



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2020 Rhif 89 (Cy. 13)

2020 No. 89 (W. 13)

BWYD, CYMRU

FOOD, WALES

DIOGELWCH BWYD

FOOD SAFETY

**Rheoliadau Fformiwla Fabanod a
Fformiwla Ddilynol (Cymru) 2020**

**The Infant Formula and Follow-on
Formula (Wales) Regulations 2020**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys i Gymru, yn gwneud darpariaeth i orfodi Rheoliad Dirprwyedig y Comisiwn (EU) 2016/127 dyddiedig 25 Medi 2015 sy'n ychwanegu at Reoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch y gofynion penodol o ran cyfansoddiad a gwybodaeth ar gyfer fformiwla fabanod a fformiwla ddilynol ac ynghylch gofynion o ran gwybodaeth sy'n ymwneud â bwydo babanod a phlant ifanc (OJ Rhif L 25, 2.2.2016, t. 1, "y Rheoliad Dirprwyedig").

These Regulations, which apply to Wales, make provision to enforce Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding (OJ No. L 25, 2.2.2016, p. 1, "the Delegated Regulation").

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68) ac mae'r cyfeiriadau ynddynt at ddarpariaethau'r Rheoliad Dirprwyedig i'w dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 (c. 68) and references in them to provisions of the Delegated Regulation are to be construed as references to such provisions as they are amended from time to time.

Mae rheoliad 3 yn darparu bod rhaid i bob awdurdod bwyd weithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal. Mae rheoliad 2(1) yn cynnwys diffiniad o "awdurdod bwyd".

Regulation 3 provides that each food authority must execute and enforce these Regulations within its area. Regulation 2(1) contains a definition of "food authority".

Mae rheoliad 4 ac Atodlen 2 yn cymhwyso, gydag addasiadau, ddarpariaethau penodol yn Neddf Diogelwch Bwyd 1990 (p. 16) at ddibenion y Rheoliadau hyn.

Regulation 4 and Schedule 2 apply, with modifications, certain provisions of the Food Safety Act 1990 (c. 16) for the purposes of these Regulations.

Mae rheoliad 5 ac Atodlen 3 yn gwneud darpariaeth ar gyfer dirymiadau ac arbedion o ganlyniad i'r Rheoliadau hyn. Mae Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007 (O.S. 2007/3573 Cy. 316) ("Rheoliadau 2007") a'r darpariaethau sy'n diwygio'r Rheoliadau hynny wedi eu dirymu. Mae Rheoliadau 2007 yn gweithredu Cyfarwyddeb y Comisiwn 2006/141/EC ddyddiedig 22 Rhagfyr 2006 ar fformiwlaŵ babanod a fformiwlaŵ dilynol ac sy'n diwygio Cyfarwyddeb 1999/21/EC (OJ Rhif L 401, 30.12.2006, t. 1) a Chyfarwyddeb y Cyngor 95/52/EEC ar fformiwlaŵ babanod a fformiwlaŵ dilynol a fwriedir ar gyfer eu hallforio i drydydd gwledydd (OJ Rhif L 179, 1.7.1992, t. 129). Mae Erthygl 13 o'r Rheoliad Dirprwyedig yn diddymu'r Gyfarwyddeb honno gydag effaith o 22 Chwefror 2020, ac o 22 Chwefror 2021 yn achos fformiwla fabanod a fformiwla ddilynol sydd wedi eu gweithgynhyrchu o hydrolysadau protein.

Mae rheoliad 5 o'r Rheoliadau hyn yn darparu ymhellach ar gyfer y dirymiadau sydd i'w harbed at ddibenion y trefniadau trosiannol yn y rheoliad hwnnw. Mae'r trefniadau trosiannol hynny yn darparu, pan fo fformiwla fabanod neu fformiwla ddilynol wedi ei rhoi ar y farchnad neu ei labelu cyn dyddiad cymhwysu'r Rheoliad Dirprwyedig (22 Chwefror 2020 neu, yn achos fformiwla fabanod neu fformiwla ddilynol sydd wedi ei gweithgynhyrchu o hydrolysadau protein, 22 Chwefror 2021), y caiff barhau i gael ei marchnata nes i'r stociau gael eu disbyddu, ar yr amod bod gofynion penodol wedi eu bodloni.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal aseiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 5 and Schedule 3 make provision for revocations and savings as a consequence of these Regulations. The Infant Formula and Follow-on Formula (Wales) Regulations 2007 (S.I. 2007/3573 W. 316) ("the 2007 Regulations") and the provisions which amend those Regulations are revoked. The 2007 Regulations implement Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ No. L 401, 30.12.2006, p. 1) and Council Directive 95/52/EEC on infant formulae and follow-on formulae intended for export to third countries (OJ No. L 179, 1.7.1992, p. 129). Article 13 of the Delegated Regulation repeals that Directive with effect from 22 February 2020, and from 22 February 2021 in the case of infant formula and follow-on formula manufactured from protein hydrolysates.

Regulation 5 of these Regulations further provides for the revocations to be saved for the purposes of the transitional arrangements in that regulation. Those transitional arrangements provide that where infant formula or follow-on formula has been placed on the market or labelled prior to the date of application of the Delegated Regulation (22 February 2020 or, in the case of infant formula or follow-on formula manufactured from protein hydrolysates, 22 February 2021), it may continue to be marketed until stocks are exhausted, provided that certain requirements are met.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**Rheoliadau Fformiwla Fabanod a
Fformiwla Ddilynol (Cymru) 2020**

**The Infant Formula and Follow-on
Formula (Wales) Regulations 2020**

Gwnaed 30 Ionawr 2020

Made 30 January 2020

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 31 Ionawr 2020

*Laid before the National Assembly for
Wales* 31 January 2020

Yn dod i rym yn unol â rheoliad 1

*Coming into force in accordance with
regulation 1*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adrannau 6(4), 16(1)(a) ac (e) a (2)(b), 17(1) a (2), 26(1) a (3) ac 48(1) o Ddeddf Diogelwch Bwyd 1990(1) ac a freiniwyd bellach ynddynt hwy(2) ac adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(3) a pharagraff 1A o Atodlen 2 iddi.

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a) and (e) and (2)(b), 17(1) and (2), 26(1) and (3) and 48(1) of the Food Safety Act 1990(1) and now vested in them(2) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(3).

(1) 1990 p. 16. Diwygiwyd adran 6(4) o Ddeddf Diogelwch Bwyd 1990 (“Deddf 1990”) gan baragraff 6 o Atodlen 9 i Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p. 40), paragraff 10(1) a (3)(a) o Atodlen 5, ac Atodlen 6, i Ddeddf Safonau Bwyd 1999 (p. 28) (“Deddf 1999”) ac O.S. 2002/794. Diwygiwyd adran 16(1) o Ddeddf 1990 gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999. Diwygiwyd adran 17 o Ddeddf 1990 gan baragraffau 7, 8 a 12 o Atodlen 5 i Ddeddf 1999 ac O.S. 2011/1043. Diwygiwyd adran 26(3) gan Atodlen 6 i Ddeddf 1999. Diwygiwyd adran 48(1) gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999.

(2) Mae'r swyddogaethau hynny a oedd gynt yn arferadwy gan “the Ministers” (sef, o ran Cymru a Lloegr ac yn gweithredu ar y cyd, y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol a oedd yn eu trefn yn ymwneud ag iechyd yn Lloegr a bwyd ac iechyd yng Nghymru) bellach yn arferadwy o ran Lloegr gan yr Ysgrifennydd Gwladol yn unol â pharagraff 8 o Atodlen 5 i Ddeddf 1999. Trosglwyddwyd y swyddogaethau hynny, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S. 1999/672 fel y'i darllenir gydag adran 40(3) o Ddeddf 1999, a'u trosglwyddo wedi hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) 1972 p. 68 (“Deddf 1972”). Diwygiwyd adran 2(2) o Ddeddf 1972 gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a chan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006. Fe'i diwygiwyd gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 a Rhan 1 o'r Atodlen iddi, a chan O.S. 2007/1388.

(1) 1990 c. 16. Section 6(4) of the Food Safety Act 1990 (“the 1990 Act”) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraph 10(1) and (3)(a) of Schedule 5, and Schedule 6 to the Food Standards Act 1999 (c. 28) (“the 1999 Act”) and S.I. 2002/794. Section 16(1) of the 1990 Act was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 17 of the 1990 Act was amended by paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 26(3) was amended by Schedule 6 to the 1999 Act. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.

(2) Those functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) 1972 c. 68 (“the 1972 Act”). Section 2(2) of the 1972 Act was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7). Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006. It was amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 and S.I. 2007/1388.

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 mewn perthynas â mesurau sy'n ymwneud â bwyd (gan gynnwys diod), gan gynnwys cynhyrchu sylfaenol o ran bwyd(1).

Mae'r Rheoliadau hyn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i gyfeiriadau penodol at ddarpariaethau Rheoliad Dirprwyedig y Comisiwn (EU) 2016/127 dyddiedig 25 Medi 2015 sy'n ychwanegu at Reoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch y gofynion penodol o ran cyfansoddiad a gwybodaeth ar gyfer fformiwla fabanod a fformiwla ddilynol ac ynghylch gofynion o ran gwybodaeth sy'n ymwneud â bwydo babanod a phlant ifanc(2) gael eu dehongli fel cyfeiriadau at y darpariaethau hynny fel y'u diwygir o bryd i'w gilydd.

Mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd yn unol ag adran 48(4A) o Ddeddf Diogelwch Bwyd 1990(3).

Ymgynghorwyd yn agored ac yn dryloyw â'r cyhoedd fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(4), wrth lunio a gwerthuso'r Rheoliadau hyn.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2020.

(2) Daw'r Rheoliadau hyn i rym—

(a) ac eithrio pan fo is-baragraff (b) yn gymwys, ar 22 Chwefror 2020;

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food(1).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Welsh Ministers that it is expedient for certain references to provisions of Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding(2) to be construed as references to those provisions as amended from time to time.

The Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of the Food Safety Act 1990(3).

There has been open and transparent public consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council 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(4), during the preparation and evaluation of these Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Infant Formula and Follow-on Formula (Wales) Regulations 2020.

(2) These Regulations come into force—

(a) except where sub-paragraph (b) applies, on 22 February 2020;

(1) O.S. 2005/1971, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(2) OJ Rhif L 25, 2.2.2016, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/828 (OJ Rhif L 137, 23.5.2019, t. 12).

(3) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf 1999 a pharagraff 21 o Atodlen 5 iddi.

(4) OJ Rhif L 31, 1.2.2002, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2019/1243 Senedd Ewrop a'r Cyngor (OJ Rhif L 198, 25.7.2019, t. 241).

(1) S.I. 2005/1971, to which there are amendments not relevant to these Regulations.

(2) OJ No. L 25, 2.2.2016, p. 1, as last amended by Commission Delegated Regulation (EU) 2019/828 (OJ No. L 137, 23.5.2019, p. 12).

(3) Section 48(4A) was inserted by section 40(1) of, and paragraph 21 of Schedule 5 to, the 1999 Act.

(4) OJ No. L 31, 1.2.2002, p. 1, as last amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ No. L 198, 25.7.2019, p. 241).

(b) ar 22 Chwefror 2021 mewn cysylltiad â fformiwla fabanod a fformiwla ddilynol sydd wedi eu gweithgynhyrchu o hydrolysadau protein.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

mae i “awdurdod bwyd” yr ystyr a roddir i “food authority” yn rhinwedd adran 5(1A) o'r Ddeddf(1);

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Diogelwch Bwyd 1990;

ystyr “gofyniad cyfraith UE penodedig” (“*specified EU law requirement*”) yw unrhyw ddarpariaeth yn y Rheoliad Dirprwyedig a bennir yng ngholofn 1 o'r tabl yn Atodlen 1, fel y'i darllenir gydag unrhyw ddarpariaeth a bennir yn y cofnod cyfatebol yng ngholofn 2 o'r tabl hwnnw;

ystyr “y Rheoliad Dirprwyedig” (“*the Delegated Regulation*”) yw Rheoliad Dirprwyedig y Comisiwn (EU) 2016/127 dyddiedig 25 Medi 2015 sy'n ychwanegu at Reoliad (EU) Rhif 609/2013 Senedd Ewrop a'r Cyngor ynghylch y gofynion penodol o ran cyfansoddiad a gwybodaeth ar gyfer fformiwla fabanod a fformiwla ddilynol ac ynghylch gofynion o ran gwybodaeth sy'n ymwneud â bwydo babanod a phlant ifanc(2).

(2) Mae unrhyw gyfeiriad at ddarpariaeth yn y Rheoliad Dirprwyedig yn gyfeiriad at y ddarpariaeth honno fel y'i diwygir o bryd i'w gilydd.

(3) Mae i ymadroddion Saesneg a'r ymadroddion Cymraeg cyfatebol a ddefnyddir yn y Rheoliadau hyn ac yn y Rheoliad Dirprwyedig yr un ystyr yn y Rheoliadau hyn ag sydd iddynt yn y Rheoliad Dirprwyedig.

Gorfodi

3. Rhaid i bob awdurdod bwyd weithredu a gorfodi'r Rheoliadau hyn o fewn ei ardal.

Cymhwyso darpariaethau'r Ddeddf

4.—(1) Mae adran 10(1) a (2) o'r Ddeddf (hysbysiadau gwella) yn gymwys, gyda'r addasiad (yn achos adran 10(1)) a bennir yn Rhan 1 o Atodlen 2, at ddibenion—

(1) Mewnosodwyd adran 5(1A) gan baragraff 16 o Atodlen 9 i Ddeddf Llywodraeth Leol (Cymru) 1994 (p. 19).

(2) OJ Rhif L 25, 2.2.2016, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad Dirprwyedig y Comisiwn (EU) 2019/828 (OJ Rhif L 137, 23.5.2019, t. 12).

(b) on 22 February 2021 in respect of infant formula and follow-on formula manufactured from protein hydrolysates.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“the Delegated Regulation” (“*y Rheoliad Dirprwyedig*”) means Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No. 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding(1);

“food authority” (“*awdurdod bwyd*”) has the meaning that it bears by virtue of section 5(1A) of the Act(2);

“specified EU law requirement” (“*gofyniad cyfraith UE penodedig*”) means any provision of the Delegated Regulation specified in column 1 of the table in Schedule 1, as read with any provision specified in the corresponding entry in column 2 of that table.

(2) Any reference to a provision of the Delegated Regulation is a reference to that provision as amended from time to time.

(3) Expressions used both in these Regulations and in the Delegated Regulation have the same meaning in these Regulations as they have in the Delegated Regulation.

Enforcement

3. Each food authority must execute and enforce these Regulations within its area.

Application of provisions of the Act

4.—(1) Section 10(1) and (2) of the Act (improvement notices) applies, with the modification (in the case of section 10(1)) specified in Part 1 of Schedule 2, for the purposes of—

(1) OJ No. L 25, 2.2.2016, p. 1, as last amended by Commission Delegated Regulation (EU) 2019/828 (OJ No. L 137, 23.5.2019, p. 12).

(2) Section 5(1A) was inserted by paragraph 16 of Schedule 9 to the Local Government (Wales) Act 1994 (c. 19).

- (a) galluogi i hysbysiad gwella gael ei gyflwyno i berson, sy'n ei gwneud yn ofynnol i'r person hwnnw sicrhau cydymffurfedd ag unrhyw ofyniad cyfraith UE penodedig; a
- (b) gwneud methu â chydymffurfio â hysbysiad y cyfeirir ato yn is-baragraff (a) yn drosedd.

(2) Mae adran 32(1) i (8) o'r Ddeddf(1) (pwerau mynediad) yn gymwys, gyda'r addasiadau (yn achos adran 32(1)) a bennir yn Rhan 2 o Atodlen 2, at ddibenion galluogi swyddog awdurdodedig o awdurdod gorfodi—

- (a) i arfer pŵer mynediad i ganfod a yw bwyd nad yw'n cydymffurfio â gofyniad cyfraith UE penodedig yn cael ei werthu neu wedi ei werthu; a
- (b) i arfer pŵer mynediad i ganfod a oes unrhyw dystiolaeth o unrhyw doriad o ofyniad cyfraith UE penodedig.

(3) Mae adran 35 o'r Ddeddf (cosbi troseddau) yn gymwys, gyda'r addasiadau a bennir yn Rhan 3 o Atodlen 2, at ddiben pennu'r gosb am drosedd a gyflawnir o dan adran 10(2) fel y'i cymhwysir gan baragraff (1)(b).

(4) Mae adran 37 o'r Ddeddf (apelau) yn gymwys, gyda'r addasiadau a bennir yn Rhan 4 o Atodlen 2, at ddiben galluogi person i apelio yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(5) Mae adran 39 o'r Ddeddf (apelau yn erbyn hysbysiaid gwella) yn gymwys, gyda'r addasiadau (yn achos adran 39(1) a (3)) a bennir yn Rhan 5 o Atodlen 2, at ddiben ymdrin ag apelau yn erbyn penderfyniad i gyflwyno hysbysiad y cyfeirir ato ym mharagraff (1)(a).

(6) Mae darpariaethau'r Ddeddf a bennir ym mharagraff (7) ("y darpariaethau paragraff (7)") yn gymwys, gyda'r addasiadau a bennir yn Rhan 6 o Atodlen 2, at ddibenion y Rheoliadau hyn i'r graddau y maent yn ymwneud â'r darpariaethau yn y Ddeddf, a bennir ym mharagraffau (1) i (5) ac a addesir ganddynt.

(7) Y darpariaethau yn y Ddeddf, a bennir at ddibenion y paragraff hwn, yw—

- (a) adran 3 (rhagdybiaethau y bwriedir i fwyd gael ei fwyta gan bobl);
- (b) adran 20 (troseddau oherwydd bai person arall);
- (c) adran 21(2) (amddiffyniad diwydrwydd dyladwy);

- (a) enabling an improvement notice to be served on a person requiring that person to secure compliance with any specified EU law requirement; and
- (b) making a failure to comply with a notice referred to in sub-paragraph (a) an offence.

(2) Section 32(1) to (8) of the Act(1) (powers of entry) applies, with the modifications (in the case of section 32(1)) specified in Part 2 of Schedule 2, for the purposes of enabling an authorised officer of an enforcement authority—

- (a) to exercise a power of entry to ascertain whether food that does not comply with a specified EU law requirement is, or has been, sold; and
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of a specified EU law requirement.

(3) Section 35 of the Act (punishment of offences) applies, with the modifications specified in Part 3 of Schedule 2, for the purpose of specifying the punishment of an offence committed under section 10(2) as applied by paragraph (1)(b).

(4) Section 37 of the Act (appeals) applies, with the modifications specified in Part 4 of Schedule 2, for the purpose of enabling a person to appeal a decision to serve a notice referred to in paragraph (1)(a).

(5) Section 39 of the Act (appeals against improvement notices) applies, with the modifications (in the case of section 39(1) and (3)) specified in Part 5 of Schedule 2, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).

(6) The provisions of the Act specified in paragraph (7) ("the paragraph (7) provisions") apply, with the modifications specified in Part 6 of Schedule 2, for the purposes of these Regulations insofar as they relate to the provisions of the Act specified in and modified by paragraphs (1) to (5).

(7) The provisions of the Act specified for the purposes of this paragraph are—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21(2) (defence of due diligence);

(1) Mae diwygiadau i adran 32(5) a (6), ond nid yw'r un ohonynt yn berthnasol.

(2) Diwygiwyd adran 21 gan O.S. 2004/3279.

(1) There are amendments to section 32(5) and (6), but none are relevant.

(2) Section 21 was amended by S.I. 2004/3279.

- (d) adran 22 (amddiffyn cyhoeddi yng nghwrs busnes);
- (e) adran 29 (caffael samplau);
- (f) adran 30(1) (dadansoddi etc. samplau);
- (g) adran 33(2) (rhwystro etc. swyddogion);
- (h) adran 36 (troseddau gan gyrff corfforedig);
- (i) adran 36A(3) (troseddau gan bartneriaethau Albanaidd);
- (j) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll);
- (k) adran 53 (dehongli cyffredinol);

ac mae unrhyw gyfeiriad yn y darpariaethau paragraff (7) at adran o'r Ddeddf, gan gynnwys cyfeiriad at "any of the preceding provisions of this Part", i'w ddarllen fel cyfeiriad at yr adrannau hynny o'r Ddeddf sy'n gymwys yn rhinwedd y Rheoliadau hyn, a chyda'r addasiadau a wneir ganddynt.

Dirymiadau, arbedion a darpariaethau trosiannol

5.—(1) Mae'r offerynnau a bennir yng ngholofn 1 o'r tabl yn Atodlen 3 wedi eu dirymu i'r graddau a bennir yng ngholofn 3 o'r tabl hwnnw, yn ddarostyngedig i baragraff (2).

(2) Mae'r offerynnau a bennir yng ngholofn 1 o'r tabl yn Atodlen 3 yn parhau i gael effaith (i'r graddau y maent wedi eu dirymu fel arall i'r graddau a bennir yng ngholofn 3 o'r tabl hwnnw)—

- (a) tan 21 Chwefror 2021 mewn cysylltiad â fformiwla fabanod a fformiwla ddilynol sydd wedi eu gweithgynhyrchu o hydrolysadau protein;
- (b) at ddibenion paragraff (3)(b).

(3) Caiff fformiwla fabanod a fformiwla ddilynol nad ydynt yn cydymffurfio â gofyniad cyfraith UE penodedig barhau i gael eu marchnata nes i'r stociau o'r bwyd hwnnw gael eu disbyddu, ar yr amod—

- (a) iddo gael ei roi ar y farchnad neu ei labelu—
 - (i) cyn 22 Chwefror 2020; neu
 - (ii) cyn 22 Chwefror 2021 yn achos fformiwla fabanod a fformiwla ddilynol sydd wedi eu gweithgynhyrchu o hydrolysadau protein; a

- (d) section 22 (defence of publication in the course of business);
- (e) section 29 (procurement of samples);
- (f) section 30(1) (analysis etc. of samples);
- (g) section 33(2) (obstruction etc. of officers);
- (h) section 36 (offences by bodies corporate);
- (i) section 36A(3) (offences by Scottish partnerships);
- (j) section 44 (protection of officers acting in good faith);
- (k) section 53 (general interpretation);

and any reference in the paragraph (7) provisions to a section of the Act, including a reference to "any of the preceding provisions of this Part", is to be read as a reference to such sections of the Act that apply by virtue of, and with the modifications made by, these Regulations.

Revocations, savings and transitional provisions

5.—(1) The instruments specified in column 1 of the table in Schedule 3 are revoked to the extent specified in column 3 of that table, subject to paragraph (2).

(2) The instruments specified in column 1 of the table in Schedule 3 continue to have effect (so far as otherwise revoked to the extent specified in column 3 of that table)—

- (a) until 21 February 2021 in respect of infant formula and follow-on formula manufactured from protein hydrolysates;
- (b) for the purposes of paragraph (3)(b).

(3) Infant formula and follow-on formula which does not comply with a specified EU law requirement may continue to be marketed until stocks of such food are exhausted, provided that—

- (a) it was placed on the market or labelled—
 - (i) before 22 February 2020; or
 - (ii) before 22 February 2021 in the case of infant formula and follow-on formula manufactured from protein hydrolysates; and

(1) Diwygiwyd adran 30 gan baragraffau 7 ac 8 o Atodlen 5 i Ddeddf 1999.
 (2) Diwygiwyd adran 33 gan baragraff 3(1) a (4) o'r Atodlen i Ddeddf Bwyd (Yr Alban) 2015 (dsa 1).
 (3) Mewnosodwyd adran 36A gan baragraff 16 o Atodlen 5 i Ddeddf 1999.

(1) Section 30 was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act.
 (2) Section 33 was amended by paragraph 3(1) and (4) of the Schedule to the Food (Scotland) Act 2015 (asp 1).
 (3) Section 36A was inserted by paragraph 16 of Schedule 5 to the 1999 Act.

(b) bod yr amodau a bennir yn y ddarpariaeth a ganlyn yn Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007(1) wedi eu bodloni—

- (i) rheoliad 3(1) (gwaharddiad ar farchnata fformiwla fabanod oni bai bod amodau penodol wedi eu bodloni) yn achos fformiwla fabanod;
- (ii) rheoliad 3(2) (gwaharddiad ar farchnata fformiwla ddilynol oni bai bod amodau penodol wedi eu bodloni) yn achos fformiwla ddilynol.

(b) the conditions specified in the following provision of the Infant Formula and Follow-on Formula (Wales) Regulations 2007(1) are met—

- (i) regulation 3(1) (prohibition on the marketing of infant formula unless certain conditions are met) in the case of infant formula;
- (ii) regulation 3(2) (prohibition on the marketing of follow-on formula unless certain conditions are met) in the case of follow-on formula.

Vaughan Gething

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol,
un o Weinidogion Cymru
30 Ionawr 2020

Minister for Health and Social Services, one of the
Welsh Ministers
30 January 2020

(1) O.S. 2007/3573 (Cy. 316). Yr offeryn diwygio perthnasol yw O.S. 2008/2602 (Cy. 228).

(1) S.I. 2007/3573 (W. 316). The relevant amending instrument is S.I. 2008/2602 (W. 228).

Gofynion cyfraith UE penodedig

Specified EU law requirements

Colofn 1	Colofn 2	Column 1	Column 2
<i>Darpariaeth benodedig yn y Rheoliad Dirprwyedig</i>	<i>Y ddarpariaeth yn y Rheoliad Dirprwyedig sydd i'w darllen gyda'r ddarpariaeth benodedig yn y Rheoliad Dirprwyedig</i>	<i>Specified provision of the Delegated Regulation</i>	<i>Provision of the Delegated Regulation to be read with the specified provision of the Delegated Regulation</i>
Erthygl 1(2) (rhoi ar y farchnad)	Erthygl 1(1)	Article 1(2) (placing on the market)	Article 1(1)
Erthygl 2(1) (gofynion o ran cyfansoddiad ar gyfer fformiwla fabanod)	Erthyglau 1(1) a 2(3), Atodiad 1 ac Atodiad 3	Article 2(1) (compositional requirements for infant formula)	Articles 1(1) and 2(3), Annex 1 and Annex 3
Erthygl 2(2) (gofynion o ran cyfansoddiad ar gyfer fformiwla ddilynol)	Erthyglau 1(1) a 2(3), Atodiad 2 ac Atodiad 3	Article 2(2) (compositional requirements for follow-on formula)	Articles 1(1) and 2(3), Annex 2 and Annex 3
Erthygl 2(3) (paratoi fformiwla fabanod a fformiwla ddilynol)	Erthyglau 1(1), 2(1) a (2)	Article 2(3) (preparation of infant and follow-on formula)	Articles 1(1), 2(1) and (2)
Erthygl 3(1) (addasrwydd cynhwysion ar gyfer fformiwla fabanod)	Erthyglau 1(1) a 3(3) a pharagraff 2 o Atodiad 1	Article 3(1) (suitability of ingredients for infant formula)	Articles 1(1) and 3(3) and paragraph 2 of Annex 1
Erthygl 3(2) (addasrwydd cynhwysion ar gyfer fformiwla ddilynol)	Erthyglau 1(1) a 3(3) a pharagraff 2 o Atodiad 2	Article 3(2) (suitability of ingredients for follow-on formula)	Articles 1(1) and 3(3) and paragraph 2 of Annex 2
Erthygl 4(2) (trothwy gweddillion sylwedd gweithredol)	Erthyglau 1(1) a 4(1), (3) a (5)	Article 4(2) (active substance residue threshold)	Articles 1(1) and 4(1), (3) and (5)
Erthygl 4(3) (rhanddirymiad o drothwy gweddillion sylwedd gweithredol)	Erthyglau 1(1) a 4(1), (2) a (5)	Article 4(3) (derogation from active substance residue threshold)	Articles 1(1) and 4(1), (2) and (5)
Erthygl 4(4) (gofynion o ran plaladdwyr)	Erthyglau 1(1) a 4(1) a (5)	Article 4(4) (requirements on pesticides)	Articles 1(1) and 4(1) and (5)
Erthygl 5(1) (enw bwyd nad yw wedi ei weithgynhyrchu'n llwyr o brotein llaeth gwartheg neu eifr)	Erthygl 1(1) a Rhan A o Atodiad 6	Article 5(1) (name of food not manufactured entirely from cows' or goats' milk protein)	Article 1(1) and Part A of Annex 6
Erthygl 5(2) (enw bwyd sydd wedi ei weithgynhyrchu'n llwyr o brotein llaeth gwartheg neu eifr)	Erthygl 1(1) a Rhan B o Atodiad 6	Article 5(2) (name of food manufactured entirely from cows' or goats' milk protein)	Article 1(1) and Part B of Annex 6
Erthygl 6 (gofynion penodol o ran gwybodaeth am fwyd)	Erthyglau 1(1) a 7(1), (2), (3), (5), (6), (7) ac (8)	Article 6 (specific requirements on food information)	Articles 1(1) and 7(1), (2), (3), (5), (6), (7) and (8)

Erthygl 7(1) (gofynion penodol o ran y datganiad ynglŷn â maethiad)	Erthyglau 1(1) a 7(4), Atodiad 1 ac Atodiad 2	Article 7(1) (specific requirements on the nutrition declaration)	Articles 1(1) and 7(4), Annex 1 and Annex 2
Erthygl 7(3) (ailadrodd gwybodaeth a gynhwysir mewn datganiad mandadol ynglŷn â maethiad)	Erthygl 1(1)	Article 7(3) (repetition of information included in mandatory nutrition declaration)	Article 1(1)
Erthygl 7(4) (datganiad ynglŷn â maethiad yn fandadol ni waeth beth fo maint y pecyn neu'r cynhwysydd)	Erthyglau 1(1) a 7(1), Atodiad 1 ac Atodiad 2	Article 7(4) (nutrition declaration mandatory regardless of size of packaging or container)	Articles 1(1) and 7(1), Annex 1 and Annex 2
Erthygl 7(5) (cymhwyso Erthyglau 31 i 35 o Reoliad (EU) Rhif 1169/2011 ⁽¹⁾)	Erthyglau 1(1) a 7(6), (7) ac (8)	Article 7(5) (application of Articles 31 to 35 of Regulation (EU) No. 1169/2011 ⁽¹⁾)	Articles 1(1) and 7(6), (7) and (8)
Erthygl 7(6) (mynegi gwerth egni a symiau maetholion)	Erthyglau 1(1) a 7(5)	Article 7(6) (expression of energy value and amounts of nutrients)	Articles 1(1) and 7(5)
Yr is-baragraff cyntaf o Erthygl 7(7) (gwaharddiad ar fynegi gwerth egni a swm maetholion fel canran o'r cymeriant cyfeirio)	Erthyglau 1(1) a 7(5)	The first sub-paragraph of Article 7(7) (prohibition on expressing energy value and amount of nutrients as a percentage of reference intake)	Articles 1(1) and 7(5)
Erthygl 7(8) (cyflwyno manylion a gynhwysir yn y datganiad ynglŷn â maethiad)	Erthygl 1(1)	Article 7(8) (presentation of particulars included in the nutrition declaration)	Article 1(1)
Erthygl 8 (gwaharddiad ar wneud honiadau am faethiad ac iechyd ar fformiwla fabanod)	Erthygl 1(1)	Article 8 (prohibition on making nutrition and health claims on infant formula)	Article 1(1)
Erthygl 9(1) (datganiad "lactose only")	Erthygl 1(1)	Article 9(1) ("lactose only" statement)	Article 1(1)
Yr is-baragraff cyntaf o Erthygl 9(2) (datganiad "lactose free")	Erthygl 1(1)	The first sub-paragraph of Article 9(2) ("lactose free" statement)	Article 1(1)
Yr ail is-baragraff o Erthygl 9(2) (datganiad nad yw fformiwla fabanod a fformiwla ddilynol "lactose free" yn addas ar gyfer babanod â galactosemia)	Erthygl 1(1)	The second sub-paragraph of Article 9(2) (statement that "lactose free" infant formula and follow-on formula is not suitable for infants with galactosaemia)	Article 1(1)
Erthygl 9(3) (gwaharddiad ar gyfeiriadau at asid docosahecsenoig pan fo fformiwla fabanod yn cael ei rhoi ar y farchnad ar 22 Chwefror 2025 neu wedi hynny)	Erthygl 1(1)	Article 9(3) (prohibition on references to docosahexaenoic acid where infant formula placed on the market on or after 22 February 2025)	Article 1(1)

Erthygl 10(1) (cyfyngiad ar hysbysebu ar gyfer fformiwla fabanod)	Erthygl 1(1)	Article 10(1) (restriction on advertising for infant formula)	Article 1(1)
Erthygl 10(2) (gwaharddiad ar ddulliau hyrwyddo er mwyn cymell gwerthiant o fformiwla fabanod)	Erthygl 1(1)	Article 10(2) (prohibition of promotional devices to induce sales of infant formula)	Article 1(1)
Erthygl 10(3) (gwaharddiad ar ddarparu cynhyrchion, samplau neu anrhegion hyrwyddo eraill, am ddim neu am bris isel, i'r cyhoedd, i fenywod beichiog, i famau neu i aelodau o'u teuluoedd)	Erthygl 1(1)	Article 10(3) (prohibition of provision of free or low-priced products, samples or other promotional gifts to the general public, pregnant women, mothers or members of their families)	Article 1(1)
Erthygl 10(4) (gofynion ar gyfer rhoddion neu werthiannau am bris isel o gyflenwadau o fformiwla fabanod i sefydliadau neu gyrff)	Erthygl 1(1)	Article 10(4) (requirements for donations or low-priced sales of supplies of infant formula to institutions or organisations)	Article 1(1)
Erthygl 11(2) (gofynion o ran gwybodaeth sy'n ymwneud â bwydo babanod a phlant ifanc)	Erthygl 1(1)	Article 11(2) (requirements on information relating to infant and young child feeding)	Article 1(1)
Erthygl 11(3) (gofynion o ran rhoddion o gyfarpar neu ddeunyddiau at ddibenion gwybodaeth neu addysg)		Article 11(3) (requirements on donations of informational or educational equipment or materials)	
Erthygl 12 (gofynion hysbysu)	Erthygl 1(1)	Article 12 (notification requirements)	Article 1(1)

⁽¹⁾ Rheoliad (EU) Rhif 1169/2011 Senedd Ewrop a'r Cyngor dyddiedig 25 Hydref 2011 ynghylch darparu gwybodaeth am fwyd i ddefnyddwyr, etc. (OJ Rhif L 304, 22.11.2011, t. 18).

⁽¹⁾ Regulation (EU) No. 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, etc (OJ No. L 304, 22.11.2011, p. 18).

Addasu darpariaethau'r Ddeddf

RHAN 1

Addasu adran 10 o'r Ddeddf

1. Mae adran 10 o'r Ddeddf (hysbysiadau gwella) yn gymwys fel pe bai'r canlynol wedi ei roi yn lle is-adran (1)—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a specified EU law requirement, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer's grounds for believing that the person is failing to comply or, as the case may be, that the food does not comply with the specified EU law requirement;
- (b) specify the matters which constitute the failure to comply;
- (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or such measures that are at least equivalent to them, within such period as may be specified in the notice.”

RHAN 2

Addasu adran 32 o'r Ddeddf

2. Mae adran 32 o'r Ddeddf(1) (pwerau mynediad) yn gymwys fel pe bai—

- (a) yn is-adran (1), y canlynol wedi ei roi yn lle paragraffau (a) i (c)—

“(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU law requirement;

(1) Diwygiwyd adran 32(5) a (6) gan adran 70 o Ddeddf Cyfiawnder Troseddol a'r Heddlu 2001 (p. 16) a pharagraff 18 o Atodlen 2 iddi.

Modification of provisions of the Act

PART 1

Modification of section 10 of the Act

1. Section 10 of the Act (improvement notices) applies as if, for subsection (1), there were substituted—

“(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with a specified EU law requirement, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer's grounds for believing that the person is failing to comply or, as the case may be, that the food does not comply with the specified EU law requirement;
- (b) specify the matters which constitute the failure to comply;
- (c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or such measures that are at least equivalent to them, within such period as may be specified in the notice.”

PART 2

Modification of section 32 of the Act

2. Section 32 of the Act(1) (powers of entry) applies as if—

- (a) in subsection (1) for paragraphs (a) to (c) there were substituted—

“(a) to enter any premises within the authority's area for the purpose of ascertaining whether there has been any contravention of a specified EU law requirement;

(1) Section 32(5) and (6) was amended by section 70 of, and paragraph 18 of Schedule 2 to, the Criminal Justice and Police Act 2001 (c. 16).

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of a specified EU law requirement; and
 - (c) when exercising a power of entry under this section, to exercise the associated powers in subsections (5) and (6) relating to records;”;
- (b) is-adran (9) wedi ei hepgor.

- (b) to enter any business premises, whether within or outside the authority’s area, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of a specified EU law requirement; and
 - (c) when exercising a power of entry under this section, to exercise the associated powers in subsections (5) and (6) relating to records;”;
- (b) subsection (9) were omitted.

RHAN 3

Addasu adran 35 o’r Ddeddf

3. Mae adran 35 o’r Ddeddf (cosbi troseddau) yn gymwys fel pe bai’r canlynol wedi ei fewnosod o flaen is-adran (2)—

“(1B) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the Infant Formula and Follow-on Formula (Wales) Regulations 2020, is liable on summary conviction, to a fine.”

PART 3

Modification of section 35 of the Act

3. Section 35 of the Act (punishment of offences) applies as if, before subsection (2), there were inserted—

“(1B) A person guilty of an offence under section 10(2), as applied by regulation 4(1) of the Infant Formula and Follow-on Formula (Wales) Regulations 2020, is liable on summary conviction, to a fine.”

RHAN 4

Addasu adran 37 o’r Ddeddf

4. Mae adran 37 o’r Ddeddf (apelau i lys ynadon neu siryf) yn gymwys fel pe bai—

- (a) “Appeals” wedi ei roi yn lle’r pennawd;
- (b) y canlynol wedi ei roi yn lle is-adran (1)—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 4(1) of, and Part 1 of Schedule 2 to, the Infant Formula and Follow-on Formula (Wales) Regulations 2020 may appeal to the magistrates’ court.”;
- (c) is-adran (2) wedi ei hepgor;
- (d) y canlynol wedi ei roi yn lle is-adran (5)—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought must be—whichever ends the earlier—

 - (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
 - (b) the period specified in the improvement notice

PART 4

Modification of section 37 of the Act

4. Section 37 of the Act (appeals to magistrates’ court or sheriff) applies as if—

- (a) for the heading there were substituted “Appeals”;
- (b) for subsection (1) there were substituted—

“(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation 4(1) of, and Part 1 of Schedule 2 to, the Infant Formula and Follow-on Formula (Wales) Regulations 2020 may appeal to the magistrates’ court.”;
- (c) subsection (2) were omitted;
- (d) for subsection (5) there were substituted—

“(5) The period within which such an appeal as is mentioned in subsection (1) above may be brought must be—whichever ends the earlier—

 - (a) one month from the date on which notice of the decision was served on the person desiring to appeal; or
 - (b) the period specified in the improvement notice

and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

(e) yn is-adran (6)—

- (i) “subsection (1)” wedi ei roi yn lle “subsection (3) or (4)”; a
- (ii) ym mharagraff (a), “or to the sheriff” wedi ei hepgor.

RHAN 5

Addasu adran 39 o’r Ddeddf

5. Mae adran 39 o’r Ddeddf (apelau yn erbyn hysbysiadau gwella) yn gymwys fel pe bai, yn is-adran (3), “for want of prosecution” wedi ei hepgor.

RHAN 6

Addasiadau pellach i ddarpariaethau’r Ddeddf

6. Mae adran 3 o Ddeddf 1990 (rhagdybiaethau y bwriedir i fwyd gael ei fwyta gan bobl) yn gymwys fel pe bai, yn is-adran (1), “the 2020 Regulations” wedi ei roi yn lle “this Act”.

7. Mae adran 20 o’r Ddeddf (troseddau oherwydd bai person arall) yn gymwys fel pe bai “the 2020 Regulations” wedi ei roi yn lle “any of the preceding provisions of this Part”.

8. Mae adran 21 o’r Ddeddf (amddiffyniad diwydrwydd dyladwy) yn gymwys fel pe bai, yn is-adran (1), “the 2020 Regulations” wedi ei roi yn lle “any of the preceding provisions of this Part”.

9. Mae adran 22 o’r Ddeddf (amddiffyniad cyhoeddi yng nghwrs busnes) yn gymwys fel pe bai “the 2020 Regulations” wedi ei roi yn lle “any of the preceding provisions of this Part”.

10. Mae adran 29 o’r Ddeddf (caffael samplau) yn gymwys fel pe bai, ym mharagraff (b)(ii), “including under section 32 as applied and modified by regulation 4(2) of, and Part 2 of Schedule 2 to, the 2020 Regulations” wedi ei fewnosod ar ôl “under section 32 below”.

11. Mae adran 30 o’r Ddeddf (dadansoddi etc. samplau) yn gymwys fel pe bai—

- (a) yn is-adran (1), “including under section 29 as applied and modified by regulation 4(6) of, and Part 6 of Schedule 2 to, the 2020 Regulations” wedi ei fewnosod ar ôl “under section 29 above”; a

and in the case of such an appeal, the making of the complaint shall be deemed for the purposes of this subsection to be the bringing of the appeal.”

(e) in subsection (6)—

- (i) for “ subsection (3) or (4)” there were substituted “subsection (1)”; and
- (ii) in paragraph (a), “or to the sheriff” were omitted.

PART 5

Modification of section 39 of the Act

5. Section 39 of the Act (appeals against improvement notices) applies as if in subsection (3), “for want of prosecution” were omitted.

PART 6

Further modifications of provisions of the Act

6. Section 3 of the 1990 Act (presumptions that food intended for human consumption) applies as if, in subsection (1), for “this Act” there were substituted “the 2020 Regulations”.

7. Section 20 of the Act (offences due to fault of another person) applies as if, for “any of the preceding provisions of this Part”, there were substituted “the 2020 Regulations”.

8. Section 21 of the Act (defence of due diligence) applies as if, in subsection (1), for “any of the preceding provisions of this Part”, there were substituted “the 2020 Regulations”.

9. Section 22 of the Act (defence of publication in the course of business) applies as if, for “any of the preceding provisions of this Part”, there were substituted “the 2020 Regulations”.

10. Section 29 of the Act (procurement of samples) applies as if, in paragraph (b)(ii), after “under section 32 below”, there were inserted “including under section 32 as applied and modified by regulation 4(2) of, and Part 2 of Schedule 2 to, the 2020 Regulations”.

11. Section 30 of the Act (analysis etc. of samples) applies as if—

- (a) in subsection (1), after “under section 29 above”, there were inserted “including under section 29 as applied and modified by regulation 4(6) of, and Part 6 of Schedule 2 to, the 2020 Regulations”; and

(b) yn is-adran (8), “the 2020 Regulations” wedi ei roi yn lle “this Act”.

12. Mae adran 33 o’r Ddeddf (rhwystro etc. swyddogion) yn gymwys fel pe bai, yn is-adran (1), “the 2020 Regulations” wedi ei roi yn lle “this Act” (ym mhob lle y mae’n digwydd).

13. Mae adran 36 o’r Ddeddf (troseddau gan gyrff corfforedig) yn gymwys fel pe bai, yn is-adran (1), “the 2020 Regulations” wedi ei roi yn lle “this Act”.

14. Mae adran 36A o’r Ddeddf(1) (troseddau gan bartneriaethau Albanaidd) yn gymwys fel pe bai “the 2020 Regulations” wedi ei roi yn lle “this Act”.

15. Mae adran 44 o’r Ddeddf (amddiffyn swyddogion sy’n gweithredu’n ddidwyll) yn gymwys fel pe bai “the 2020 Regulations” wedi ei roi yn lle “this Act” ym mhob lle y mae’r geiriau hynny yn ymddangos.

16. Mae adran 53 (dehongli cyffredinol) yn gymwys fel pe bai—

(a) y canlynol wedi ei fewnosod ar ôl y diffiniad o “the 1956 Act”—

““the 2020 Regulations” means the Infant Formula and Follow-on Formula (Wales) Regulations 2020;”;

(b) y canlynol wedi ei fewnosod ar ôl y diffiniad o “slaughterhouse”—

““specified EU law requirement” has the meaning given in regulation 2(1) of the 2020 Regulations;”.

(b) in subsection (8), for “this Act” there were substituted “the 2020 Regulations”.

12. Section 33 of the Act (obstruction etc. of officers) applies as if, in subsection (1), for “this Act” (in each place where it occurs) there were substituted “the 2020 Regulations”.

13. Section 36 of the Act (offences by bodies corporate) applies as if, in subsection (1), for “this Act” there were substituted “the 2020 Regulations”.

14. Section 36A of the Act(1) (offences by Scottish partnerships) applies as if, for “this Act”, there were substituted “the 2020 Regulations”.

15. Section 44 of the Act (protection of officers acting in good faith) applies as if, for “this Act”, in each place where those words appear, there were substituted “the 2020 Regulations”.

16. Section 53 (general interpretation) applies as if—

(a) after the definition of “the 1956 Act” there were inserted—

““the 2020 Regulations” means the Infant Formula and Follow-on Formula (Wales) Regulations 2020;”;

(b) after the definition of “slaughterhouse” there were inserted—

““specified EU law requirement” has the meaning given in regulation 2(1) of the 2020 Regulations;”.

(1) Mewnosodwyd adran 36A gan adran 40(1) o Ddeddf 1999 a pharagraff 16 o Atodlen 5 iddi.

(1) Section 36A was inserted by section 40(1) of, and paragraph 16 of Schedule 5 to, the 1999 Act.

ATODLEN 3 Rheoliad 5(1)

Dirymiadau sy'n gysylltiedig â
Fformiwla Fabanod a Fformiwla
Ddilynol

Colofn 1	Colofn 2	Colofn 3
<i>Offeryn</i>	<i>Cyfeirnod</i>	<i>Graddau'r dirymu</i>
Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) 2007	O.S. 2007/3573 (Cy. 316)	Y Rheoliadau cyfan, ac eithrio rheoliad 30
Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Diwygio) (Cymru) 2008	O.S. 2008/2602 (Cy. 228)	Rheoliad 2
Rheoliadau Fformiwla Fabanod a Fformiwla Ddilynol (Cymru) (Diwygio) 2014	O.S. 2014/123 (Cy. 13)	Y Rheoliadau cyfan
Rheoliadau Trosglwyddo Swyddogaethau (Bwyd) (Cymru) 2014	O.S. 2014/1102 (Cy. 110)	Rheoliad 5
Rheoliadau Bwyd ar gyfer Grwpiau Penodol (Gofynion o ran Gwybodaeth a Chyfansoddiad) (Cymru) 2016	O.S. 2016/639 (Cy. 175)	Atodlen 3, paragraff 4

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SCHEDULE 3 Regulation 5(1)

Revocations relating to Infant Formula
and Follow-on Formula

Column 1	Column 2	Column 3
<i>Instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
Infant Formula and Follow-on Formula (Wales) Regulations 2007	S.I. 2007/3573 (W. 316)	The whole of the Regulations, except regulation 30
Infant Formula and Follow-on Formula (Amendment) (Wales) Regulations 2008	S.I. 2008/2602 (W. 228)	Regulation 2
Infant Formula and Follow-on Formula (Wales) (Amendment) Regulations 2014	S.I. 2014/123 (W. 13)	The whole of the Regulations
Transfer of Functions (Food) (Wales) Regulations 2014	S.I. 2014/1102 (W. 110)	Regulation 5
Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016	S.I. 2016/639 (W. 175)	Schedule 3, paragraph 4

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