OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 795 (Cy. 125)

2024 No. 795 (W. 125)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) (Diwygio) 2024

The Avian Influenza (Preventive Measures) (Wales) (Amendment) Regulations 2024

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) 2006 (O.S. 2006/2803 (Cy. 242)) ("Rheoliadau 2006").

Mae rheoliad 7 o Reoliadau 2006 yn ei gwneud yn ofynnol i geidwad 50 neu ragor o ddofednod mewn unrhyw fangre unigol hysbysu Gweinidogion Cymru am wybodaeth benodedig sy'n ymwneud â'r dofednod hynny a rhoi gwybod i Weinidogion Cymru am newidiadau penodedig i'r wybodaeth honno.

Mae rheoliad 3 o'r Rheoliadau hyn yn disodli rheoliad 7 o Reoliadau 2006 fel ei bod yn ofynnol i geidwaid dofednod ac adar caeth eraill (ni waeth beth fo'u niferoedd) hysbysu Gweinidogion Cymru am wybodaeth benodedig ac fel bod yr wybodaeth honno yn cael ei hadolygu a'i diweddaru yn flynyddol. Rhaid i geidwaid 50 neu ragor o ddofednod neu adar caeth eraill hefyd ddarparu gwybodaeth ychwanegol fel rhan o'r weithdrefn hysbysu.

Mae rheoliad 4 o'r Rheoliadau hyn yn cyflwyno rheoliad newydd 7A yn Rheoliadau 2006. Mae'r rhwymedigaeth i hysbysu yn ddarostyngedig i eithriad ar gyfer ceidwaid adar caeth eraill sy'n perthyn i'r urdd Psittaciformes (megis byjerigars neu barotiaid) neu Passeriformes (megis caneris neu bincod), sy'n cael eu lletya yn gyfan gwbl o fewn annedd neu dŷ adar heb fynediad uniongyrchol i awyr agored.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Avian Influenza (Preventive Measures) (Wales) Regulations 2006 (S.I. 2006/2803 (W. 242)) ("the 2006 Regulations").

Regulation 7 of the 2006 Regulations requires the keeper of 50 or more poultry on any one premises to notify the Welsh Ministers of specified information relating to those poultry and to inform the Welsh Ministers of specified changes to that information.

Regulation 3 of these Regulations replaces regulation 7 of the 2006 Regulations so that keepers of poultry and other captive birds (regardless of numbers) are required to notify the Welsh Ministers of specified information and for such information to be reviewed and updated on an annual basis. Additional information must also be provided as part of the notification procedure by keepers of 50 or more poultry or other captive birds.

Regulation 4 of these Regulations introduces a new regulation 7A into the 2006 Regulations. The obligation to notify is subject to an exception for keepers of other captive birds belonging to the order Psittaciformes (such as budgerigars or parrots) or Passeriformes (such as canaries or finches), housed fully within a dwelling or bird house with no direct access to open air.

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

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.

2024 Rhif 795 (Cy. 125)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) (Diwygio) 2024

Gwnaed *15 Gorffennaf 2024*

Yn dod i rym *1 Medi 2024*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 1 o Ddeddf Iechyd Anifeiliaid 1981(**1**), yn gwneud y Rheoliadau a ganlyn(**2**).

Enwi, cymhwyso a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) (Diwygio) 2024.

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

(3) Daw'r Rheoliadau hyn i rym ar 1 Medi 2024.

(**1**) 1981 p. 22 ("Deddf 1981"). Mae swyddogaethau "the Ministers" o dan Ddeddf 1981 (fel y'u diffinnir yn adran 86(1) o'r Ddeddf honno) 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.

(**2**) Caniateir arfer y pŵer i wneud gorchymyn o dan adran 1 o Ddeddf 1981 er mwyn gwneud rheoliadau yn rhinwedd adran 39 o Ddeddf Deddfwriaeth (Cymru) 2019 (dccc 4). Diddymwyd paragraffau 13 i 15 o Atodlen 8 i Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16), a oedd yn gwneud y weithdrefn gadarnhaol, y weithdrefn graffu uwch a datganiadau esboniadol yn ofynnol ar gyfer offerynnau sy'n diwygio is-ddeddfwriaeth sydd wedi ei gwneud o dan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), gan adran 10(1) o Ddeddf Cyfraith yr UE a Ddargedwir (Dirymu a Diwygio) 2023 (p. 28).

2024 No. 795 (W. 125)

ANIMALS, WALES

ANIMAL HEALTH

The Avian Influenza (Preventive Measures) (Wales) (Amendment) Regulations 2024

Made *15 July 2024*

Coming into force *1 September 2024*

The Welsh Ministers, in exercise of the powers conferred on them by section 1 of the Animal Health Act 1981(**1**), make the following Regulations(**2**).

Title, application and coming into force

1.—(1) The title of these Regulations is the Avian Influenza (Preventive Measures) (Wales) (Amendment) Regulations 2024.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 1 September 2024.

(**1**) 1981 c. 22 ("the 1981 Act"). Functions of "the Ministers" under the 1981 Act (as defined in section 86(1) of that 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).

(**2**) The power to make an order under section 1 of the 1981 Act may be exercised to make regulations by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4). Paragraphs 13 to 15 of Schedule 8 of the European Union (Withdrawal) Act 2018 (c. 16), which required the affirmative procedure, enhanced scrutiny procedure and explanatory statements for instruments which amend subordinate legislation made under section 2(2) of the European Communities Act 1972 (c. 68), were repealed by section 10(1) of the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

Diwygio Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) 2006

2. Mae Rheoliadau Ffliw Adar (Mesurau Atal) (Cymru) 2006(**1**) wedi eu diwygio yn unol â rheoliadau 3 a 4 o'r Rheoliadau hyn.

Diwygio rheoliad 7 (nodi mangreoedd dofednod)

3. Yn lle rheoliad 7 (nodi mangreoedd dofednod) rhodder—

"**Hysbysiad ynghylch mangreoedd y cedwir dofednod neu adar caeth eraill ynddynt**

7.—(1) Rhaid i berson sy'n cadw dofednod neu adar caeth eraill mewn unrhyw fangre hysbysu Gweinidogion Cymru mewn ysgrifen am yr wybodaeth a ganlyn mewn perthynas â'r fangre—

(a) cyfeiriad a rhif daliad y fangre (os oes rhif arni);

(b) enw a chyfeiriad y person hwnnw ac, os ydynt yn wahanol i rai y person hwnnw, enw a chyfeiriad—

(i) perchennog y dofednod neu'r adar caeth eraill; a

(ii) meddiannydd y fangre;

(c) pob rhywogaeth dofednod neu adar caeth eraill a gedwir yn y fangre;

(d) nifer yr adar o bob rhywogaeth dofednod neu adar caeth eraill a gedwir yn y fangre; ac

(e) at ba ddiben neu ddibenion y cedwir y dofednod neu'r adar caeth eraill.

(2) Rhaid i berson sy'n cadw 50 neu ragor o ddofednod neu adar caeth eraill mewn unrhyw fangre hysbysu Gweinidogion Cymru mewn ysgrifen am yr wybodaeth a ganlyn, yn ychwanegol at y gofynion a nodir ym mharagraff (1)—

(a) mewn perthynas â dofednod—

(i) y system neu'r systemau hwsmona a ddefnyddir yn y fangre; a

(ii) at ba ddiben neu ddibenion y cedwir dofednod, pa un ai i gynhyrchu cig, wyau deor, wyau i'w bwyta neu at unrhyw ddiben arall;

(**1**) O.S. 2006/2803 (Cy. 242), a ddiwygiwyd gan O.S. 2010/619 (Cy. 61), 2011/1043 a 2019/371 (Cy. 92).

Amendments to the Avian Influenza (Preventive Measures) (Wales) Regulations 2006

2. The Avian Influenza (Preventive Measures) (Wales) Regulations 2006(**1**) are amended in accordance with regulations 3 and 4 of these Regulations.

Amendment to regulation 7 (identification of poultry premises)

3. For regulation 7 (identification of poultry premises) substitute—

"Notification of premises where poultry or other captive birds are kept

7.—(1) A person who keeps poultry or other captive birds at any premises must notify the Welsh Ministers in writing of the following information in relation to the premises—

(a) the address and the holding number of the premises (if there is one);

(b) that person's name and address and, if different from that person's, those of—

(i) the owner of the poultry or other captive birds; and

(ii) the occupier of the premises;

(c) the species of poultry or other captive birds kept at the premises;

(d) the number of birds of each species of poultry or other captive birds kept at the premises; and

(e) the purpose or purposes for which the poultry or other captive birds are kept.

(2) A person who keeps 50 or more poultry or other captive birds at any premises must notify the Welsh Ministers in writing of the following information in addition to the requirements set out in paragraph (1)—

(a) in relation to poultry—

(i) the husbandry system or systems in use at the premises; and

(ii) the purpose or purposes for which poultry is kept, whether for the production of meat, hatching eggs, eggs for consumption or any other purpose;

(**1**) S.I. 2006/2803 (W. 242), amended by S.I. 2010/619 (W. 61), 2011/1043 and 2019/371 (W. 92).

(b) manylion unrhyw amrywiadau stocio tymhorol sy'n debygol o arwain at amrywiad sylweddol yn nifer neu rywogaethau'r dofednod neu'r adar caeth eraill yn y fangre ar unrhyw adeg yn ystod y cyfnod o 12 mis yn dilyn hysbysiad neu ddiweddariad o dan baragraff (3); ac

(c) manylion nifer a rhywogaethau'r dofednod neu'r adar caeth eraill sydd â mynediad i awyr agored yn y fangre.

(3) Rhaid i hysbysiad a wneir o dan baragraff (1) neu (2)—

(a) cael ei wneud mewn ysgrifen ar 1 Hydref 2024 neu cyn hynny; a

(b) cael ei ddiweddaru ar-lein—

(i) cyn 1 Hydref 2025; a

(ii) ym mhob blwyddyn galendr ddilynol o fewn 12 mis i'r diweddariad a wnaed ddiwethaf o dan y paragraff hwn neu baragraff (5).

(4) Rhaid i berson sydd, ar ôl 1 Medi 2024, yn dod yn geidwad unrhyw ddofednod neu adar caeth eraill mewn unrhyw fangre—

(a) o fewn 30 o ddiwrnodau iddo ddod yn geidwad, hysbysu Gweinidogion Cymru mewn ysgrifen am yr wybodaeth y cyfeirir ati ym mharagraff (1), a phan fo'n gymwys, yn ogystal, am yr wybodaeth y cyfeirir ati ym mharagraff (2); a

(b) diweddaru'r hysbysiad hwnnw ar-lein ym mhob blwyddyn galendr ddilynol, o fewn 12 mis i'r diweddariad a wnaed ddiwethaf o dan y paragraff hwn neu baragraff (5).

(5) Rhaid i berson sydd wedi gwneud hysbysiad o dan y rheoliad hwn ddiweddaru'r hysbysiad o fewn 30 o ddiwrnodau i unrhyw newid o'r mathau a ganlyn—

(a) newid yn unrhyw un neu ragor o'r materion y mae hysbysiad yn eu cylch yn ofynnol o dan baragraff (1)(a), (b), (c), (e), neu (2); a

(b) mewn perthynas â mangre y cedwir 50 neu ragor o ddofednod neu adar caeth eraill ynddi, cynnydd neu leihad o 20% neu ragor yn nifer y dofednod neu'r adar caeth eraill a bennir o dan baragraff (2) oni bai bod y newid hwn o ganlyniad i—

(b) details of any seasonal stocking variations which are likely to result in a significant variation in the number or species of poultry or other captive birds on the premises at any time during the 12 month period following a notification or update under paragraph (3); and

(c) details of the number and species of poultry or other captive birds with access to open air on the premises.

(3) A notification made under paragraph (1) or (2) must be—

(a) made in writing on or before 1 October 2024; and

(b) updated online—

(i) before 1 October 2025; and

(ii) in each subsequent calendar year within 12 months of the update last made under this paragraph or paragraph (5).

(4) A person who, after 1 September 2024, becomes the keeper of any poultry or other captive birds at any premises, must—

(a) within 30 days of becoming the keeper, notify the Welsh Ministers in writing of the information referred to in paragraph (1), and where applicable, in addition, of the information referred to in paragraph (2); and

(b) update that notification online in each subsequent calendar year, within 12 months of the update last made under this paragraph or paragraph (5).

(5) A person who has made a notification under this regulation must update the notification within 30 days of any change of the following kinds—

(a) a change in any of the matters required to be notified under paragraph (1)(a), (b), (c), (e), or (2); and

(b) in relation to premises where 50 or more poultry or other captive birds are kept, an increase or decrease of 20% or more in the number of poultry or other captive birds specified under paragraph (2) unless this change is due to—

(i) gwagio cytiau dofednod neu ddeorfeydd i'w hailstocio ar unwaith; neu

(ii) stocio tymhorol.

(6) Caiff Gweinidogion Cymru, drwy hysbysiad, ei gwneud yn ofynnol i berson sy'n hysbysu Gweinidogion Cymru o dan baragraff (1) neu (2) eu hysbysu am wybodaeth sy'n ychwanegol at yr wybodaeth sy'n ofynnol o dan y paragraff o dan sylw.

(7) Rhaid i berson y mae'n ofynnol iddo hysbysu Gweinidogion Cymru am wybodaeth o dan baragraff (6) wneud hynny o fewn 30 o ddiwrnodau iddo gael hysbysiad gan Weinidogion Cymru.

(8) Yn y rheoliad hwn a rheoliad 7A, ystyr "mynediad i awyr agored" yw—

(a) lletya dofednod neu adar caeth eraill yn barhaol neu dros dro mewn strwythur y tu allan sydd â rhwyll, rhwyd neu gawell drosto yn gyfan gwbl neu'n rhannol, pa un a yw'n sefydlog neu'n symudol, nad yw wedi ei amgáu'n gyfan gwbl o fewn adeilad; neu

(b) symud dofednod neu adar caeth eraill dros dro o'u lletyad er mwyn cael eu hedfan yn rhydd y tu allan."

Rheoliad newydd 7A (hysbysiad ynghylch mangreoedd y cedwir dofednod neu adar caeth eraill ynddynt: eithriadau)

4. Ar ôl rheoliad 7 (hysbysiad ynghylch mangreoedd y cedwir dofednod neu adar caeth eraill ynddynt) mewnosoder—

"**Hysbysiad ynghylch mangreoedd y cedwir dofednod neu adar caeth eraill ynddynt: eithriadau**

7A. Nid yw'r gofyniad i hysbysu Gweinidogion Cymru o dan reoliad 7 yn gymwys i geidwaid adar caeth eraill mewn unrhyw fangre y mae'r unig adar caeth eraill a gedwir ynddi—

(a) yn perthyn i'r urdd Psittaciformes neu Passeriformes; a

(b) yn cael eu lletya yn y fangre yn gyfan gwbl o fewn annedd neu o fewn tŷ adar heb fynediad uniongyrchol i awyr agored."

(i) the emptying of poultry houses or hatcheries for immediate restocking; or

(ii) seasonal stocking.

(6) The Welsh Ministers may, by notice, require a person making a notification under paragraph (1) or (2) to notify information additional to that required under the paragraph in question.

(7) A person required to notify information under paragraph (6) must do so within 30 days of receiving notice from the Welsh Ministers.

(8) In this regulation and regulation 7A, "access to open air" means—

(a) a permanent or temporary housing of poultry or other captive birds in a fully or partially meshed, netted or caged outdoor structure, whether fixed or mobile, which is not fully enclosed within a building; or

(b) temporary removal of poultry or other captive birds from their housing in order to be flown freely outdoors."

New regulation 7A (notification of premises where poultry or other captive birds are kept: exceptions)

4. After regulation 7 (notification of premises where poultry or other captive birds are kept) insert—

"Notification of premises where poultry or other captive birds are kept: exceptions

7A. The requirement to notify the Welsh Ministers under regulation 7 does not apply to keepers of other captive birds at any premises where the only other captive birds kept—

(a) belong to the order Psittaciformes or Passeriformes; and

(b) are housed on the premises fully within a dwelling or within a bird house with no direct access to open air."

Huw Irranca-Davies

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
15 Gorffennaf 2024

Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
15 July 2024

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