



OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 2614 (Cy.212)

ANIFEILIAID, CYMRU

**Gorchymyn Dileu Twbercwlosis
(Cymru) 2009**

NODYN ESBONIADOL

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

Mae Gweinidogion Cymru wedi eu bodloni bod twbercwlosis yn bodoli ymhlith moch daear (pryfaid llwyd, moch bychain) gwyllt yng Nghymru; bod y clefyd wedi cael ei drosglwyddo neu yn cael ei drosglwyddo o foch daear i wartheg (da) yng Nghymru a bod angen difa moch daear gwyllt yng Nghymru er mwyn dileu'r achosion o dwbercwlosis mewn anifeiliaid o unrhyw fath yng Nghymru neu leihau nifer yr achosion yn sylweddol.

Mae'r Gorchymyn yn darparu bod rhaid difa moch daear drwy eu trapio a naill ai eu saethu neu roi pigiad marwol iddynt, neu drwy eu saethu heb eu trapio. Eiddo Gweinidogion Cymru yw carcass mochyn daear a gaiff ei ladd felly ac nid oes caniatâd i'w symud heb eu hawdurdod.

Mae'r Gorchymyn yn darparu y caiff y swyddog awdurdodedig drin moch daear â brechlyn er mwyn atal twbercwlosis rhag ymledu.

Mae'r Gorchymyn yn darparu y caniateir i'r swyddog awdurdodedig fynd i mewn i fangre, ac eithrio annedd, a gwneud pethau eraill sy'n angenrheidiol neu sy'n ofynnol mewn cysylltiad â brechu neu ddifa moch daear.

Mae'r Gorchymyn yn darparu ei bod yn dramgwydd yn erbyn y Ddeddf i berson—

- (a) caethiwo aelodau gwyllt o rywogaeth y mochyn daear, eu llochesu, eu cuddio neu eu hamddiffyn mewn ffordd arall gyda'r bwriad o atal eu difa neu atal eu trin â brechlyn; neu
- (b) rhwystro neu ymyrryd mewn unrhyw ffordd arall ag unrhyw beth sydd wedi cael, yn cael neu'n mynd i gael ei wneud neu ei ddefnyddio

WELSH STATUTORY
INSTRUMENTS

2009 No. 2614 (W.212)

ANIMALS, WALES

**The Tuberculosis Eradication
(Wales) Order 2009**

EXPLANATORY NOTE

(This note is not part of the Order)

The Welsh Ministers are satisfied that tuberculosis exists in the wild badger population in Wales; that the disease has been or is being transmitted from badgers to cattle in Wales and that the destruction of wild badgers in Wales is necessary in order to eliminate or substantially reduce the incidence of tuberculosis in animals of any kind in Wales.

The Order provides that the destruction of badgers must be accomplished by trapping and either shooting or giving a lethal injection, or by shooting without trapping. The carcass of a badger so destroyed is the property of the Welsh Ministers and may not be removed without their authority.

The Order provides that the authorised officer may treat badgers with vaccine for the purpose of preventing the spread of tuberculosis.

The Order provides that the authorised officer may enter premises, except a dwelling house, and do other things as are necessary or required in connection with vaccinating or destroying badgers.

The Order provides that it is an offence against the Act for a person—

- (a) to take into captivity, harbour, conceal or otherwise protect wild members of the badger species with intent to prevent their destruction or their being treated with vaccine; or
- (b) in any other way to obstruct or interfere with anything which has been, is being or is to be done or used in connection with that

mewn cysylltiad â'r difa hwnnw neu mewn
cysylltiad â'u trin â brechlyn; neu

- (c) helpu, annog, cynghori neu gaffael person arall
i gyflawni gweithred o'r fath.

destruction or their being treated with vaccine;
or

- (c) to aid, abet, counsel or procure another person
to commit such an act.

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**Gorchymyn Dileu Twbercwlosis
(Cymru) 2009**

**The Tuberculosis Eradication
(Wales) Order 2009**

Gwnaed 28 Medi 2009

Made 28 September 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 30 Medi 2009

*Laid before the National
Assembly for Wales* 30 September 2009

Yn dod i rym 21 Hydref 2009

Coming into force 21 October 2009

Mae Gweinidogion Cymru—

The Welsh Ministers—

a hwythau wedi eu bodloni bod twbercwlosis yn bodoli ymhlith aelodau gwyllt o rywogaeth y mochyn daear yng Nghymru a bod y twbercwlosis hwnnw wedi cael ei drosglwyddo neu yn cael ei drosglwyddo o foch daear i anifeiliaid o unrhyw fath yn yr ardal;

being satisfied that tuberculosis exists among the wild members of the badger species in Wales which has been or is being transmitted from badgers to animals of any kind in the area;

a hwythau wedi eu bodloni bod difa aelodau gwyllt o rywogaeth y mochyn daear yn yr ardal honno yn angenrheidiol er mwyn dileu nifer yr achosion o dwbercwlosis mewn anifeiliaid o unrhyw fath yn yr ardal neu eu lleihau yn sylweddol; ac

being satisfied that destruction of wild members of the badger species in that area is necessary in order to eliminate or substantially reduce the incidence of tuberculosis in animals of any kind in the area; and

ar ôl ymgynghori â Chyngor Cefn Gwlad Cymru yn unol ag adran 21(3) o Ddeddf Iechyd Anifeiliaid 1981(1),

after consultation with the Countryside Council for Wales in accordance with section 21(3) of the Animal Health Act 1981(1),

drwy arfer y pwerau a roddwyd gan adrannau 1, 21(2), (4) a (5), 72 ac 86(1) o Ddeddf Iechyd Anifeiliaid 1981(2), yn gwneud y Gorchymyn a ganlyn:

in exercise of the powers conferred by sections 1, 21(2), (4) and (5), 72 and 86(1) of the Animal Health Act 1981(2), make the following Order:

(1) 1981 p 22.

(2) Enwir adran 86(1) oherwydd yr ystyr a roddir i "the Minister". Mae swyddogaethau o dan y Ddeddf yn arferadwy gan Weinidogion Cymru (o ran Cymru), yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2004 (O.S. 2004/3044); ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

(1) 1981 c.22.

(2) Section 86(1) is cited for the meaning given to "the Minister". Functions under the Act are exercisable by the Welsh Ministers (in relation to Wales), by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044); and section 162 of and paragraph 30 of schedule 11 to the Government of Wales Act 2006 (c.32).

Enwi, cychwyn a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Dileu Twbercwlosis (Cymru) 2009 a daw i rym ar 21 Hydref 2009.

(2) Yn y Gorchymyn hwn–

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd Anifeiliaid 1981;

mae "carcas" ("*carcase*") yn cynnwys rhan o garcas;

ystyr "mochyn daear" ("*badger*") yw anifail sy'n perthyn i'r rhywogaeth *Meles meles* o urdd y Carnivore; ac

ystyr "swyddog awdurdodedig" ("*authorised officer*") yw–

- (a) un o swyddogion Llywodraeth Cynulliad Cymru;
- (b) arolygydd milfeddygol; ac
- (c) unrhyw berson nad yw'n swyddog nac yn arolygydd o'r fath, a awdurdodir gan Weinidogion Cymru i arfer y pŵer a roddir gan y Gorchymyn hwn.

Cymhwyso'r Gorchymyn at ddibenion adran 21 o Ddeddf Iechyd Anifeiliaid 1981

2. At ddibenion adran 21 (difa bywyd gwyllt) o Ddeddf Iechyd Anifeiliaid 1981 mae'r Gorchymyn hwn–

- (a) yn gymwys i Gymru;
- (b) yn gymwys i dwbercwlosis; ac
- (c) yn ymwneud â rhywogaeth y mochyn daear.

Difa moch daear

3.–(1) Caiff y swyddog awdurdodedig ddifa moch daear gan ddefnyddio un o'r dulliau a nodir ym mharagraff (2).

(2) Rhaid i'r moch daear–

- (a) cael eu trapio mewn cawell a naill ai–
 - (i) cael eu saethu; neu
 - (ii) cael pigiad marwol; neu
- (b) cael eu saethu heb gael eu trapio mewn cawell.

(3) Eiddo Gweinidogion Cymru yw carcass unrhyw fochyn daear a gaiff ei ddifa o dan y Gorchymyn hwn a rhaid peidio â'i symud oddi ar y tir neu'r fangre lle y cafodd ei ddifa neu ei waredu mewn unrhyw ffordd heb awdurdod Gweinidogion Cymru.

Brechu moch daear

4. Caniateir i swyddog awdurdodedig drin moch daear â brechlyn er mwyn atal twbercwlosis rhag lledu.

Title, commencement and interpretation

1.–(1) The title of this Order is the Tuberculosis Eradication (Wales) Order 2009 and it comes into force on 21 October 2009.

(2) In this Order–

"the Act" ("*y Ddeddf*") means the Animal Health Act 1981;

"authorised officer" ("*swyddog awdurdodedig*") means–

- (a) an officer of the Welsh Assembly Government;
- (b) a veterinary inspector; and
- (c) any person, who, not being such an officer or inspector, is authorised by the Welsh Ministers to exercise the power conferred by this Order.

"badger" ("*mochyn daear*") means an animal belonging to the species *Meles meles* of the order Carnivore; and

"carcase" ("*carcas*") includes part of a carcase.

Application of Order for the purposes of section 21 of the Animal Health Act 1981

2. For the purposes of section 21 (destruction of wildlife) of the Animal Health Act 1981 this Order–

- (a) applies to Wales;
- (b) applies to tuberculosis; and
- (c) relates to the species of badger.

Destruction of badgers

3.–(1) The authorised officer may destroy badgers using one of the methods set out in paragraph (2).

(2) The badgers must be–

- (a) trapped in a cage and either–
 - (i) shot; or
 - (ii) given a lethal injection; or
- (b) shot without being trapped in a cage.

(3) The carcase of any badger destroyed under this Order is the property of the Welsh Ministers and must not be removed from the land or premises on which it was destroyed or in any way disposed of without the authority of the Welsh Ministers.

Vaccination of badgers

4. An authorised officer may treat badgers with vaccine for the purpose of preventing the spread of tuberculosis.

Pwerau mynediad

5.–(1) Caiff swyddog awdurdodedig fynd i mewn i unrhyw fangre, ac eithrio annedd, er mwyn trin moch daear â brechlyn.

(2) Mae'r pwerau a roddir gan yr erthygl hon a chan adran 22 o'r Ddeddf (pwerau mynediad ar gyfer adran 21) yn ymestyn at wneud unrhyw weithred sy'n angenrheidiol, neu sydd fel arall yn ofynnol mewn cysylltiad â'r canlynol—

- (a) trin moch daear â brechlyn; neu
- (b) difa moch daear.

(3) Caiff y swyddog awdurdodedig fynd â'r canlynol ag ef—

- (a) unrhyw bersonau eraill sydd yn ei farn ef yn angenrheidiol i roi unrhyw gymorth sydd yn ei farn ef yn angenrheidiol;
- (b) unrhyw gyfarpar sydd yn ei farn ef yn angenrheidiol.

(4) Caiff y swyddog awdurdodedig ei gwneud yn ofynnol i unrhyw berson ar y tir neu yn y fangre sy'n dod o fewn paragraff (5) roi unrhyw gymorth a all fod yn rhesymol ofynnol at ddiben brechu moch daear.

(5) Mae'r personau a ganlyn yn dod o fewn y paragraff hwn—

- (a) meddiannydd y tir neu'r fangre;
- (b) person y mae'n ymddangos i'r swyddog awdurdodedig ei fod o dan gyfarwyddyd neu reolaeth y meddiannydd.

(6) Os yw'r swyddog awdurdodedig yn mynd ar unrhyw dir neu i unrhyw fangre heb ei feddiannu neu ei meddiannu, rhaid gadael y tir hwnnw neu'r fangre honno wedi ei ddiogelu neu ei diogelu yr un mor effeithiol rhag mynediad ag yr oedd pan aeth y swyddog awdurdodedig arno neu iddi.

Tramgwyddau

6. Mae'n dramgwydd yn erbyn y Ddeddf i berson—

- (a) caethiwo aelodau gwyllt o rywogaeth y mochyn daear, eu llochesu, eu cuddio neu eu hamddiffyn mewn ffordd arall gyda'r bwriad o atal eu difa neu atal eu trin â brechlyn;
- (b) rhwystro neu ymyrryd mewn unrhyw ffordd arall ag unrhyw beth sydd wedi cael, yn cael neu'n mynd i gael ei wneud neu ei ddefnyddio mewn cysylltiad â'r difa hwnnw neu mewn cysylltiad â'u trin â brechlyn; neu
- (c) helpu, annog, cynghori neu gaffael person arall i gyflawni gweithred o'r fath.

Powers of entry

5.–(1) An authorised officer may enter any premises, except a dwelling house, for the purpose of treating badgers with vaccine.

(2) The powers conferred by this article and by section 22 of the Act (powers of entry for s.21) extend to the taking of any action which is necessary to, or is otherwise required in connection with—

- (a) treating badgers with vaccine; or
- (b) destroying badgers.

(3) The authorised officer may take with him or her—

- (a) such other persons as he or she thinks necessary to give such assistance as he or she thinks necessary;
- (b) such equipment as he or she thinks necessary.

(4) The authorised officer may require any person on the land or premises who falls within paragraph (5) to give such assistance as may reasonably be required for the purpose of vaccinating badgers.

(5) The following persons fall within this paragraph—

- (a) the occupier of the land or premises;
- (b) a person appearing to the authorised officer to be under the direction or control of the occupier.

(6) If the authorised officer enters any unoccupied land or premises, the land or premises must be left as effectively secured against entry as the authorised officer found them.

Offences

6. It is an offence against the Act for a person—

- (a) to take into captivity, harbour, conceal or otherwise protect wild members of the badger species with intent to prevent their destruction or their being treated with vaccine;
- (b) in any other way to obstruct or interfere with anything which has been, is being or is to be done or used in connection with that destruction or their being treated with vaccine; or
- (c) to aid, abet, counsel or procure another person to commit such an act.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

28 Medi 2009

28 September 2009

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