



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 693 (Cy.105)

2011 No. 693 (W. 105)

ANIFEILIAID, CYMRU

ANIMALS, WALES

**Gorchymyn Moch Daear (Ardal
Reoli) (Cymru) 2011**

**The Badger (Control Area) (Wales)
Order 2011**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

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

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

Mae'r ardal reoli yn cwmpasu tir yn siroedd Ceredigion, Caerfyrddin a Phenfro. Mae'r union ardal reoli wedi ei lliwio'n goch ar y map a lofnodwyd ar ran Gweinidogion Cymru dyddiedig 7 Mawrth 2011 ac a farciwyd "Ardal Reoli Moch Daear 2011". Oherwydd graddfa'r map, nid yw'n bosibl ei atodi wrth y Gorchymyn hwn. Cafodd y map ei adneuo ac mae ar gael i'w archwilio yn swyddfeydd Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ. Gellir cael gafael ar gopi o'r map at ddibenion eglurhad yn unig ar wefan Llywodraeth Cynulliad Cymru yn www.wales.gov.uk/bovinetb.

The control area comprises land in the counties of Ceredigion, Carmarthenshire and Pembrokeshire. The precise control area is coloured in red on the map signed on behalf of the Welsh Ministers and dated 7 March 2011 and marked "Badger Control Area 2011". Due to the scale of the map, it is not possible to annex it to this Order. The map is deposited and available for inspection at the Welsh Assembly Government's offices at Cathays Park, Cardiff, CF10 3NQ. A copy of the map for illustrative purposes only can be accessed on the Welsh Assembly Government's website at www.wales.gov.uk/bovinetb.

Mae'r Gorchymyn yn darparu bod yn rhaid difa moch daear gwyllt 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 ddifa felly ac ni chaniateir ei symud heb eu hawdurdod hwy.

The Order provides that the destruction of wild 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.

Mae'r Gorchymyn yn darparu na chaiff neb—

The Order provides that no person may—

- (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;

- (a) take into captivity, harbour, conceal or otherwise protect wild members of the badger species with intent to prevent their destruction;

- (b) rhwystro neu ymyrryd mewn unrhyw ffordd arall ag unrhyw beth sydd wedi ei wneud neu ei ddefnyddio, sy'n cael ei wneud neu ei ddefnyddio, neu sydd i'w wneud neu i'w ddefnyddio mewn cysylltiad â'r difa hwnnw; neu
- (c) helpu, annog, cynghori neu gaffael person arall i gyflawni gweithred o'r fath.

Mae'r cosbau am dorri'r gwaharddiadau a osodir yn erthygl 4 wedi eu gosod yn Neddf Iechyd Anifeiliaid 1981.

Mae'r Gorchymyn yn dirymu Gorchymyn Dileu Twbercwlosis (Cymru) 2009.

Mae asesiad effaith rheoleiddiol wedi cael ei baratoi mewn perthynas â'r Gorchymyn hwn a gellir cael copi o Swyddfa Prif Swyddog Milfeddygol Cymru, Llywodraeth Cynulliad Cymru, Adeiladau'r Llywodraeth, Parc Cathays, Caerdydd, CF10 3NQ.

- (b) in any other way obstruct or interfere with anything which has been, is being or is to be done or used in connection with that destruction; or

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

The penalties for breach of the prohibitions set out in article 4 are set out in the Animal Health Act 1981.

The Order revokes the Tuberculosis Eradication (Wales) Order 2009.

A regulatory impact assessment has been prepared in relation to this Order and a copy can be obtained from the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ.

2011 Rhif 693 (Cy.105)

ANIFEILIAID, CYMRU

**Gorchymyn Moch Daear (Ardal
Reoli) (Cymru) 2011**

Gwnaed 8 Mawrth 2011

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 9 Mawrth 2011

Yn dod i rym 31 Mawrth 2011

Mae Gweinidogion Cymru—

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

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

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

hwythau wedi eu bodloni mai defnyddio'r dull neu'r dulliau difa a bennir yn erthygl 3(2) o'r Gorchymyn hwn yw'r ffordd fwyaf priodol dros gyflawni'r difa hwnnw, gan roi sylw i'r holl ystyriaethau perthnasol ac, yn benodol, yr angen i osgoi dioddefaint diangen i aelodau gwyllt y rhywogaeth o dan sylw, drwy arfer y pwerau a roddwyd gan adrannau 1, 21(2), (4) a (5) ac 86(1) o Ddeddf Iechyd Anifeiliaid 1981(2), yn gwneud y Gorchymyn a ganlyn:

2011 No.693 (W.105)

ANIMALS, WALES

**The Badger (Control Area) (Wales)
Order 2011**

Made 8 March 2011

*Laid before the National
Assembly for Wales* 9 March 2011

Coming into force 31 March 2011

The Welsh Ministers—

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

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 that area;

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

being satisfied that use of the method or methods of destruction specified in article 3(2) of this Order is the most appropriate way of carrying out that destruction, having regard to all relevant considerations and, in particular, the need to avoid causing unnecessary suffering to wild members of the species in question, in exercise of the powers conferred by sections 1, 21(2), (4) and (5) 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 Ddeddf Iechyd Anifeiliaid 1981 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 Animal Health Act 1981 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 Moch Daear (Ardal Reoli) (Cymru) 2011 a daw i rym ar 31 Mawrth 2011.

(2) Yn y Gorchymyn hwn–

ystyr "ardal reoli" ("*control area*") yw'r ardal, a ffurfir o dir yn siroedd Penfro, Ceredigion a Chaerfyrddin, sydd wedi ei lliwio'n goch ar y map a lofnodwyd ar ran Gweinidogion Cymru dyddiedig 7 Mawrth 2011 ac a farciwyd "Ardal Reoli Moch Daear 2011"⁽¹⁾; ac

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

Cymhwyso'r Gorchymyn

2. Mae'r Gorchymyn hwn–

- (a) yn gymwys i'r ardal reoli;
- (b) yn gymwys i dwbercwlosis; ac
- (c) yn ymwneud â rhywogaeth y mochyn daear.

Difa moch daear

3.–(1) Caiff swyddog awdurdodedig ddifa moch daear yn yr ardal reoli 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 neu ran o garcass 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 y mochyn daear ei ddifa, na gwaredu'r carcass neu'r rhan o garcass mewn unrhyw ffordd heb awdurdod Gweinidogion Cymru.

Gwaharddiadau

4. Ni chaiff neb–

- (a) caethiwo moch daear, eu llochesu, eu cuddio neu eu hamddiffyn mewn ffordd arall gyda'r bwriad o atal eu difa;
- (b) rhwystro neu ymyrryd mewn unrhyw ffordd arall ag unrhyw beth sydd wedi ei wneud neu ei ddefnyddio, sy'n cael ei wneud neu ei ddefnyddio, neu sydd i'w wneud neu i'w

(1) Cafodd y map ei adneuo ac mae ar gael i'w archwilio yn Swyddfa Prif Swyddog Milfeddygol Cymru, Llywodraeth Cynulliad Cymru, Adeiladau'r Llywodraeth, Parc Cathays, Caerdydd, CF10 3NQ. Gellir cael gafael ar gopi o'r map at ddibenion eglurhad yn unig yn www.wales.gov.uk/bovinetb.

Title, commencement and interpretation

1.–(1) The title of this Order is the Badger (Control Area) (Wales) Order 2011 and it comes into force on 31 March 2011.

(2) In this Order–

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

"control area" ("*ardal reoli*") means the area, comprising land in the counties of Pembrokeshire, Ceredigion, and Carmarthenshire, coloured in red on the map signed on behalf of the Welsh Ministers and dated 7 March 2011 and marked "Badger Control Area 2011"⁽¹⁾.

Application of Order

2. This Order–

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

Destruction of badgers

3.–(1) An authorised officer may destroy badgers in the control area 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 carcass or part of a carcass 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 the badger was destroyed or in any way disposed of without the authority of the Welsh Ministers.

Prohibitions

4. No person may–

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

(1) The map is deposited and available for inspection at the Office of the Chief Veterinary Officer for Wales, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ. A copy of the map for illustrative purposes only can be accessed at www.wales.gov.uk/bovinetb.

ddefnyddio mewn cysylltiad â'r difa hwnnw;
neu

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

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

Dirymu

5. Mae Gorchymyn Dileu Twbercwlosis (Cymru)
2009(1) wedi ei ddirymu.

Revocation

5. The Tuberculosis Eradication (Wales) Order
2009(1) is revoked.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

8 Mawrth 2011

8 March 2011

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Gorchymyn Moch Daear (Ardal
Reoli) (Cymru) 2011

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The Badger (Control Area) (Wales)
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