (b) provide for the Regulations to apply to milk and dried milk products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment (regulation 3);
- (c) restrict the use of reserved descriptions to the designated condensed and dried milk products to which they relate (regulation 4);
- (d) prescribe labelling requirements for designated condensed and dried milk products (regulation 5);
- (e) prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (regulation 6);
- (f) specify a penalty, enforcement authorities and, in accordance with Articles 2 and 3 of Council

- 89/397/EEC ar reolaeth swyddogol bwydydd (OJ Rhif L186, 30.6.89, t.23), amddiffyniad sy'n ymwneud ag allforion (rheoliadau 7 ac 8);
- (e) cymhwysyo amryw ddarpariaethau Deddf Diogelwch Bwyd 1990 (rheoliad 9);
 - (f) dirymu'r Rheoliadau blaenorol a gwneud diwygiadau canlyniadol a darpariaeth drosiannol (rheoliadau 10 ac 11). Effaith y dirymiad a wneir gan reoliad 10(1)(a), ac absenoldeb ailddeddfiad o ddarpariaeth debyg, yw y bydd Rhan II o Reoliadau Labelu Bwyd 1996 yn gymwys i'r cynhyrchion y mae'r Rheoliadau hyn yn gymwys iddynt.

Cafodd arfarniad rheoliadol ei baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 a rhoddwyd copi yn llyfrgell Cynulliad Cenedlaethol Cymru ynghyd â Nodyn Trosi sy'n egluro sut y mae prif elfennau'r ddeddfwriaeth Ewropeaidd a grybwylir uchod yn cael eu trawsosod yn Rheoliadau hyn. Gellir cael copiâu oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 11, Southgate House, Caerdydd CF10 1EW.

Directive 89/397/EEC on the official control of foodstuffs (OJ No. L186, 30.6.89, p.23), a defence in relation to exports (regulations 7 and 8);

- (g) apply various provisions of the Food Safety Act 1990 (regulation 9);
- (h) revoke the previous Regulations and make consequential amendments and transitional provision (regulations 10 and 11). An effect of the revocation made by regulation 10(1) (a), and the absence of the re-enactment of a similar provision, is that Part II of the Food Labelling Regulations 1996 will apply to the products to which these Regulations apply.

A Regulatory appraisal 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 together with a Transposition Note setting out how the main elements of the European legislation referred to above are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff CF10 1EW.

2003 Rhif 3053 (Cy.291)**BWYD, CYMRU****Rheoliadau Llaeth Cyddwys a
Llaeth Sych (Cymru) 2003***Wedi'u gwneud**26 Tachwedd 2003**Yn dod i rym**28 Tachwedd 2003*

Drwy arfer y pwerau a roddwyd gan adrannau 16(1)(e), 17(1), 26(1) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a) ac a freiniwyd bellach ynddo(b), ac ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor(c) sy'n gosod egwyddorion a gofynion cyffredinol cyfraith fwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod y gweithdrefnau mewn materion diogelwch bwyd, ac yn unol ag adran 48(4) a (4B) o'r Ddeddf uchod, drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwysyo

1. Enw'r Rheoliadau hyn yw Rheoliadau Llaeth Cyddwys a Llaeth Sych (Cymru) 2003, deuant i rym ar 28 Tachwedd 2003 ac maent yn gymwys i Gymru yn unig.

Dehongli**2. Yn y Rheoliadau hyn -**

mae i "awdurdod bwyd" yr un ystyr â "food authority" yn adran 5(1A) a (3)(a) a (b) o Ddeddf Diogelwch Bwyd 1990;

ystyr "cufanswm y solidau llaeth" ("total milk solids") yw holl gufansoddion llaeth heblaw dwr, gan gynnwys braster llaeth, a'r cufansoddion heblaw braster llaeth sy'n bresennol yn eu cyfrannau naturiol;

(a) 1990 p.16.

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf Bwyd 1990, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) OJ Rhif L31, 1.2.2002, t.1.

2003 No. 3053 (W.291)**FOOD, WALES****The Condensed Milk and Dried Milk (Wales) Regulations 2003***Made**26th November 2003**Coming into force**28th November 2003*

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and now vested in it(b), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and in accordance with section 48(4) and (4B) of the said Act, hereby makes the following Regulations:

Title, commencement and application

1. These Regulations may be cited as the Condensed Milk and Dried Milk (Wales) Regulations 2003, shall come into force on 28th November 2003 and shall apply to Wales only.

Interpretation**2. In these Regulations -**

"the Act" ("y Ddeddf") means the Food Safety Act 1990;

"catering establishment" ("sefydliad arlwyd") means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate

(a) 1990 c.16.

(b) Functions of the Secretary of State under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) OJ No. L31, 1.2.2002, p.1.

ystyr "Cyfarwyddeb 79/1067/EEC" ("Directive 79/1067/EEC") yw Cyfarwyddeb Gyntaf y Comisiwn 1979/1067/EEC(a) sy'n gosod dulliau'r Gymuned o ddadansoddi ar gyfer profi llaeth a fwriedir i'w bwyta gan bobl ac sydd wedi ei ddadhydradu yn rhannol neu'n llwyr;

ystyr "Cyfarwyddeb 87/524/EEC" yw Cyfarwyddeb Gyntaf y Comisiwn 1987/524/EEC(b) yn gosod dulliau'r Gymuned o samplo ar gyfer dadansoddiad cemegol ar gyfer monitro cynhyrchion llaeth wedi'u preserfio;

ystyr "cynnyrch dynodedig" ("designated product") yw unrhyw fwyd a bennir yng ngholofn 2 o Atodlen 1 (fel y'i darllenir ynghyd â'r Nodiadadau sy'n berthnasol i'r Atodlen honno);

ystyr "Cytundeb AEE" ("EEA Agreement") yw'r Cytundeb ar Ardal Economaidd Ewropeaidd(c), a lofnodwyd yn Oporto ar 2 Mai 1992, fel y'i haddaswyd gan y Protocol(ch) a lofnodwyd ym Mrwsel ar 17 Mawrth 1993;

ystyr "y Ddeddf ("the Act") yw Ddeddf Diogelwch Bwyd 1990;

ystyr "defnyddiwr olaf" ("ultimate consumer") yw unrhyw berson sy'n prynu heblaw -

- (a) er mwyn ailwerthu;
- (b) ar gyfer sefydliad arlwyd;
- (c) ar gyfer busnes gweithgynhyrchu;

ystyr "disgrifiad neilltuedig" ("reserved description") o ran unrhyw gynnrych dynodedig, yw unrhyw ddisgrifiad a bennir mewn perthynas â'r cynnyrch hwnnw yng ngholofn 1 o Atodlen 1 neu unrhyw ddisgrifiad amgen a ganiateir gan Atodlen 2;

mae "gwerthu" ("sell") yn cynnwys cynnig neu ddangos i'w werthu neu feddu i'w werthu, a dehonglir ymadroddion cytras yn unol â hynny;

ystyr "Gwladwriaeth AEE" ("EEA State") yw Gwladwriaeth sy'n Barti Contractiol i Gytundeb AEE;

ystyr "llaeth wedi'i ddadhydradu'n llwyr" ("totally dehydrated milk") yw'r cynnyrch solet, a'i gynnwys dwr heb fod yn fwy na 5% o'r cynnyrch gorffenedig yn ôl pwysau, a geir drwy dynnu dwr o laeth, o laeth rhannol sgim neu o laeth llwyr sgim, o hufen neu o

consumer and is ready for consumption without further preparation;

"designated product" ("cynnyrch dynodedig") means any food specified in column 2 of Schedule 1 (as read with the Notes relating to that Schedule);

"Directive 79/1067/EEC" ("Cyfarwyddeb 79/1067/EEC") means First Commission Directive 1979/1067/EEC(a) laying down Community methods of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption;

"Directive 87/524/EEC" ("Cyfarwyddeb 87/524/EEC") means First Commission Directive 1987/524/EEC(b) laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products;

"EEA Agreement" ("Cytundeb AEE") means the Agreement on the European Economic Area(c) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(d) signed at Brussels on 17th March 1993;

"EEA State" ("Gwladwriaeth AEE") means a State which is a Contracting Party to the EEA Agreement;

"food authority" ("awdurdod bwyd") has the same meaning as in section 5(1A) and (3)(a) and (b) of the Food Safety Act 1990;

"the 1996 Regulations" ("Rheoliadau 1996") means the Food Labelling Regulations 1996(e);

"partly dehydrated milk" ("llaeth wedi'i ddadhydradu'n rhannol") means the liquid product, whether or not sweetened, obtained directly by the partial removal of water from milk, from wholly or partly skimmed milk or from a mixture of these products and includes such a product to which cream or totally dehydrated milk have been added provided the addition of totally dehydrated milk does not exceed, in the finished product, 25% of total milk solids;

"preparation" ("paratoi") includes manufacture and any form of processing or treatment and "prepared" shall be construed accordingly;

"reserved description", ("disgrifiad neilltuedig") as respects any designated product, means any description specified in

(a) OJ Rhif L327, 24.12.1979, t.29.

(b) OJ Rhif L306, 28.10.1987, p.24.

(c) OJ Rhif L1, 3.1.94, t.1.

(ch) OJ Rhif L1, 3.1.94, t.571.

(a) OJ No. L327, 24.12.1979, p.29.

(b) OJ No. L306, 28.10.1987, p.24.

(c) OJ No. L1, 3.1.94, p.1.

(d) OJ No. L1, 3.1.94, p.571.

(e) S.I. 1996/1499; the relevant amending instrument is S.I. 1998/1398.

gymysgedd o'r cynhyrchion hyn;
ystyr "llaeth wedi'i ddadhydradu'n rhannol" ("partly dehydrated milk") yw'r cynnyrch hylif, boed wedi'i felysu ai peidio, a geir yn uniongyrchol drwy dynnu peth dwr o laeth, llaeth llwyr sgim neu laeth rhannol sgim, neu o gymysgwch o'r cynhyrchion hyn, ac mae'n cynnwys cynhyrchion yr ychwanegwyd hufen neu laeth sydd wedi'i ddadhydradu'n llwyr atynt ar yr amod nad yw'r llaeth wedi'i ddadhydradu'n llwyr yn fwy, yn y cynnyrch gorffenedig, na 25% o gyfanswm y solidau llaeth;

mae "paratoi" ("preparation") yn cynnwys gweithgynhyrchu ac unrhyw ffurf ar brosesu neu drin a rhaid dehongli unrhyw ffurf ar "paratoi" yn ynol â hymny;

ystyr "Rheoliadau 1996" ("the 1996 Regulations") yw Rheoliadau Labelu Bwyd 1996(a);

ystyr "sefydliad arlwyd" ("catering establishment") yw bwyty, ffreutur, clwb, tafarn, ysgol, ysbty neu sefydliad tebyg (gan gynnwys cerbyd neu stondin sefydlog neu symudol) lle, wrth gynnal busnes, y darperir bwyd i'w ddosbarthu i'r defnyddiwr olaf ac sy'n barod i'w fwya heb waith paratoi pellach;

relation to that product in column 1 of Schedule 1 or any alternative description permitted by Schedule 2;

"sell" ("gwerthu") includes offer or expose for sale or have in possession for sale, and cognate expressions shall be construed accordingly;

"totally dehydrated milk" ("llaeth wedi'i ddadhydradu'n llwyr") means the solid product, where the water content does not exceed 5% by weight of the finished product, obtained directly by the removal of water from milk, from wholly or partly skimmed milk, from cream or from a mixture of these products;

"total milk solids" ("cyfanswm y solidau llaeth") means all the constituents of milk other than water, including milk fat, the constituents other than milk fat being present in their natural proportions; and

"ultimate consumer" ("defnyddiwr olaf") means any person who buys otherwise than -

- for the purpose of resale,
- for the purposes of a catering establishment, or
- for the purposes of a manufacturing business.

Ystod y Rheoliadau

3. Mae'r Rheoliadau hyn yn gymwys i gynhyrchion dynodedig a fwriedir i'w bwyta gan bobl ac sy'n barod i'w dosbarthu i'r defnyddiwr olaf neu i sefydliad arlwyd.

Disgrifiadau neilltuedig

4. Ni chaiff unrhyw berson werthu unrhyw fwyd ac arno label, p'un a yw wedi'i gysylltu â'r deunydd lapio neu'r cynhwysydd, neu wedi'i argraffu arno, sy'n dwyn, yn ffurfio neu'n cynnwys unrhyw ddisgrifiad neilltuedig neu unrhyw tarddair ohono neu unrhyw air neu ddisgrifiad sy'n sylweddol debyg iddo oni bai -

- bod y bwyd hwnnw yn gynnyrch dynodedig y mae'r disgrifiad neilltuedig yn ymwneud ag ef;
- bod y disgrifiad, y tarddair neu'r gair hwnnw'n cael ei ddefnyddio mewn cyd-destun sy'n dangos neu'n awgrymu yn glir nad yw'r sylwedd y mae'n ymwneud ag ef ond yn gynhwysyn yn y bwyd hwnnw; neu
- bod y disgrifiad, y tarddair neu'r gair hwnnw'n cael ei ddefnyddio mewn cyd-destun sy'n dangos neu'n awgrymu'n glir nad yw'r bwyd yn gynnyrch dynodedig ac nad yw'n cynnwys cynnyrch dynodedig.

Scope of Regulations

3. These Regulations apply to designated products, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

Reserved descriptions

4. No person shall sell any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless -

- such food is the designated product to which the reserved description relates;
- such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food; or
- such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

(a) O.S. 1996/1499; yr offeryn diwygio perthnasol yw O.S. 1998/1398.

Labelu a disgrifiad cynhyrchion dynodedig

5. Heb leihau effaith gyffredinol Rhan II o Reoliadau 1996, ni chaiff unrhyw berson werthu unrhyw gynnyrch dynodedig oni bai iddo gael ei farcio a'i labelu â'r manylion canlynol -

- (a) disgrifiad neilltuedig y cynnyrch;
- (b) ac eithrio yn achos y cynhyrchion a bennir ym mharagraffau 1(ch) ac (e) a 2(ch) o Atodlen 1, canran y braster llaeth, wedi'i mynegi yn ôl y pwysau mewn perthynas â'r cynnyrch gorffenedig;
- (c) ac eithrio yn achos y cynhyrchion a bennir ym mharagraff 2(a) i (ch) o Atodlen 1, canran yr echdyniad llaeth sych nad yw'n cynnwys unrhyw fraster o gwbl;
- (ch) yn achos cynhyrchion a bennir ym mharagraff 2(a) i (ch) o Atodlen 1, argymhellion yngylch y dull gwanhau neu ailgyfansoddi'r cynnyrch a manylion am ei gynnwys braster pan gaiff ei wanhau neu ei ailgyfansoddi;
- (d) yn achos y cynhyrchion a bennir ym mharagraff 2(a) i (ch) o Atodlen 1, nad yw'r cynnyrch "wedi'i fwriadu yn fwyd i fabanod o dan ddeuddeng mis oed".

Dull marcio neu labelu

6.-(1) Mae rheoliadau 35, 36(1) a (5) a 38 o Reoliadau 1996 (sy'n ymwneud â'r dull o farcio neu labelu bwyd) yn gymwys i'r manylion y mae'n ofynnol marcio neu labelu cynnyrch dynodedig â hwy oherwydd rheoliad 5 o'r Rheoliadau hyn fel petaent yn fanylion y mae'n ofynnol marcio neu labelu bwyd â hwy oherwydd Rheoliadau 1996.

(2) Rhaid i'r manylion y mae'n ofynnol iddynt ymddangos ar y label yn rhinwedd rheoliad 5(b) ac (c) o'r Rheoliadau hyn ymddangos wrth enw'r cynnyrch.

(3) Pan gaiff cynhyrchion dynodedig sy'n pwysol llai na 20 gram yr uned eu pacio mewn deunydd pacio allanol, nid oes rhaid i'r manylion sy'n ofynnol gan reoliad 5(b) i (d) o'r Rheoliadau hyn ymddangos ond ar y deunydd pacio allanol.

Cosbi a gorfodi

7.-(1) Bydd person sy'n mynd yn groes neu yn methu cydymffurfio â rheoliad 4 neu 5 o'r Rheoliadau hyn yn euog o dramgydd ac yn agored ar golffarn ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

(2) Rhaid i bob awdurdod bwyd orfodi a gweithredu'r Rheoliadau hyn o fewn ei ardal.

Labelling and description of designated products

5. Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any designated product unless it is marked or labelled with the following particulars -

- (a) the reserved description of the product;
- (b) except in the case of the products specified in paragraphs 1(d) and (g) and 2(d) of Schedule 1, the percentage of milk fat, expressed by weight in relation to the finished product;
- (c) except in the case of the products specified in paragraph 2(a) to (d) of Schedule 1, the percentage of fat-free dried milk extract;
- (d) in the case of the products specified in paragraph 2(a) to (d) of Schedule 1, the recommendations as to the method of dilution or reconstitution and the details of the fat content of the product when diluted or reconstituted;
- (e) in the case of the products specified in paragraph 2(a) to (d) of Schedule 1, that the product is "not intended as a food for infants under 12 months".

Manner of marking or labelling

6.-(1) Regulations 35, 36(1) and (5) and 38 of the 1996 Regulations (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 of these Regulations as if they were particulars with which food is required to be marked or labelled by the 1996 Regulations.

(2) The particulars which are required to appear on the label by virtue of regulation 5(b) and (c) of these Regulations shall appear near the name of the product.

(3) Where designated products weighing less than 20 grams per unit are packed in an outer packaging, the particulars required by regulation 5(b) to (e) of these Regulations need appear on the outer packaging only.

Penalties and enforcement

7.-(1) If any person contravenes or fails to comply with regulation 4 or 5 of these Regulations that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each food authority shall enforce and execute these Regulations in its area.

Amddiffyniad mewn perthynas ag allforion

8. Mewn unrhyw achosion am dramgydd o dan y Rheoliadau hyn bydd yn amddiffyniad i unrhyw berson a gyhuddir i brofi -

- (a) y bwriadwyd y bwyd, yr honnir i'r drosedd gael ei chyflawni mewn perthynas ag ef, ar gyfer ei allforio i wlad sydd â deddfwriaeth gydweddol â'r Rheoliadau hyn a bod y bwyd yn cydymffurfio â'r ddeddfwriaeth honno; ac
- (b) yn achos allforio i Wladwriaeth AEE, bod y ddeddfwriaeth yn cydymffurfio â darpariaethau Cyfarwyddeb y Cyngor 2001/114/EC sy'n ymwneud â llaeth penodol sydd wedi ei ddadhydradu'n rhannol neu'n llwyr a'i breserfio i'w fwyta gan bobl(a).

Cymhwysedd amryw ddarpariaethau Deddf Diogelwch Bwyd 1990

9.-(1) Mae darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad bod unrhyw gyfeiriad yn y darpariaethau hynny i'r Ddeddf neu Ran ohoni yn cael ei ddehongli at ddibenion y rheoliadau hyn fel cyfeiriad at y Rheoliadau hyn -

- (a) adran 2 (ystyr estynedig gwariant etc.);
- (b) adran 3 (rhagdybiaethau bod bwyd wedi'i fwriadu ar gyfer ei fwyta gan bobl);
- (c) adran 20 (tramgwyddau am fod bai ar berson arall)
- (ch) adran 21 (amddiffyniad diwydrwydd dyladwy) fel y mae'n gymwys at ddibenion adrannau 8, 14 neu 15 o'r Ddeddf;
- (d) adran 22 (amddiffyniad cyhoeddi wrth gynnal busnes);
- (dd) adran 30(8) (sy'n delio â thystiolaeth ddogfennol);
- (e) adran 33(1) (rhwystro etc. swyddogion)
- (f) adran 33(2), gyda'r addasiad y bennir y cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn gyfeiriad at unrhyw ofyniad a grybwyllir yn yr is-adran honno fel y'i cymhwysir gan is-baragraff (e) uchod;
- (ff) adran 35(1) (cosbi tramgwyddau) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) fel y'i cymhwysir gan is-baragraff (e) uchod.
- (g) adran 35(2) a (3) i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(2) fel y'i cymhwysir gan is-baragraff (f) uchod;
- (ng) adran 36 (tramgwyddau gan gyrrf corfforaethol); ac
- (h) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll).

(a) OJ Rhif L15, 17.1.2002, t.19 fel y'i mabwysiadwyd gan Benderfyniad Cyd-bwyllgor AEE Rhif 99/2002 (OJ Rhif L298, 31.10.2002, t.10).

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person accused to prove -

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to an EEA State, that the legislation complies with the provisions of Council Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption(a).

Application of various provisions of the Food Safety Act 1990

9.-(1) The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations -

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumptions that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33(1) (obstruction etc. of officers);
- (h) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection (1)(b) above" shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (g) above;
- (i) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g) above;
- (j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h) above;
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

(a) OJ No. L15, 17.1.2002, p.19 as adopted by the EEA Joint Committee Decision No. 99/2002 (OJ No. L298, 31.10.2002, p.10).

(2) Mae adran 29 o'r Ddeddf (samplu) yn gymwys mewn perthynas â gwaith samplu cynhyrchion dynodedig i'w dadansoddi at ddibenion y Rheoliadau hyn a chyda'r addasiad bod rhaid arfer a pherfformio pŵer swyddog awdurdodedig awdurdod gorfodi o dan yr adran honno a dyletswyddau'r swyddog hwnnw o dan unrhyw reoliadau a wneir o dan y Ddeddf, yn unol â'r dulliau a ddisgrifir yn yr Atodlen i Gyfarwyddeb 87/524/EEC.

Diwygio a dirymu

10.-(1) Yn Rheoliadau 1996 (i'r graddau y maent yn gymwys i Gymru), hepgorir y darpariaethau canlynol -

- (a) yn rheoliad 4(2) (cwmpas Rhan II), is-baragraff (d);
- (b) yn rheoliad 49 (dirymu a diwygio), paragraff (6).

(2) Hepgorir y cofnodion a ganlyn sy'n ymwneud â Rheoliadau Llaeth Cyddwys a Llaeth Sych 1977(a) (i'r graddau y mae'r Rheoliadau canlynol yn gymwys i Gymru) -

- (a) yn Rheoliadau Bwyd (Adolygu Cosbau) 1982 (b), yn Atodlen 1;
- (b) yn Rheoliadau Bwyd (Adolygu Cosbau) 1985 (c), yn yr Atodlen, Rhan I;
- (c) yn Neddf Diogelwch Bwyd 1990 (Addasiadau Canlyniadol) (Cymru a Lloegr) 1990(ch), yn Atodlen 1, Rhan I, Atodlen 2, Atodlen 3, Rhan I ac Atodlenni 6 a 12;
- (ch) yn Rheoliadau Diogelwch Bwyd (Allforion) 1991(d), yn Atodlen 1, Rhan I;
- (d) yn Rheoliadau Bwyd (Esemtiadau'r Lluoedd Arfog) (Dirymu) 1992(dd), yn yr Atodlen, Rhan I;
- (dd) yn Rheoliadau Ychwanegion Bwyd Amrywiol 1995(e), yn Atodlen 9;
- (e) yn Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) 1999(f), yn rheoliad 14(1);
- (f) yn Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2002(ff), rheoliad 9(2).

(a) O.S. 1977/928; hepgorir offerynnau diwygio perthnasol O.S. 1982/1066, 1986/2299, 1989/1959, 1990/2486, 1991/1476, 1992/2596, 1995/3187, 1996/1499, 1999/1136, 2001/1787(Cy.128) and 2002/329(Cy.42)

(b) O.S. 1982/1727.

(c) O.S. 1985/67.

(ch) O.S. 1990/2486.

(d) O.S. 1991/1476.

(dd) O.S. 1992/2596.

(e) O.S. 1995/3187.

(f) O.S. 1999/1136.

(ff) O.S. 2002/329(Cy.42).

(2) Section 29 of the Act (sampling) shall apply in relation to the sampling for analysis of designated products for the purposes of these Regulations with the modification that the powers of an authorised officer of an enforcement authority under that section and the duties of such an officer under any regulations made under the Act, shall be exercised and performed in accordance with the methods described in the Annex to Directive 87/524/EEC.

Amendments and revocations

10.-(1) In the 1996 Regulations (insofar as they apply to Wales) the following provisions shall be omitted -

- (a) in regulation 4(2) (scope of Part II), subparagraph (d);
- (b) in regulation 49 (revocations and amendments), paragraph (6).

(2) The following entries relating to the Condensed Milk and Dried Milk Regulations 1977(a) shall (insofar as the following Regulations apply to Wales), be omitted -

- (a) in the Food (Revision of Penalties) Regulations 1982(b), in Schedule 1;
- (b) in the Food (Revision of Penalties) Regulations 1985(c), in the Schedule, Part I;
- (c) in the Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990(d), in Schedule 1, Part I, Schedule 2, Schedule 3, Part I and Schedules 6 and 12;
- (d) in the Food Safety (Exports) Regulations 1991(e), in Schedule 1, Part I;
- (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992(f), in the Schedule, Part I;
- (f) in the Miscellaneous Food Additives Regulations 1995(g), in Schedule 9;
- (g) in the Miscellaneous Food Additives (Amendment) Regulations 1999(h), in regulation 14(1);
- (h) in the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2002(i), regulation 9(2).

(a) S.I. 1977/928; relevant amending instruments S.I. 1982/1066, 1986/2299, 1989/1959, 1990/2486, 1991/1476, 1992/2596, 1995/3187, 1996/1499, 1999/1136, 2001/1787(W.128) and 2002/329(W.42).

(b) S.I. 1982/1727.

(c) S.I. 1985/67.

(d) S.I. 1990/2486.

(e) S.I. 1991/1476.

(f) S.I. 1992/2596.

(g) S.I. 1995/3187.

(h) S.I. 1999/1136.

(i) S.I. 2002/329(W.42).

(3) Dirymir y Rheoliadau a ganlyn (i'r graddau y maent yn gymwys i Gymru):

- (a) Rheoliadau Llaeth Cyddwys a Llaeth Sych 1977(a);
- (b) Rheoliadau Llaeth Cyddwys a Phowdr Sych (Diwygio) 1982(b);
- (c) Rheoliadau Llaeth Cyddwys a Phowdr Sych (Diwygio) 1986(c);
- (ch) Rheoliadau Llaeth Cyddwys a Phowdr Sych (Diwygio) 1989 (ch).

(4) Yn Rheoliadau Lliwiau mewn Bwydydd 1995(d), i'r graddau y maent yn gymwys i Gymru , yn Atodlen 2, paragraff 6, yn lle'r cyfeiriad at "Cyfarwyddeb 76/118/EEC"(dd) rhoddir cyfeiriad at "Cyfarwyddeb 2001/114/EC"(e).

(5) Yn Rheoliadau Ychwanegion Bwyd Amrywiol 1995(f), i'r graddau y maent yn gymwys i Gymru -

- (a) yn rheoliad 10, dirymir paragraff (7);
- (b) yn Atodlen 7, yng ngholofn 1, yn lle'r geiriau "Partially dehydrated and dehydrated milk as defined in Directive 76/118/EEC" rhoddir "Partially dehydrated and totally dehydrated milk as defined in Directive 2001/114/EC".

Darpariaeth drosiannol

11. Mewn unrhyw achosion am dramgwydd o dan y Rheoliadau hyn bydd yn amddiffyniad i unrhyw berson a gyhuddir i brofi -

- (a) bod y bwyd dan sylw wedi'i farcio neu'i labelu cyn 17 Gorffennaf 2004, a
- (b) na fyddai'r materion sy'n gwneud y tramgwydd honedig wedi gwneud tramgwydd o dan Reoliadau Llaeth Cyddwys a Llaeth Sych 1977 fel yr oeddent yn union cyn i'r rheoliadau hyn ddod i rym.

(3) The following Regulations are hereby revoked (insofar as they apply to Wales):

- (a) the Condensed Milk and Dried Milk Regulations 1977(a);
- (b) the Condensed Milk and Dried Milk (Amendment) Regulations 1982(b);
- (c) the Condensed Milk and Dried Milk (Amendment) Regulations 1986(c);
- (d) the Condensed Milk and Dried Milk (Amendment) Regulations 1989(d).

(4) In the Colours in Food Regulations 1995(e), insofar as they apply to Wales, in Schedule 2, paragraph 6, for the reference to "Directive 76/118/EEC"(f) there is substituted a reference to "Directive 2001/114/EC"(g).

(5) In the Miscellaneous Food Additives Regulations 1995(h), insofar as they apply to Wales -

- (a) in regulation 10, paragraph (7) is revoked;
- (b) in Schedule 7, in column 1, for the words "Partially dehydrated and dehydrated milk as defined in Directive 76/118/EEC" there is substituted "Partially dehydrated and totally dehydrated milk as defined in Directive 2001/114/EC".

Transitional provision

11. In any proceedings for an offence under these Regulations it shall be a defence for the person accused to prove that -

- (a) the food concerned was marked or labelled before 17th July 2004, and
- (b) the matters constituting the alleged offence would not have constituted an offence under the Condensed Milk and Dried Milk Regulations 1977 as they stood immediately before the coming into force of these Regulations.

(a) O.S. 1977/928.

(b) O.S. 1982/1066.

(c) O.S. 1986/2299.

(ch) O.S. 1989/1959.

(d) O.S. 1995/3124.

(dd) OJ Rhif L24, 30.1.1976, t.49.

(e) OJ Rhif L15, 17.1.2002, t.19.

(f) O.S. 1995/3187.

(a) S.I. 1977/928.

(b) S.I. 1982/1066.

(c) S.I. 1986/2299.

(d) S.I. 1989/1959.

(e) S.I. 1995/3124.

(f) OJ No. L24, 30.1.1976, p.49.

(g) OJ No. L15, 17.1.2002, p.19.

(h) S.I. 1995/3187.

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).

26 Tachwedd 2003

26th November 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN 1

Rheoliad 2

CYNHYRCHION LLAETH SYDD WEDI'U DADHYDRADU A'U PRESERFIO YN RHANNOL NEU'N LLWYR A'U DISGRIFIADAU NEILLTUEDIG

<i>Colofn 1</i>	<i>Colofn 2</i>
<i>Disgrifiadau Neilltuedig</i>	<i>Cynhyrchion Dynodedig</i>
1. Partly dehydrated milk	
<i>Types of unsweetened condensed milk</i>	
(a) Condensed high-fat milk	Llaeth wedi'i ddadhydradu'n rhannol sy'n cynnwys, yn ôl pwysau, nid llai na 15% braster, ac nid llai na chyfanswm o 26.5% o solidau llaeth.
(b) Condensed milk	Llaeth wedi'i ddadhydradedu'n rhannol sy'n cynnwys, yn ôl pwysau, nid llai na 7.5% braster, ac nid llai na chyfanswm o 25% o solidau llaeth.
(c) Condensed, partly skimmed milk	Llaeth wedi'i ddadhydradedu'n rhannol sy'n cynnwys, yn ôl pwysau, nid llai na 1% a llai na 7.5% braster, ac nid llai na chyfanswm o 20% o solidau llaeth.
(ch) Condensed skimmed milk	Llaeth wedi'i ddadhydradu'n rhannol sy'n cynnwys, yn ôl pwysau, nid mwy na 1% braster, ac nid llai na chyfanswm o 20% o solidau llaeth.
<i>Types of sweetened condensed milk</i>	
(d) Sweetened condensed milk	Llaeth wedi'i ddadhydradu'n rhannol yn gymysg â swcros (siwgr lled-wyn, siwgr gwyn, neu siwgr claewyn) ac sy'n cynnwys, yn ôl pwysau, nid llai nag 8% braster ac nid llai na chyfanswm o 28% o solidau llaeth.

SCHEDULE 1

Regulation 2

PARTLY OR WHOLLY DEHYDRATED PRESERVED MILK PRODUCTS AND THEIR RESERVED DESCRIPTIONS

<i>Column 1</i>	<i>Column 2</i>
<i>Reserved Descriptions</i>	<i>Designated Products</i>
1. Partly dehydrated milk	
<i>Types of unsweetened condensed milk</i>	
(a) Condensed high-fat milk	Partly dehydrated milk containing, by weight, not less than 15% fat, and not less than 26.5% total milk solids.
(b) Condensed milk	Partly dehydrated milk containing, by weight, not less than 7.5% fat, and not less than 25% total milk solids.
(c) Condensed, partly skimmed milk	Partly dehydrated milk containing, by weight, not less than 1% and less than 7.5% fat, and not less than 20% total milk solids.
(d) Condensed skimmed milk	Partly dehydrated milk containing, by weight, not more than 1% fat, and not less than 20% total milk solids.
<i>Types of sweetened condensed milk</i>	
(e) Sweetened condensed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 8% fat and not less than 28% total milk solids.

<i>Colofn 1</i> <i>Disgrifiadau Neilltuedig</i>	<i>Colofn 2</i> <i>Cynhyrchion Dynodedig</i>
(dd) Sweetened condensed, partly skimmed milk	Llaeth wedi'i ddadhydradu'n rhannol yn gymysg â swcros (siwgr lled-wyn, siwgr gwyn neu iwgr claewyn) ac sy'n cynnwys, yn ôl pwysau, nid llai na 1% a llai na 8% braster, ac nid llai na 24% o gyfanswm o solidau llaeth.
(e) Sweetened condensed milk	Llaeth wedi'i ddadhydradu'n rhannol yn gymysg â swcros (siwgr lled-wyn, siwgr gwyn neu siwgr claewyn) ac sy'n cynnwys, yn ôl pwysau, nid mwy na 1% braster ac nid llai na chyfanswm o 24% o solidau llaeth.
2. Totally dehydrated milk	
(a) Dried high-fat milk neu high-fat milk powder	Llaeth wedi'i ddadhydradu'n llwyr sy'n cynnwys, yn ôl pwysau, nid llai na 42% braster.
(b) Dried whole milk neu whole milk powder	Llaeth wedi'i ddadhydradu'n llwyr sy'n cynnwys, yn ôl pwysau, nid llai na 26% ac nid llai na 42% braster.
(c) Dried partly skimmed milk neu partly skimmed milk powder	Llaeth wedi'i ddadhydradu'n llwyr â chynnwys braster o dros fwy na 1.5% a llai na 26% yn ôl pwysau.
(ch) Dried skimmed milk neu skimmed milk powder	Llaeth wedi'i ddadhydradu'n llwyr sy'n cynnwys, yn ôl pwysau, nid mwy na 1.5% braster.

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Designated Products</i>
(f) Sweetened condensed, partly skimmed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 1% and less than 8% fat, and not less than 24% total milk solids.
(g) Sweetened condensed skimmed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not more than 1% fat and not less than 24% total milk solids.
2. Totally dehydrated milk	
(a) Dried high-fat milk or high-fat milk powder	Totally dehydrated milk containing, by weight, not less than 42% fat.
(b) Dried whole milk or whole milk powder	Totally dehydrated milk containing, by weight, not less than 26% and less than 42% fat.
(c) Dried partly skimmed milk or partly skimmed-milk powder	Totally dehydrated milk with a fat content of more than 1.5% and less than 26% by weight.
(d) Dried skimmed milk or skimmed-milk powder	Totally dehydrated milk containing, by weight, not more than 1.5% fat.

Nodiadau:

1. Caiff unrhyw gynnrych dynodedig gynnwys unrhyw sylwedd a ganiateir yn unol â Chyfarwyddeb y Cyngor 89/107/EEC ar gyd-ddynesiad cyfreithiau Aelod-wladwriaethau sy'n ymwneud ag ychwanegion bwyd yr awdurdodir eu defnyddio mewn bwydydd y bwriedir iddynt gael eu bwyta gan bobl(a) ac unrhyw fitamin.

2. Wrth wneud unrhyw gynnrych dynodedig a bennir ym mharagraff 1(d) i (e), mae caniatâd i ychwanegu swm ychwanegol o lactos, heb fod yn fwy na 0.03% o ran pwysau'r cynnyrch gorffenedig.

3. Heb leihau effaith gyffredinol Ran V o Reoliadau Cynhyrchion Llaeth (Hylendid) 1995(b), preserfir

Notes:

1. Any designated product may contain any substance permitted pursuant to Council Directive 89/107/EEC on the approximation of laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption(a) and any vitamin.

2. An additional quantity of lactose, not greater than 0.03% by weight of the finished product, may be added in the manufacture of any designated product specified in paragraph 1(e) to (g).

3. Without prejudice to the generality of Part V of the Dairy Products (Hygiene) Regulations 1995(b), the

(a) OJ Rhif L40, 11.2.1989, t.27.

(b) O.S. 1995/1086, diwygiad perthnasol a wnaed gan O.S. 1996/1699.

(a) OJ No. L40, 11.2.1989, p.27.

(b) S.I. 1995/1086, relevant amendment made by S.I. 1996/1699.

cynhyrchion dynodedig drwy'r dulliau canlynol, sef -

- (a) trin â gwres, ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 1(a) i (ch) o'r Atodlen hon;
- (b) ychwanegu swcros ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 1(d) i (e) o'r Atodlen hon;
- (c) dadhydradu ar gyfer y cynhyrchion y cyfeirir atynt ym mharagraff 2 o'r Atodlen hon.

4. Penderfynir ar lefelau'r deunydd sych, cynnwys lleithder, braster, swcros, asid lactig a lactadau a gweithgarwch ffosffotas yn y cynhyrchion dynodedig yn unol â'r dulliau yng Nghyfarwyddeb 79/1067.

preservation of the designated products shall be achieved -

- (a) by heat treatment for the products referred to in paragraph 1(a) to (d) of this Schedule;
- (b) by the addition of sucrose for the products referred to in paragraph 1(e) to (g) of this Schedule;
- (c) by dehydration for the products referred to in paragraph 2 of this Schedule.

4. The levels of dry matter, moisture content, fat, sucrose, lactic acid and lactates and phosphatase activity in the designated products shall be determined in accordance with the methods set out in Directive 79/1067.

ATODLEN 2

Rheoliad 2

DISGRIFIADAU AMGEN I'R DISGRIFIADAU NEILLTUEDIG A BENNIR YN ATODLEN 1

1. Mae caniatâd i ddefnyddio'r term "evaporated milk" yn lle'r term "condensed milk" i gyfeirio at laeth wedi'i ddadhydradu'n rhannol sy'n cynnwys, yn ôl pwysau, o leiaf 9% braster a chyfanswm o 31% o solidau llaeth.

2. Mae caniatâd i ddefnyddio'r term "evaporated semi-skimmed milk" yn lle'r term "condensed partly skimmed milk" i gyfeirio at laeth wedi'i ddadhydradu'n rhannol sy'n cynnwys, yn ôl pwysau, rhwng 4% a 4.5% braster ac nid llai na chyfanswm o 24% o solidau llaeth.

3. Mae caniatâd i ddefnyddio'r term "semi-skimmed milk powder" neu "partly skimmed-milk powder" yn lle'r term "dried partly skimmed milk" neu "partly skimmed-milk powder" i gyfeirio at laeth wedi'i ddadhydradu'n llwyr â chynnwys braster rhwng 14% a 16%.

SCHEDULE 2

Regulation 2

ALTERNATIVES TO THE RESERVED DESCRIPTIONS SPECIFIED IN SCHEME 1

1. The term "evaporated milk" may be used instead of the term "condensed milk" in the case of partly dehydrated milk containing, by weight, at least 9% fat and 31% total milk solids.

2. The term "evaporated semi-skimmed milk" may be used instead of the term "condensed partly skimmed milk" in the case of partly dehydrated milk containing, by weight, between 4% and 4.5% fat and not less than 24% total milk solids.

3. The term "semi-skimmed milk powder" or "dried semi-skimmed milk" may be used instead of the term "dried partly skimmed milk" or "partly skimmed-milk powder" in the case of totally dehydrated milk with a fat content of between 14% and 16%.

OFFERYNNAU STATUDOL

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BWYD, CYMRU

Rheoliadau Llaeth Cyddwys a
Llaeth Sych (Cymru) 2003

STATUTORY INSTRUMENTS

2003 No. 3053 (W.291)

FOOD, WALES

The Condensed Milk and Dried
Milk (Wales) Regulations 2003

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