OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2024 Rhif 753 (Cy. 105)

2024 No. 753 (W. 105)

ANIFEILIAID, CYMRU

ANIMALS, WALES

IECHYD ANIFEILIAID

ANIMAL HEALTH

Gorchymyn Dolur Rhydd Feirysol Buchol (Cymru) 2024

The Bovine Viral Diarrhoea (Wales) Order 2024

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn darparu ar gyfer rheoli a dileu Dolur Rhydd Feirysol Buchol ("BVD") yng Nghymru.

Mae Rhan 1 o'r Gorchymyn hwn yn cynnwys darpariaethau cyffredinol. Mae Erthygl 3 yn estyn y diffiniad o glefyd o dan adran 88(1) o Ddeddf Iechyd Anifeiliaid 1981 (p. 22) i gynnwys BVD.

Mae Rhan 2 o'r Gorchymyn hwn yn darparu ar gyfer cymeradwyo milfeddygon a labordai i gyflawni swyddogaethau o dan y Gorchymyn.

Mae Rhan 3 o'r Gorchymyn hwn yn darparu ar gyfer y gweithdrefnau samplu a hysbysu sydd i'w dilyn. Ni chaniateir i'r mathau o samplau a restrir yn erthygl 11 gael eu cymryd ond gan filfeddyg cymeradwy, neu o dan oruchwyliaeth milfeddyg cymeradwy. Rhaid cyflwyno samplau i'w profi o dan yr amodau yn erthygl 12. Mae Erthygl 13 yn darparu ar gyfer yr amodau sy'n gymwys pan fo sampl tag clust o feinwe yn cael ei chymryd o anifail buchol. Mae erthyglau 14 a 15 yn gymwys pan fo tag rheoli wedi ei osod ar anifail. Mae erthygl 16 yn pennu'r gofynion hysbysu ar gyfer canlyniadau profion gan weithredwyr labordai cymeradwy. Mae erthygl 17 yn ei gwneud yn ofynnol i geidwaid hysbysu eraill am statws BVD anifail buchol mewn amgylchiadau penodol.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the control and eradication of Bovine Viral Diarrhoea ("BVD") in Wales.

Part 1 of this Order contains general provisions. Article 3 extends the definition of disease under section 88(1) of the Animal Health Act 1981 (c. 22) to BVD.

Part 2 of this Order provides for the approval of veterinary surgeons and laboratories to carry out functions under the Order.

Part 3 of this Order provides for the sampling and notification procedures to be followed. The types of samples listed in article 11 may only be taken by, or under the supervision of, an approved veterinary surgeon. Samples must be submitted for testing under the conditions in article 12. Article 13 provides for the conditions applicable where an ear tag sample of tissue is taken from a bovine animal. Articles 14 and 15 apply where a management tag has been applied to an animal. Article 16 specifies the notification requirements of test results by operators of approved laboratories. Article 17 requires keepers to notify others of the BVD status of a bovine animal in certain circumstances.

Mae Rhan 4 o'r Gorchymyn hwn yn darparu ar gyfer statws BVD anifeiliaid buchol unigol (erthygl 19) a buchesi (erthygl 20). Caiff milfeddyg cymeradwy newid statws unigol anifail (erthygl 21) neu statws ar y cyd buches (erthygl 22), a rhaid iddo hysbysu'r ceidwad a Gweinidogion Cymru am newid o'r fath (erthygl 23).

Mae Rhan 5 o'r Gorchymyn hwn yn darparu ar gyfer sgrinio buchesi ac anifeiliaid buchol unigol i ganfod presenoldeb BVD. Rhaid i geidwad drefnu i samplu buches ar gyfer BVD yn unol ag erthyglau 25 a 26. Yn amodol ar ganlyniadau profion y sampl hon (erthyglau 27 a 28), rhaid cynnal profion pellach ar anifeiliaid unigol, gan gynnwys lloi (erthyglau 29 i 37).

Mae Rhan 6 o'r Gorchymyn hwn yn darparu ar gyfer cyfyngiadau symud ar gyfer buchesi â statws BVD ar y cyd nad yw'n negatif (erthygl 38), ar gyfer anifeiliaid â statws BVD unigol positif (erthygl 39), neu pan na fo rhwymedigaethau samplu a phrofi wedi eu cyflawni (erthygl 42). Mae Erthygl 40 yn pennu'r weithdrefn profi cyn symud ar gyfer anifeiliaid mewn buches sydd â statws BVD ar y cyd nad yw'n negatif, ac mae erthygl 41 yn darparu ar gyfer profi ar ôl symud anifeiliaid o'r tu allan i Gymru a symudir i ddaliad yng Nghymru. Mae erthygl 43 yn darparu ar gyfer gwahanu oddi wrth weddill y fuches anifeiliaid â statws BVD unigol o haint parhaus.

Mae Rhan 7 o'r Gorchymyn hwn yn cynnwys darpariaethau gorfodi. Mae erthyglau 45, 46 a 47 yn darparu ar gyfer gorfodi, pwerau mynediad a phwerau arolygwyr. Mae erthygl 48 yn darparu ar gyfer troseddau gan gyrff corfforedig.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. 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 Gorchymyn hwn.

Part 4 of this Order provides for the BVD status of individual bovine animals (article 19) and herds (article 20). An approved veterinary surgeon may change the individual status of an animal (article 21) or the collective status of a herd (article 22), and must notify such a change to the keeper and the Welsh Ministers (article 23).

Part 5 of this Order provides for the screening of bovine herds and individual animals to determine the presence of BVD. A keeper must arrange for the sampling of a herd for BVD in accordance with articles 25 and 26. Subject to the test results of this sample (articles 27 and 28), further testing of individual animals, including calves, must be carried out (articles 29 to 37).

Part 6 of this Order provides for movement restrictions for bovine herds with a collective BVD status of not negative (article 38), for animals with an individual BVD status of positive (article 39), or where sampling and testing obligations have not been met (article 42). Article 40 specifies the pre-movement testing procedure for animals in a herd which has a collective BVD status of not negative, and article 41 provides for post-movement testing of animals from outside of Wales which are moved onto a holding in Wales. Article 43 provides for the separation of animals with an individual BVD status of persistently infected from the rest of the herd.

Part 7 of this Order contains enforcement provisions. Articles 45, 46 and 47 provide for enforcement, powers of entry and powers of inspectors. Article 48 provides for offences by bodies corporate.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. 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 this Order.

2024 Rhif 753 (Cy. 105)

ANIFEILIAID, CYMRU

IECHYD ANIFEILIAID

Gorchymyn Dolur Rhydd Feirysol Buchol (Cymru) 2024

Gwnaed *11 Mehefin 2024*

Yn dod i rym yn unol ag erthygl 1(3) a (4)

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2024 No. 753 (W. 105)

ANIMALS, WALES

ANIMAL HEALTH

The Bovine Viral Diarrhoea (Wales) Order 2024

Made *11 June 2024*

Coming into force in accordance with article 1(3) and (4)

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RHAN 1

Rhagarweiniol

Enwi, cymhwyso a dod i rym

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Dolur Rhydd Feirysol Buchol (Cymru) 2024.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(3) Daw'r erthygl hon ac erthyglau 2 i 34 ac erthyglau 42 i 48 i rym ar 1 Gorffennaf 2024.

(**1**) 1981 p. 22. Mae swyddogaethau "the Ministers" o dan Ddeddf Iechyd Anifeiliaid 1981 (fel y'u diffinnir yn adran 86(1) o'r Ddeddf honno) yn arferadwy gan Weinidogion Cymru (o ran Cymru) yn rhinwedd Gorchmynion Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 a 2004 (O.S. 1999/672 ac O.S. 2004/3044) ac adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

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The Welsh Ministers, in exercise of the powers conferred by sections 1, 8(1), 15(4), 25, 83(2) and 88(2) of the Animal Health Act 1981(**1**), make the following Order.

PART 1

Preliminary

Title, application and coming into force

1.—(1) The title of this Order is the Bovine Viral Diarrhoea (Wales) Order 2024.

(2) This Order applies in relation to Wales.

(3) This article and articles 2 to 34 and articles 42 to 48 come into force on 1 July 2024.

(**1**) 1981 c. 22. Functions of "the Ministers" under the Animal Health Act 1981 (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 (Transfer of Functions) Orders 1999 and 2004 (S.I. 1999/672 and S.I. 2004/3044) and section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(4) Daw erthyglau 35 i 41 i rym ar 1 Gorffennaf 2025.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "anifail buchol" ("*bovine animal*") yw anifail domestig o'r genws Bos neu'r rhywogaeth Bubalus bubalis neu Bison bison;

mae i "arolygydd" yr un ystyr ag "inspector" yn adran 89 o'r Ddeddf;

mae i "arolygydd milfeddygol" yr un ystyr â "veterinary inspector" yn adran 89 o'r Ddeddf;

ystyr "buches" ("*bovine herd*") yw grŵp o ddau anifail buchol neu ragor;

ystyr "BVD" ("*BVD*") yw dolur rhydd feirysol buchol;

ystyr "ceidwad" ("*keeper*") yw'r person sydd â gofal o ddydd i ddydd am anifail buchol, ac mae'r person hwnnw'n parhau i fod y ceidwad pan roddir yr anifail o dan reolaeth person arall dros dro (gan gynnwys pan y'i rhoddir o dan reolaeth cludwr);

ystyr "daliad" ("*holding*") yw daliad neu ran o ddaliad y mae rhif CPH wedi ei roi iddo;

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul nac yn ddiwrnod a bennir fel gŵyl banc ym mharagraff 1 o Atodlen 1 i Ddeddf Bancio a Thrafodion Ariannol 1971(**1**);

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

ystyr "feirws BVD" ("*BVDV*") yw feirws BVD;

ystyr "labordy cymeradwy" ("*approved laboratory*") yw labordy a gymeradwyir gan Weinidogion Cymru yn unol ag erthygl 8;

ystyr "llo" ("*calf*") yw anifail buchol 18 mis oed neu'n iau;

ystyr "mangre" ("*premises*") yw unrhyw dir, unrhyw adeilad neu unrhyw gerbyd, o unrhyw ddisgrifiad;

ystyr "milfeddyg cymeradwy" ("*approved veterinary surgeon*") yw milfeddyg a gymeradwyir gan Weinidogion Cymru yn unol ag erthygl 7;

ystyr "rhif CPH" ("*CPH number*") yw rhif y daliad ym mhlwyf y sir, a roddir i ddaliad neu ran o ddaliad gan Weinidogion Cymru;

ystyr "rhif tag clust swyddogol" ("*official ear tag number*") yw'r rhif sydd wedi ei argraffu ar dag clust swyddogol;

(4) Articles 35 to 41 come into force on 1 July 2025.

Interpretation

2. In this Order—

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

"approved laboratory" ("*labordy cymeradwy*") means a laboratory approved by the Welsh Ministers in accordance with article 8;

"approved veterinary surgeon" ("*milfeddyg cymeradwy*") means a veterinary surgeon approved by the Welsh Ministers in accordance with article 7;

"bovine animal" ("*anifail buchol*") means a domestic animal of the genus Bos or the species Bubalus bubalis or Bison bison;

"bovine herd" ("*buches*") means a group of two or more bovine animals;

"BVD" ("*BVD*") means bovine viral diarrhoea;

"BVDV" ("*feirws BVD*") means BVD virus;

"calf" ("*llo*") means a bovine animal aged 18 months or less;

"collective BVD status" ("*statws BVD ar y cyd*") means the BVD status of a bovine herd as determined in accordance with article 20;

"CPH number" ("*rhif CPH*") means the county parish holding number assigned to a holding or part of a holding by the Welsh Ministers;

"holding" ("*daliad*") means a holding or part of a holding to which a CPH number has been assigned;

"individual BVD status" ("*statws BVD unigol*") means the BVD status of an individual bovine animal as determined in accordance with article 19;

"inspector" ("*arolygydd*") has the same meaning as in section 89 of the Act;

"keeper" ("*ceidwad*") means the person who is in day-to-day charge of a bovine animal, and that person remains the keeper where the animal is placed temporarily in the control of another person (including where it is placed in the control of a transporter);

"management tag" ("*tag rheoli*") means an ear tag, other than an official ear tag, which is suitable to be applied to a bovine animal for the purpose of taking a sample of tissue;

(**1**) 1971 p. 80.

ystyr "statws BVD ar y cyd" ("*collective BVD status*") yw statws BVD buches fel y'i penderfynir yn unol ag erthygl 20;

ystyr "statws BVD unigol" ("*individual BVD status*") yw statws BVD anifail buchol unigol fel y'i penderfynir yn unol ag erthygl 19;

ystyr "tag clust swyddogol" ("*official ear tag*") yw tag clust a osodir o dan Reoliadau Adnabod Gwartheg (Cymru) 2007(**1**);

ystyr "tag rheoli" ("*management tag*") yw tag clust, ac eithrio tag clust swyddogol, sy'n addas i'w osod ar anifail buchol at ddiben cymryd sampl o feinwe.

"official ear tag" ("*tag clust swyddogol*") means an ear tag applied under the Cattle Identification (Wales) Regulations 2007(**1**);

"official ear tag number" ("*rhif tag clust swyddogol*") means the number which is printed on an official ear tag;

"premises" ("*mangre*") means any land, building or vehicle, of any description;

"veterinary inspector" ("*arolygydd milfeddygol*") has the same meaning as in section 89 of the Act;

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday or a day specified as a bank holiday in paragraph 1 of Schedule 1 of the Banking and Financial Dealings Act 1971(**2**).

Estyn y diffiniad o "disease"

3. Mae'r diffiniad o "disease" yn adran 88(1) o'r Ddeddf wedi ei estyn i gynnwys BVD.

Extension of the definition of "disease"

3. The definition of "disease" in section 88(1) of the Act is extended to include BVD.

Hysbysiadau ac offerynnau eraill

4.—(1) O ran unrhyw hysbysiad, unrhyw drwydded neu unrhyw gymeradwyaeth a roddir gan Weinidogion Cymru neu arolygydd o dan y Gorchymyn hwn—

(a) rhaid ei roi neu ei rhoi mewn ysgrifen,

(b) caiff fod yn ddarostyngedig i amodau, ac

(c) oni phennir fel arall, caniateir ei ddiwygio neu ei diwygio, ei atal dros dro neu ei hatal dros dro neu ei ddirymu neu ei dirymu mewn ysgrifen ar unrhyw adeg.

(2) Pan fo unrhyw beth o dan y Gorchymyn hwn i'w wneud mewn ysgrifen, mae hynny'n cynnwys cyfathrebiad electronig fel y diffinnir "electronic communication" yn adran 15(1) o Ddeddf Cyfathrebiadau Electronig 2000(**2**), sydd wedi ei recordio ac yn gallu cael ei atgynhyrchu o ganlyniad i hynny.

(3) Rhaid i unrhyw berson sy'n symud anifail buchol o dan awdurdod trwydded a roddwyd o dan y Gorchymyn hwn—

(a) cadw'r drwydded neu gopi ohoni gydag ef bob amser yn ystod y symudiad,

(b) dangos y drwydded neu gopi ohoni pan fydd arolygydd milfeddygol, arolygydd neu un o swyddogion Llywodraeth Cymru yn gofyn amdani neu amdano, a chaniatáu cymryd copi ohoni neu ohono, ac

(c) cadw'r drwydded neu gopi ohoni am y cyfnod o 6 mis ar ôl i'r symudiad gael ei gwblhau.

Notices and other instruments

4.—(1) Any notice, licence or approval given by the Welsh Ministers or an inspector under this Order—

(a) must be given in writing,

(b) may be made subject to conditions, and

(c) unless otherwise specified, may be amended, suspended or revoked in writing at any time.

(2) Where anything under this Order is to be done in writing, that includes an electronic communication as defined in section 15(1) of the Electronic Communications Act 2000(**3**), which has been recorded and is consequently capable of being reproduced.

(3) Any person moving a bovine animal under the authority of a licence granted under this Order must—

(a) keep the licence or a copy on their person at all times during the movement,

(b) produce the licence or a copy when requested by a veterinary inspector, an inspector or an officer of the Welsh Government, and allow a copy to be taken, and

(c) keep the licence or a copy for the period of 6 months after the movement is completed.

(**1**) O.S. 2007/842 (Cy. 74), fel y'i diwygiwyd gan O.S. 2019/92 (Cy. 24).
(**2**) 2000 p. 7. Diwygiwyd gan Ddeddf Cyfathrebiadau 2003 (p. 21).

(**1**) S.I. 2007/842 (W. 74), as amended by S.I. 2019/92 (W. 24).
(**2**) 1971 c. 80.
(**3**) 2000 c. 7. Amended by the Communications Act 2003 (c. 21).

Cydymffurfio â'r Gorchymyn hwn

5.—(1) Caiff y ceidwad presennol ddibynnu ar unrhyw waith samplu a wnaed gan geidwad blaenorol at ddibenion cydymffurfio â rhwymedigaethau ceidwad o dan y Gorchymyn hwn, os yw'r ceidwad presennol yn dewis gwneud hynny, at ddibenion penderfynu cydymffurfedd gan y ceidwad presennol â'r rhwymedigaethau yn y Gorchymyn hwn.

(2) Caiff y ceidwad, os yw'n dewis gwneud hynny, gyflawni unrhyw rwymedigaeth sydd ar geidwad o dan y Gorchymyn hwn i gymryd neu gyflwyno sampl drwy drefnu i berson arall gymryd neu gyflwyno'r sampl ar ei ran.

Costau cydymffurfio

6. Oni bai bod Gweinidogion Cymru yn cyfarwyddo fel arall mewn ysgrifen, rhaid i'r costau y mae unrhyw berson yn mynd iddynt wrth gymryd unrhyw gamau sy'n ofynnol, neu wrth ymatal rhag cymryd camau a waherddir, gan neu o dan y Gorchymyn hwn gael eu talu gan y person hwnnw.

Compliance with this Order

5.—(1) Any sampling by a previous keeper for the purposes of compliance with the obligations of a keeper under this Order may, if the current keeper so elects, be relied upon by the current keeper for the purposes of determining compliance by the current keeper with the obligations in this Order.

(2) Any obligation under this Order on a keeper to take or submit a sample may, if the keeper so elects, be fulfilled by the keeper arranging for another person to take or submit the sample on the keeper's behalf.

Costs of compliance

6. Unless the Welsh Ministers direct otherwise in writing, the costs incurred by any person taking any action required, or in refraining from taking action that is prohibited, by or under this Order must be met by that person.

RHAN 2

Cymeradwyo milfeddygon a labordai

Cymeradwyo milfeddygon

7.—(1) Caiff Gweinidogion Cymru gymeradwyo unrhyw filfeddyg y maent yn ystyried ei fod yn addas at ddibenion cyflawni'r swyddogaethau a roddir i filfeddyg cymeradwy gan y Gorchymyn hwn.

(2) At ddiben penderfynu a ddylid rhoi cymeradwyaeth o dan yr erthygl hon, caiff Gweinidogion Cymru ei gwneud yn ofynnol i filfeddyg gwblhau'r cyfryw hyfforddiant y maent yn ystyried ei fod yn angenrheidiol.

(3) Rhaid i filfeddyg cymeradwy gydymffurfio ag unrhyw un neu ragor o amodau'r gymeradwyaeth.

(4) Caiff Gweinidogion Cymru drwy hysbysiad a roddir i'r milfeddyg atal dros dro neu ddirymu cymeradwyaeth a roddir o dan yr erthygl hon.

(5) Mae atal dros dro gymeradwyaeth o dan yr erthygl hon yn para am y cyfnod hwnnw, neu hyd nes y cymerir y camau hynny, a bennir gan Weinidogion Cymru yn yr hysbysiad.

(6) Caiff milfeddyg cymeradwy drwy hysbysiad a roddir i Weinidogion Cymru nodi nad yw'r milfeddyg yn dymuno bod wedi ei gymeradwyo mwyach, ac os felly mae'r gymeradwyaeth yn peidio â chael effaith ar y dyddiad y daw'r hysbysiad hwnnw i law Gweinidogion Cymru.

PART 2

Approval of veterinary surgeons and laboratories

Approval of veterinary surgeons

7.—(1) The Welsh Ministers may approve any veterinary surgeon whom they consider to be suitable for the purposes of carrying out the functions conferred on an approved veterinary surgeon by this Order.

(2) For the purpose of deciding whether to grant an approval under this article, the Welsh Ministers may require a veterinary surgeon to complete such training as they consider necessary.

(3) An approved veterinary surgeon must comply with any condition of the approval.

(4) The Welsh Ministers may by notice given to the veterinary surgeon suspend or revoke an approval granted under this article.

(5) Suspension of an approval under this article lasts for such period, or until such steps are taken, as the Welsh Ministers specify in the notice.

(6) An approved veterinary surgeon may by notice given to the Welsh Ministers indicate that the veterinary surgeon no longer wishes to be approved, in which case the approval ceases to have effect on the date on which the Welsh Ministers receive that notice.

Cymeradwyo labordai

8.—(1) Caiff Gweinidogion Cymru gymeradwyo unrhyw labordy y maent yn ystyried ei fod yn addas at ddiben profi samplau a gyflwynir o dan y Gorchymyn hwn.

(2) At ddiben penderfynu a ddylid rhoi cymeradwyaeth o dan yr erthygl hon, caiff Gweinidogion Cymru ei gwneud yn ofynnol i weithredwr labordy drefnu neu ganiatáu'r arolygiadau hynny a'r profion sicrhau ansawdd hynny y mae Gweinidogion Cymru yn ystyried eu bod yn angenrheidiol.

(3) Rhaid i weithredwr labordy cymeradwy gydymffurfio ag unrhyw un neu ragor o amodau'r gymeradwyaeth.

Cadw cofnodion a datgelu gan labordai cymeradwy

9.—(1) Rhaid i weithredwr labordy cymeradwy gadw cofnod o unrhyw brawf a gynhelir o dan y Gorchymyn hwn am 3 blynedd o ddyddiad pob prawf.

(2) Rhaid i weithredwr y labordy cymeradwy ddarparu copi o unrhyw gofnodion prawf i Weinidogion Cymru ar gais.

Atal dros dro a dirymu cymeradwyaeth labordai

10.—(1) Caiff Gweinidogion Cymru drwy hysbysiad a roddir i weithredwr labordy cymeradwy atal dros dro neu ddirymu cymeradwyaeth a roddir o dan erthygl 8—

(a) os ydynt yn ystyried nad yw'r labordy cymeradwy yn addas mwyach at ddiben profi samplau a gyflwynir iddo o dan y Gorchymyn hwn, neu

(b) os oes ganddynt reswm i gredu na chydymffurfiwyd, neu na chydymffurfir, ag unrhyw un neu ragor o amodau'r gymeradwyaeth.

(2) At ddiben penderfynu a ddylid atal dros dro neu ddirymu cymeradwyaeth, caiff Gweinidogion Cymru ei gwneud yn ofynnol i weithredwr y labordy drefnu neu ganiatáu'r arolygiadau hynny a'r profion sicrhau ansawdd hynny y mae Gweinidogion Cymru yn ystyried eu bod yn angenrheidiol.

(3) Mae atal dros dro gymeradwyaeth yn para am y cyfnod hwnnw a bennir gan Weinidogion Cymru wrth atal dros dro y gymeradwyaeth.

(4) Caiff gweithredwr labordy cymeradwy drwy hysbysiad a roddir i Weinidogion Cymru nodi nad yw'r gweithredwr yn dymuno i'r labordy fod wedi ei gymeradwyo mwyach, ac os felly mae'r gymeradwyaeth yn peidio â chael effaith ar y dyddiad daw'r hysbysiad hwnnw i law Gweinidogion Cymru.

Approval of laboratories

8.—(1) The Welsh Ministers may approve any laboratory that they consider to be suitable for the purpose of testing samples submitted under this Order.

(2) For the purpose of deciding whether to grant an approval under this article, the Welsh Ministers may require the operator of a laboratory to arrange or permit such inspections and quality assurance testing as the Welsh Ministers consider necessary.

(3) The operator of an approved laboratory must comply with any conditions of the approval.

Record keeping and disclosure by approved laboratories

9.—(1) The operator of an approved laboratory must maintain a record of any test carried out under this Order for 3 years from the date of each test.

(2) The operator of the approved laboratory must provide the Welsh Ministers with a copy of any test records on request.

Suspension and revocation of approval of laboratories

10.—(1) The Welsh Ministers may by notice given to the operator of an approved laboratory suspend or revoke an approval granted under article 8 if—

(a) they consider that the approved laboratory is no longer suitable for the purpose of carrying out testing of samples submitted to it under this Order, or

(b) they have reason to believe that any conditions of approval have not been, or are not being, complied with.

(2) For the purpose of deciding whether to suspend or revoke an approval, the Welsh Ministers may require the operator of the laboratory to arrange or permit such inspections and quality assurance testing as the Welsh Ministers consider necessary.

(3) Suspension of an approval lasts for such period as the Welsh Ministers specify when suspending the approval.

(4) The operator of an approved laboratory may by notice given to the Welsh Ministers indicate that the operator no longer wishes the laboratory to be approved, in which case the approval ceases to have effect on the date on which the Welsh Ministers receive that notice.

RHAN 3

Gofynion samplu a hysbysu

Samplu wedi ei gyfyngu i filfeddygon cymeradwy

11.—(1) Ni chaiff ceidwad gymryd (na threfnu cymryd) sampl y cyfeirir ati ym mharagraff (2) oni chymerir y sampl gan filfeddyg cymeradwy, neu o dan oruchwyliaeth milfeddyg cymeradwy.

(2) Y samplau y cyfeirir atynt yn y paragraff hwn yw—

(a) sampl o waed o unrhyw anifail buchol, neu

(b) unrhyw sampl o anifail buchol pan fo gan yr anifail hwnnw statws BVD unigol positif.

Cyflwyno samplau i'w profi

12. Rhaid i samplau a gymerir o anifail buchol i'w profi o dan y Gorchymyn hwn—

(a) cael eu cyflwyno i labordy cymeradwy,

(b) cael eu cyflwyno yn unol â'r gofynion hynny o ran storio, trin ac amseru y nodir eu bod yn angenrheidiol ar gyfer profi'r sampl yn effeithiol gan weithredwr y labordy y mae'r sampl i'w chyflwyno iddo neu, yn ôl y digwydd, y cyfarwyddiadau sy'n dod gyda'r cyfarpar a ddefnyddir i gymryd y sampl, a

(c) dod gyda hysbysiad sy'n cynnwys yr wybodaeth a ganlyn—

(i) enw a chyfeiriad y ceidwad,

(ii) disgrifiad o'r sampl,

(iii) y dyddiad y cymerwyd y sampl,

(iv) y rhif CPH ar gyfer y daliad yr oedd y fuches yn cael ei chadw neu'r anifail yn cael ei gadw arno ar yr adeg y cymerwyd y sampl,

(v) manylion cyswllt y milfeddyg, a

(vi) unrhyw wybodaeth arall y gofynnir amdani'n rhesymol gan weithredwr y labordy.

Samplau tag clust o feinwe

13.—(1) Yn ddarostyngedig i baragraffau (3) a (4), mae sampl tag clust o feinwe wedi ei chymryd yn unol â'r erthygl hon os caiff ei thynnu o'r anifail buchol o dag clust swyddogol neu dag rheoli ac os yw'r amodau ym mharagraff (2) wedi eu bodloni.

PART 3

Sampling and notification requirements

Sampling restricted to approved veterinary surgeons

11.—(1) A keeper may not take (or arrange to have taken) a sample referred to in paragraph (2) unless the sample is taken by, or under the supervision of, an approved veterinary surgeon.

(2) The samples referred to in this paragraph are—

(a) a sample of blood from any bovine animal, or

(b) any sample from a bovine animal where that animal has an individual BVD status of positive.

Submission of samples for testing

12. Samples taken from a bovine animal for testing under this Order must be—

(a) submitted to an approved laboratory,

(b) submitted in accordance with such requirements as to storage, handling and timing as are indicated to be necessary for the effective testing of the sample by the operator of the laboratory to which the sample is to be submitted or, as the case may be, the instructions accompanying the equipment used to take the sample, and

(c) accompanied by a notice containing the following information—

(i) the keeper's name and address,

(ii) a description of the sample,

(iii) the date the sample was taken,

(iv) the CPH number for the holding on which the herd or animal was kept at the time the sample was taken,

(v) the contact details of the veterinary surgeon, and

(vi) any other information reasonably requested by the operator of the laboratory.

Ear tag samples of tissue

13.—(1) Subject to paragraphs (3) and (4), an ear tag sample of tissue is taken in accordance with this article if it is extracted from the bovine animal from an official ear tag or a management tag and the conditions in paragraph (2) are met.

(2) Yr amodau yw—

(a) rhaid i'r llestr a ddefnyddir i gasglu'r sampl fod â rhif adnabod wedi ei argraffu arno ymlaen llaw sydd yn union yr un fath â'r rhif tag clust swyddogol neu'r rhif ar y tag rheoli (yn ôl y digwydd), a

(b) rhoddir hysbysiad o'r rhif adnabod ynghyd â rhif tag clust yr anifail pan gyflwynir y sampl.

(3) Ni chaiff y ceidwad gymryd, na threfnu cymryd, sampl tag clust o feinwe o unrhyw anifail buchol y casglwyd sampl ohono yn flaenorol o dag rheoli at ddiben ei chyflwyno ar gyfer samplu o dan y Gorchymyn hwn.

(4) Pan gymerir sampl o feinwe o lo, rhaid cymryd y sampl o dag clust swyddogol oni bai—

(a) bod sampl o feinwe wedi ei chymryd o'r llo yn flaenorol o dag clust swyddogol, ac os felly rhaid cymryd y sampl o dag rheoli, neu

(b) bod y llo wedi marw cyn cymryd y sampl, ac os felly caniateir cymryd y sampl o dag clust swyddogol neu dag rheoli.

(5) At ddibenion yr erthygl hon, mae "casglwyd" yn cynnwys unrhyw ymgais i gasglu sampl.

Tynnu ymaith dagiau rheoli

14.—(1) Rhaid i'r ceidwad dynnu ymaith dag rheoli sydd wedi ei osod ar anifail buchol pan fo'r wybodaeth ar y tag wedi mynd yn annarllenadwy.

(2) Ni chaiff y ceidwad dynnu ymaith dag rheoli at unrhyw ddiben arall ac eithrio—

(a) gyda chymeradwyaeth Gweinidogion Cymru, neu

(b) pan fo angen ei dynnu ymaith er mwyn diogelu lles yr anifail.

Amnewid tagiau rheoli

15.—(1) Mae'r erthygl hon yn gymwys pan fo tag rheoli—

(a) wedi ei dynnu ymaith yn unol ag erthygl 14, neu

(b) wedi datgysylltu fel arall oddi wrth yr anifail.

(2) Pan fo'r erthygl hon yn gymwys, rhaid i'r ceidwad osod tag amnewid ar yr anifail sy'n cydymffurfio â'r amodau ym mharagraff (3).

(3) Yr amodau yw—

(a) bod rhaid i'r tag amnewid ddwyn yr un rhif adnabod â'r tag rheoli, a

(b) ni chaiff y tag amnewid fod yn dag rheoli.

(2) The conditions are—

(a) the vessel used to collect the sample must have a pre-printed identification number which is identical to the official ear tag number or the number on the management tag (as the case may be), and

(b) the identification number is notified along with the animal's ear tag number when the sample is submitted.

(3) The keeper must not take, or arrange to have taken, an ear tag sample of tissue from any bovine animal from which a sample has previously been collected from a management tag for the purpose of submitting for sampling under this Order.

(4) Where a sample of tissue is taken from a calf, the sample must be taken from an official ear tag unless—

(a) a sample of tissue has previously been taken from the calf from an official ear tag, in which case the sample must be taken from a management tag, or

(b) the calf has died before the sample is taken, in which case the sample may be taken from an official ear tag or management tag.

(5) For the purposes of this article, "collected" includes any attempt to collect a sample.

Removal of management tags

14.—(1) The keeper must remove a management tag which has been applied to a bovine animal where the information on the tag has become illegible.

(2) The keeper must not remove a management tag for any other purpose except—

(a) with the approval of the Welsh Ministers, or

(b) where the removal is necessary to safeguard the welfare of the animal.

Replacement of management tags

15.—(1) This article applies where a management tag—

(a) has been removed in accordance with article 14, or

(b) has otherwise become detached from the animal.

(2) Where this article applies, the keeper must apply to the animal a replacement tag that complies with the conditions in paragraph (3).

(3) The conditions are that the replacement tag—

(a) must bear the same identification number as the management tag, and

(b) must not be a management tag.

(4) Rhaid gosod y tag amnewid o fewn 28 o ddiwrnodau (neu unrhyw gyfnod hwy a gymeradwyir gan Weinidogion Cymru yn yr amgylchiadau) i'r ceidwad ddod yn ymwybodol—

(a) ei bod yn ofynnol tynnu ymaith y tag o dan erthygl 14(1) neu 14(2)(b),

(b) bod Gweinidogion Cymru wedi cymeradwyo tynnu ymaith y tag yn unol ag erthygl 14(2)(a), neu

(c) bod y tag wedi datgysylltu fel arall oddi wrth yr anifail.

(5) Mae'r erthygl hon yn gymwys yn yr un modd i dynnu ymaith ac amnewid unrhyw dag amnewid a osodir yn unol â'r erthygl hon.

Gofynion hysbysu gan weithredwr labordy cymeradwy

16. Rhaid i weithredwr labordy cymeradwy hysbysu'r ceidwad, Gweinidogion Cymru a'r milfeddyg am ganlyniad prawf o dan erthyglau 28, 31, 34, 37, 40 ac 41 o fewn 5 diwrnod gwaith i ddyddiad y prawf a rhaid cynnwys manylion am—

(a) enw a chyfeiriad y ceidwad,

(b) y disgrifiad o'r sampl,

(c) y dyddiad y cymerwyd y sampl,

(d) y dyddiad y profwyd y sampl,

(e) rhif CPH y daliad yr oedd y fuches yn cael ei chadw neu'r anifail yn cael ei gadw arno ar yr adeg y cymerwyd y sampl neu'r samplau, a

(f) pan fo tag clust wedi ei osod, y rhif tag clust swyddogol o'r tag clust swyddogol.

Hysbysu ceidwaid eraill am BVD ar ddaliad

17.—(1) Mae'r erthygl hon yn gymwys—

(a) pan fo anifail buchol â statws BVD unigol positif yn bresennol ar ddaliad, a

(b) pan fo anifail buchol sy'n perthyn i geidwad arall (yn yr erthygl hon "y ceidwad arall") yn cael ei gadw ar yr un daliad.

(2) Rhaid i'r ceidwad roi hysbysiad i'r ceidwad arall fod anifail buchol â statws BVD unigol positif ar y daliad.

(3) Rhaid rhoi hysbysiad o dan baragraff (2) o fewn 5 diwrnod i'r diweddaraf o'r canlynol—

(a) y dyddiad y mae'r ceidwad yn gwybod (neu y dylai'n rhesymol fod wedi gwybod) fod gan yr anifail statws BVD unigol positif, neu

(b) y dyddiad y mae'r ceidwad arall yn symud anifail buchol i'r daliad.

(4) The replacement tag must be applied within 28 days (or such longer period as the Welsh Ministers approve in the circumstances) of the keeper becoming aware—

(a) that the tag is required to be removed under article 14(1) or 14(2)(b),

(b) that the Welsh Ministers have approved the removal of the tag in accordance with article 14(2)(a), or

(c) that the tag has been otherwise detached from the animal.

(5) This article applies in the same way to the removal and replacement of any replacement tag applied in accordance with this article.

Notification requirements by the operator of an approved laboratory

16. Notification of a test result by the operator of an approved laboratory to the keeper, the Welsh Ministers and the veterinary surgeon under articles 28, 31, 34, 37, 40 and 41 must made be within 5 working days of the date of the test and include details of—

(a) the keeper's name and address,

(b) the description of the sample,

(c) the date the sample was taken,

(d) the date the sample was tested,

(e) the CPH number of the holding on which the herd or animal was kept at the time the sample was, or the samples were, taken, and

(f) where applied, the official ear tag number from the official ear tag.

Notification of BVD on a holding to other keepers

17.—(1) This article applies where—

(a) there is a bovine animal with an individual BVD status of positive present on a holding, and

(b) there is a bovine animal belonging to another keeper (in this article "the other keeper") kept on the same holding.

(2) The keeper must give notice to the other keeper that there is a bovine animal with an individual BVD status of positive on the holding.

(3) A notice under paragraph (2) must be given within 5 days of the later of—

(a) the date that the keeper knows (or ought reasonably to have known) that the animal has an individual BVD status of positive, or

(b) the date that the other keeper moves a bovine animal onto the holding.

(4) Pan fo statws BVD unigol yr anifail yn cael ei newid, rhaid i'r ceidwad, o fewn 5 diwrnod i gael hysbysiad gan labordy cymeradwy o newid y statws unigol (neu i ddod yn ymwybodol fel arall o'r newid), roi hysbysiad i'r ceidwad arall o'r newid.

Adrodd ar brofion am bresenoldeb feirws BVD ac eithrio o dan y Gorchymyn hwn

18.—(1) Mae'r erthygl hon yn gymwys, ac eithrio at ddibenion y Gorchymyn hwn, pan fo labordy (gan gynnwys labordy cymeradwy) yn profi am dystiolaeth o gysylltiad â feirws BVD, neu am bresenoldeb feirws BVD, mewn sampl (o unrhyw ddisgrifiad) a gymerwyd o anifail buchol.

(2) Rhaid i weithredwr y labordy drwy hysbysiad roi gwybod i Weinidogion Cymru a'r ceidwad, o fewn 5 diwrnod gwaith i brofi'r sampl, am—

(a) disgrifiad o'r sampl,

(b) y dyddiad y profwyd y sampl,

(c) canlyniad y prawf, gan nodi'n glir—

(i) pa un a yw'r sampl yn dangos tystiolaeth o gysylltiad â feirws BVD ai peidio, neu,

(ii) pa un a yw feirws BVD yn bresennol yn y sampl ai peidio, ac

(d) i'r graddau y mae'r gweithredwr yn gwybod—

(i) y rhif tag clust swyddogol,

(ii) enw a chyfeiriad y ceidwad,

(iii) y rhif CPH ar gyfer y daliad yr oedd yr anifail yn cael ei gadw arno ar yr adeg y cymerwyd y sampl, a

(iv) y dyddiad y cymerwyd y sampl.

(4) Where the individual BVD status of the animal is changed, the keeper must, within 5 days of receiving notice from an approved laboratory of the change of individual status (or of otherwise becoming aware of the change), give the other keeper notice of the change.

Reporting of tests for presence of BVDV other than under this Order

18.—(1) This article applies where, other than for the purposes of this Order, a laboratory (including an approved laboratory) tests for evidence of exposure to BVDV, or for the presence of BVDV, in a sample (of any description) taken from a bovine animal.

(2) The operator of the laboratory must by notice inform the Welsh Ministers and the keeper, within 5 working days of testing the sample, of—

(a) a description of the sample,

(b) the date the sample was tested,

(c) the result of the test, clearly indicating—

(i) whether or not the sample shows evidence of exposure to BVDV, or,

(ii) whether or not BVDV is present in the sample, and

(d) in so far as known by the operator—

(i) the official ear tag number,

(ii) the keeper's name and address,

(iii) the CPH number for the holding on which the animal was kept at the time the sample was taken, and

(iv) the date the sample was taken.

RHAN 4

Statws BVD

PART 4

BVD Status

Statws BVD unigol anifeiliaid

19.—(1) At ddibenion y Gorchymyn hwn, mae gan anifail buchol neu lo naill ai—

(a) statws BVD unigol positif,

(b) statws BVD unigol o haint parhaus,

(c) statws BVD unigol negatif, neu

(d) dim statws BVD unigol.

Individual BVD status of animals

19.—(1) For the purposes of this Order, a bovine animal or calf has either—

(a) an individual BVD status of positive,

(b) an individual BVD status of persistently infected,

(c) an individual BVD status of negative, or

(d) no individual BVD status.

(2) Yn ddarostyngedig i erthygl 21, mae gan anifail buchol statws BVD unigol positif os yw gweithredwr labordy cymeradwy drwy hysbysiad wedi rhoi gwybod i Weinidogion Cymru fod gan yr anifail statws BVD unigol positif o dan erthyglau 31(1)(b)(i), 40(5)(b), 41(4)(b) neu, yn achos llo, erthygl 37(b).

(3) Mae gan anifail buchol statws BVD unigol o haint parhaus os yw gweithredwr labordy cymeradwy drwy hysbysiad wedi rhoi gwybod i Weinidogion Cymru fod gan yr anifail statws BVD unigol o haint parhaus o dan erthygl 34(b)(i).

(4) Mae gan anifail buchol statws BVD unigol negatif os yw gweithredwr labordy cymeradwy drwy hysbysiad wedi rhoi gwybod i Weinidogion Cymru fod gan yr anifail statws BVD unigol negatif o dan erthyglau 31(1)(a)(i), 34(a)(i), 40(5)(a), 41(4)(a) neu, yn achos llo, erthygl 37(a).

(5) Nid oes gan anifail buchol statws BVD unigol ym mhob achos arall.

Statws BVD ar y cyd buchesi

20.—(1) At ddibenion y Gorchymyn hwn, mae gan fuches naill ai—

(a) statws BVD ar y cyd nad yw'n negatif,

(b) statws BVD ar y cyd negatif, neu

(c) dim statws BVD ar y cyd.

(2) Yn ddarostyngedig i erthygl 22, mae gan fuches statws BVD ar y cyd nad yw'n negatif—

(a) ar unrhyw adeg pan fo paragraff (4) yn gymwys i'r fuches, neu

(b) pan fo gweithredwr labordy cymeradwy drwy hysbysiad o dan erthyglau 28(b), 31(1)(b)(ii) neu 34(b)(ii) wedi rhoi gwybod i Weinidogion Cymru fod gan y fuches statws BVD ar y cyd nad yw'n negatif.

(3) Mae gan fuches statws BVD ar y cyd negatif—

(a) ar unrhyw adeg pan na fo paragraff (4) yn gymwys i'r fuches, a

(b) pan fo gweithredwr labordy cymeradwy drwy hysbysiad o dan erthyglau 28(a), 31(1)(a)(ii) neu 34(a)(ii) wedi rhoi gwybod i Weinidogion Cymru fod gan y fuches statws BVD ar y cyd negatif.

(4) Mae'r erthygl hon yn gymwys—

(a) pan fo'r fuches yn cynnwys anifail buchol sydd â statws BVD unigol positif,

(b) pan fo'r fuches yn cynnwys anifail buchol sydd â statws BVD unigol o haint parhaus, neu

(2) Subject to article 21, a bovine animal has an individual BVD status of positive if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of positive under articles 31(1)(b)(i), 40(5)(b), 41(4)(b) or, in the case of a calf, article 37(b).

(3) A bovine animal has an individual BVD status of persistently infected if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of persistently infected under article 34(b)(i).

(4) A bovine animal has an individual BVD status of negative if the operator of an approved laboratory has by notice informed the Welsh Ministers that the animal has an individual BVD status of negative under articles 31(1)(a)(i), 34(a)(i), 40(5)(a), 41(4)(a) or, in the case of a calf, article 37(a).

(5) A bovine animal has no individual BVD status in all other cases.

Collective BVD status of herds

20.—(1) For the purposes of this Order, a bovine herd has either—

(a) a collective BVD status of not negative,

(b) a collective BVD status of negative, or

(c) no collective BVD status.

(2) Subject to article 22, a bovine herd has a collective BVD status of not negative—

(a) at any time that paragraph (4) applies to the herd, or

(b) where the operator of an approved laboratory has by notice under articles 28(b), 31(1)(b)(ii) or 34(b)(ii) informed the Welsh Ministers that the herd has a collective BVD status of not negative.

(3) A bovine herd has a collective BVD status of negative—

(a) at any time paragraph (4) does not apply to the herd, and

(b) where the operator of an approved laboratory has by notice under articles 28(a), 31(1)(a)(ii) or 34(a)(ii) informed the Welsh Ministers that the herd has a collective BVD status of negative.

(4) This article applies where—

(a) the herd contains a bovine animal which has an individual BVD status of positive,

(b) the herd contains a bovine animal which has an individual BVD status of persistently infected, or

(c) pan nad yw ceidwad y fuches wedi cydymffurfio ag unrhyw un neu ragor o'r rhwymedigaethau sy'n gymwys i'r fuches yn erthygl 25 (Samplu buchesi yn unol â therfynau amser cydymffurfio).

(5) Nid oes gan y fuches statws BVD ar y cyd ym mhob achos arall.

(6) Yn yr erthygl hon, ystyr unrhyw gyfeiriad at "hysbysiad" yw'r hysbysiad diweddaraf a gyflwynwyd gan weithredwr labordy cymeradwy i Weinidogion Cymru o dan erthyglau 28, 31 neu 34.

Newid statws BVD unigol gan filfeddyg cymeradwy

21. Caiff milfeddyg cymeradwy newid statws BVD unigol anifail buchol o bositif i negatif pan fo'r milfeddyg hwnnw'n ystyried yn rhesymol fod camau pellach wedi eu cymryd neu ymchwiliad pellach wedi ei gynnal sy'n cadarnhau nad yw feirws BVD yn bresennol, neu nad yw'n bresennol mwyach, yn yr anifail hwnnw.

Newid statws BVD ar y cyd gan filfeddyg cymeradwy

22. Caiff milfeddyg cymeradwy newid statws BVD ar y cyd buches o nad yw'n negatif i negatif pan fo'r milfeddyg hwnnw'n ystyried yn rhesymol—

(a) bod camau pellach wedi eu cymryd neu ymchwiliad pellach wedi ei gynnal i gadarnhau presenoldeb feirws BVD mewn unrhyw anifail sy'n ffurfio rhan o'r fuches, a

(b) o ganlyniad i'r camau hynny neu'r ymchwiliad hwnnw, naill ai nad yw presenoldeb feirws BVD wedi ei gadarnhau mewn unrhyw anifail o'r fath neu, mewn achos pan fo presenoldeb feirws BVD wedi ei gadarnhau mewn unrhyw anifail o'r fath, fod yr anifail hwnnw wedi ei dynnu ymaith o'r fuches a, cyn ei dynnu ymaith, y cafodd yr anifail ei ynysu neu y cymerwyd camau priodol eraill er mwyn lleihau'r risg o ledaenu feirws BVD i unrhyw anifail arall yn y fuches.

Hysbysu am newid statws gan filfeddyg cymeradwy

23.—(1) Rhaid i'r milfeddyg cymeradwy drwy hysbysiad roi gwybod i'r ceidwad a Gweinidogion Cymru am unrhyw newid i statws BVD o dan erthyglau 21 neu 22.

(c) the keeper of the bovine herd has not complied with any obligations applicable to the herd in article 25 (Sampling of bovine herds in accordance with compliance deadlines).

(5) The bovine herd has no collective BVD status in all other cases.

(6) In this article, any reference to a "notice" means the most recent notice submitted by the operator of an approved laboratory to the Welsh Ministers under articles 28, 31 or 34.

Change of individual BVD status by an approved veterinary surgeon

21. An approved veterinary surgeon may change the individual BVD status of a bovine animal from positive to negative where that surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in that animal.

Change of collective BVD status by an approved veterinary surgeon

22. An approved veterinary surgeon may change the collective BVD status of a bovine herd from not negative to negative where that surgeon reasonably considers that—

(a) further action or investigation has been carried out to confirm the presence of BVDV in any animal forming part of the herd, and

(b) as a result of such action or investigation, either the presence of BVDV has not been confirmed in any such animal or, in the case where the presence of BVDV has been confirmed in any such animal, that animal has been removed from the herd and, prior to its removal, the animal was isolated or other appropriate steps were taken so as to minimise the risk of spread of BVDV to any other animal in the herd.

Notification of a change of status by an approved veterinary surgeon

23.—(1) The approved veterinary surgeon must by notice inform the keeper and the Welsh Ministers of any change of BVD status under articles 21 or 22.

(2) Rhaid rhoi hysbysiad o dan baragraff (1) o fewn 5 diwrnod i benderfyniad y milfeddyg cymeradwy i newid statws BVD a rhaid iddo gynnwys rhif tag clust swyddogol yr anifail neu'r anifeiliaid y mae'r camau pellach wedi eu cymryd neu'r ymchwiliad pellach wedi ei gynnal neu, yn ôl y digwydd, y profion pellach wedi eu cynnal mewn cysylltiad ag ef neu â hwy.

Cyhoeddi statws

24. Caiff Gweinidogion Cymru gyhoeddi unrhyw wybodaeth ynghylch statws, neu newid statws, fuches neu anifail buchol, ar unrhyw ffurf, y mae Gweinidogion Cymru yn ystyried ei bod yn addas at ddiben helpu personau eraill i ddiogelu rhag lledaeniad BVD.

(2) A notice under paragraph (1) must be given within 5 days of the approved veterinary surgeon's determination of the change of BVD status and must include the official ear tag number of the animal or animals in respect of which the further action or investigation or, as the case may be, further testing, has been carried out.

Publication of status

24. The Welsh Ministers may publish any information regarding the status, or change of status, of a bovine herd or bovine animal, in any form, that the Welsh Ministers see fit for the purpose of helping other persons to protect against the spread of BVD.

RHAN 5

Sgrinio am BVD

Samplu buchesi yn unol â therfynau amser cydymffurfio

25.—(1) Rhaid i geidwad buches, erbyn pob terfyn amser cydymffurfio, drefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd samplau o waed i'w profi am gysylltiad â feirws BVD—

(a) o 5 llo unigol rhwng 9 a 18 mis oed yn y grŵp perthnasol, neu

(b) o 10 llo unigol rhwng 0 a 9 mis oed yn y grŵp perthnasol, neu

(c) os nad oes modd cyrraedd y maint sampl yn (a) neu (b), dylai'r milfeddyg gynghori ar faint samplu priodol o'r ystodau oedran sydd ar gael yn y fuches.

(2) At ddibenion yr erthygl hon, ystyr "grŵp perthnasol" yw grwpiau sy'n cael eu lleoli neu eu rheoli ar wahân o fewn buches ond y mae'r un rhif CPH wedi ei roi iddynt gan Weinidogion Cymru.

(3) Rhaid i'r milfeddyg gyflwyno unrhyw samplau a gymerwyd o dan baragraff (1) i labordy cymeradwy i'w profi.

Pennu terfynau amser cydymffurfio

26.—(1) Mae'r terfyn amser cydymffurfio cyntaf yn syrthio—

(a) ar 30 Mehefin 2025 ar gyfer buches a gedwir ar ddaliad yng Nghymru ar y dyddiad y daw'r Gorchymyn hwn i rym, neu

PART 5

BVD Screening

Sampling of bovine herds in accordance with compliance deadlines

25.—(1) The keeper of a bovine herd must, by each compliance deadline, arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take samples of blood to test for exposure to BVDV—

(a) from 5 individual calves between the age of 9 and 18 months in the relevant group, or

(b) from 10 individual calves between the age of 0 and 9 months in the relevant group, or

(c) if the sample sizes in (a) or (b) cannot be met, the veterinary surgeon should advise on an appropriate sampling size from the available age ranges within the bovine herd.

(2) For the purposes of this article "relevant group" means separately located or managed groups within a herd but which are assigned the same CPH number by the Welsh Ministers.

(3) The veterinary surgeon must submit any samples taken under paragraph (1) to an approved laboratory for testing.

Determining compliance deadlines

26.—(1) The first compliance deadline falls on—

(a) 30 June 2025 for a bovine herd kept on a holding in Wales at the date of the coming into force of this Order, or

(b) pan ddaw i ben y cyfnod o 30 o ddiwrnodau yn olynol y cedwir buches ar ddaliad yng Nghymru am y tro cyntaf.

(2) Mae pob terfyn amser cydymffurfio dilynol yn syrthio ar ddiwrnod olaf y cyfnod o 12 mis ar ôl hysbysu Gweinidogion Cymru am ganlyniadau'r profion o samplau a gymerwyd o dan erthygl 25.

Profi am gysylltiad â feirws BVD

27. Pan ddaw sampl gwaed a gymerwyd o dan erthygl 25 i law, rhaid i weithredwr y labordy cymeradwy—

(a) profi pob un o'r samplau am dystiolaeth o gysylltiad â feirws BVD, a

(b) canfod pa un a yw unrhyw un neu ragor o'r samplau yn dangos tystiolaeth o gysylltiad â feirws BVD ai peidio.

Hysbysu am ganlyniadau profion

28. Ar ôl cwblhau prawf o dan erthygl 27, rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg am bob canlyniad prawf ac—

(a) pan nad yw'r un o'r samplau yn dangos tystiolaeth o gysylltiad â feirws BVD, fod gan y fuches statws BVD ar y cyd negatif, neu

(b) pan fo unrhyw un neu ragor o'r samplau yn dangos tystiolaeth o gysylltiad â feirws BVD, fod gan y fuches statws BVD ar y cyd nad yw'n negatif.

Samplu ychwanegol o anifeiliaid buchol unigol

29.—(1) Mae'r erthygl hon yn gymwys pan fo gan fuches statws BVD ar y cyd nad yw'n negatif yn unol ag erthygl 28(b).

(2) Rhaid i'r ceidwad—

(a) cymryd sampl tag clust o feinwe yn unol ag erthygl 13, neu

(b) trefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd sampl o waed,

o bob anifail yn y fuches i'w phrofi gan labordy cymeradwy.

(3) Nid yw paragraff (2) yn gymwys i unrhyw anifail sydd â statws BVD unigol negatif.

(b) the expiry of the period of 30 consecutive days that a bovine herd is first kept on a holding in Wales.

(2) Each subsequent compliance deadline falls on the final day of the period of 12 months after the results of the tests of samples taken under article 25 are notified to the Welsh Ministers.

Testing for exposure to BVDV

27. Upon receipt of a blood sample taken under article 25, the operator of the approved laboratory must—

(a) test each of the samples for evidence of exposure to BVDV, and

(b) determine whether or not any of the samples show evidence of exposure to BVDV.

Notification of test results

28. Following completion of a test under article 27, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

(a) where none of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of negative, or

(b) where any of the samples show evidence of exposure to BVDV, that the herd has a collective BVD status of not negative.

Additional sampling of individual bovine animals

29.—(1) This article applies where a bovine herd has a collective BVD status of not negative in accordance with article 28(b).

(2) The keeper must—

(a) take an ear tag sample of tissue in accordance with article 13, or

(b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from each animal in the herd for testing by an approved laboratory.

(3) Paragraph (2) does not apply to any animal that has an individual BVD status of negative.

Cyflwyno a phrofi samplau o anifeiliaid buchol unigol

30. Pan ddaw sampl a gymerwyd o dan erthygl 29(2) i law gweithredwr y labordy cymeradwy, rhaid iddo—

(a) profi'r sampl am bresenoldeb feirws BVD, a

(b) canfod pa un a yw feirws BVD yn bresennol yn y sampl ai peidio.

Hysbysu am ganlyniadau profion

31.—(1) Ar ôl cwblhau prawf o dan erthygl 30, rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg am bob canlyniad prawf ac—

(a) pan na fo feirws BVD yn bresennol yn y sampl,

(i) bod gan yr anifail statws BVD unigol negatif, a

(ii) os bydd pob anifail sy'n ffurfio rhan o'r fuches yn dwyn statws BVD unigol negatif, y bydd statws ar y cyd y fuches yn newid i negatif, neu

(b) pan fo feirws BVD yn bresennol yn y sampl—

(i) bod gan yr anifail statws BVD unigol positif, a

(ii) bod gan y fuches y mae'n perthyn iddi statws BVD ar y cyd nad yw'n negatif.

(2) Ym mhob achos arall, nid oes gan yr anifail buchol statws BVD unigol.

Samplu ychwanegol i ganfod haint parhaus â BVD

32.—(1) Mae'r erthygl hon yn gymwys i—

(a) anifail buchol â statws BVD unigol positif yn unol ag erthygl 31(1)(b)(i) neu erthygl 40(5)(b), a

(b) llo â statws BVD unigol positif yn unol ag erthygl 37(b).

(2) O leiaf 21 o ddiwrnodau ar ôl i sampl gael ei chymryd o dan erthyglau 29(2), 35(2) neu 40(2), rhaid i'r ceidwad drefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd o'r anifail—

(a) sampl tag clust o feinwe, neu

(b) sampl o waed,

i'w phrofi gan labordy cymeradwy.

Submission and testing of samples from individual bovine animals

30. On receipt of a sample taken under article 29(2), the operator of the approved laboratory must—

(a) test the sample for the presence of BVDV, and

(b) determine whether or not BVDV is present in the sample.

Notification of test results

31.—(1) Following completion of a test under article 30, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

(a) where BVDV is not present in the sample,

(i) that the animal has an individual BVD status of negative, and

(ii) if each animal forming part of the herd returns an individual BVD status of negative, that the collective status of the herd will change to negative, or

(b) where BVDV is present in the sample—

(i) that the animal has an individual BVD status of positive, and

(ii) that the herd to which it belongs has a collective BVD status of not negative.

(2) In all other cases, the bovine animal has no individual BVD status.

Additional sampling to determine persistent infection with BVD

32.—(1) This article applies to—

(a) a bovine animal with an individual BVD status of positive pursuant to article 31(1)(b)(i) or article 40(5)(b), and

(b) a calf with an individual BVD status of positive pursuant to article 37(b).

(2) At least 21 days after a sample has been taken under articles 29(2), 35(2) or 40(2), the keeper must arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take from the animal—

(a) an ear tag sample of tissue, or

(b) a sample of blood,

for testing by an approved laboratory.

Cyflwyno a phrofi samplau i ganfod haint parhaus â BVD

33. Pan ddaw sampl a gymerwyd o dan erthygl 32(2) i law gweithredwr y labordy cymeradwy, rhaid iddo—

(a) profi'r sampl am bresenoldeb feirws BVD, a

(b) canfod pa un a yw feirws BVD yn bresennol yn y sampl ai peidio.

Hysbysu am ganlyniadau profion

34. Ar ôl cwblhau'r prawf o dan erthygl 33, rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg am bob canlyniad prawf ac—

(a) pan na fo feirws BVD yn bresennol yn y sampl—

(i) bod gan yr anifail statws BVD unigol negatif, a

(ii) os bydd pob anifail sy'n ffurfio rhan o'r fuches yn dwyn statws BVD unigol negatif, y bydd statws ar y cyd y fuches yn newid i negatif, neu

(b) pan fo feirws BVD yn bresennol yn y sampl—

(i) bod gan yr anifail statws BVD unigol o haint parhaus, a

(ii) bod gan y fuches y mae'n perthyn iddi statws BVD nad yw'n negatif.

Samplu lloi a enir i fuchesi â statws BVD ar y cyd nad yw'n negatif

35.—(1) Mae'r erthygl hon yn gymwys i unrhyw lo, gan gynnwys lloi marwanedig a lloi sydd wedi eu herthylu, a enir i fuches sydd â statws ar y cyd nad yw'n negatif, neu sydd wedi bod â statws ar y cyd nad yw'n negatif yn y 12 mis diwethaf, yn unol ag erthygl 28(b).

(2) Cyn bod y llo yn 20 diwrnod oed, neu hyd y bo'n rhesymol ymarferol o fewn 7 diwrnod pan fo'r llo yn farwanedig neu wedi ei erthylu, rhaid i'r ceidwad gymryd sampl tag clust o feinwe yn unol ag erthygl 13 i'w phrofi gan labordy cymeradwy.

Cyflwyno a phrofi samplau o loi a enir i fuchesi â statws BVD ar y cyd nad yw'n negatif

36. Pan ddaw sampl a gymerwyd o dan erthygl 35(2) i law gweithredwr y labordy cymeradwy, rhaid iddo—

(a) profi'r sampl am bresenoldeb feirws BVD, a

(b) canfod pa un a yw feirws BVD yn bresennol yn y sampl ai peidio.

Submission and testing of samples to determine persistent infection with BVD

33. On receipt of a sample taken under article 32(2), the operator of the approved laboratory must—

(a) test the sample for the presence of BVDV, and

(b) determine whether or not BVDV is present in the sample.

Notification of test results

34. Following completion of the test under article 33, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of each test result and—

(a) where BVDV is not present in the sample—

(i) that the animal has an individual BVD status of negative, and

(ii) if each animal forming part of the herd returns an individual BVD status of negative, that the collective status of the herd will change to negative, or

(b) where BVDV is present in the sample—

(i) the animal has an individual BVD status of persistently infected, and

(ii) the herd to which it belongs has a collective BVD status of not negative.

Sampling of calves born into herds with a collective BVD status of not negative

35.—(1) This article applies to any calf, including those still-born or aborted, born into a bovine herd which has, or in the last 12 months has had, a collective status of not negative, in accordance with article 28(b).

(2) Before the calf is 20 days old, or as far as reasonably practicable within 7 days where the calf is still-born or aborted, the keeper must take an ear tag sample of tissue in accordance with article 13 for testing by an approved laboratory.

Submission and testing of samples from calves born into herds with a collective BVD status of not negative

36. On receipt of a sample taken under article 35(2), the operator of the approved laboratory must—

(a) test the sample for the presence of BVDV, and

(b) determine whether or not BVDV is present in the sample.

Hysbysu am ganlyniadau profion

37. Ar ôl cwblhau'r prawf o dan erthygl 36, rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg (pan fo'n berthnasol) am bob canlyniad prawf ac—

(a) pan na fo feirws BVD yn bresennol yn y sampl, fod gan y llo statws BVD unigol negatif, neu

(b) pan fo feirws BVD yn bresennol yn y sampl, fod gan y llo statws BVD unigol positif.

Notification of test results

37. Following completion of the test under article 36, the operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon (where relevant) of each test result and—

(a) where BVDV is not present in the sample, the calf has an individual BVD status of negative, or

(b) where BVDV is present in the sample, the calf has an individual BVD status of positive.

RHAN 6

Cyfyngiadau ar symud ac ynysu anifeiliaid â haint parhaus

PART 6

Movement restrictions and isolation of persistently infected animals

Cyfyngiadau ar symud pan fo gan fuches statws BVD ar y cyd nad yw'n negatif

38.—(1) Yn ddarostyngedig i baragraff (2), ni chaiff ceidwad symud anifail buchol oddi ar ddaliad os yw'r anifail yn rhan o fuches sydd â statws BVD ar y cyd nad yw'n negatif.

(2) Nid yw paragraff (1) yn gymwys—

(a) os yw'r anifail yn cael ei symud i'w gigydda,

(b) os yw'r symudiad i le ar gyfer triniaeth filfeddygol, ar yr amod y dychwelir yr anifail yn uniongyrchol i'w fangre wreiddiol ar ôl y driniaeth, neu y'i lleddir neu y'i hanfonir yn uniongyrchol i'w gigydda, neu

(c) os yw'r symudiad o dan drwydded a roddwyd gan arolygydd milfeddygol neu Weinidogion Cymru.

Restrictions on movement where a herd has a collective BVD status of not negative

38.—(1) Subject to paragraph (2), a keeper must not move a bovine animal off a holding if the animal is part of a bovine herd which has a collective BVD status of not negative.

(2) Paragraph (1) does not apply if—

(a) the animal is being moved to slaughter,

(b) the movement is to a place for veterinary treatment, provided the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter, or

(c) the movement is under licence granted by a veterinary inspector or the Welsh Ministers.

Cyfyngiadau ar symud pan fo gan anifail statws BVD unigol positif

39.—(1) Yn ddarostyngedig i baragraff (2), ni chaiff ceidwad symud anifail buchol oddi ar ddaliad os oes gan yr anifail statws BVD unigol positif.

(2) Nid yw paragraff (1) yn gymwys—

(a) os yw'r anifail yn cael ei symud i'w gigydda,

(b) os yw'r symudiad i le ar gyfer triniaeth filfeddygol, ar yr amod y dychwelir yr anifail yn uniongyrchol i'w fangre wreiddiol ar ôl y driniaeth, neu y'i lleddir neu y'i hanfonir yn uniongyrchol i'w gigydda,

(c) os yw'r symudiad o dan drwydded a roddwyd gan arolygydd milfeddygol neu Weinidogion Cymru, neu

Restrictions on movement where an animal has an individual BVD status of positive

39.—(1) Subject to paragraph (2), a keeper must not move a bovine animal off a holding if the animal has an individual BVD status of positive.

(2) Paragraph (1) does not apply if—

(a) the animal is being moved to slaughter,

(b) the movement is to a place for veterinary treatment, provided the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter,

(c) the movement is under licence granted by a veterinary inspector or the Welsh Ministers, or

(d) os oes gan yr anifail statws BVD unigol negatif yn dilyn prawf cyn symud o dan erthygl 40.

Profi cyn symud

40.—(1) Mae'r erthygl hon yn gymwys i bob anifail buchol mewn buches pan fo gan y fuches honno statws BVD ar y cyd nad yw'n negatif.

(2) Pan fo'r anifail i'w symud oddi ar y daliad, rhaid i'r ceidwad, dim mwy na 30 o ddiwrnodau cyn y symudiad—

(a) trefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd sampl tag clust o feinwe yn unol ag erthygl 13, neu

(b) trefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd sampl o waed,

o'r anifail i'w phrofi gan labordy cymeradwy.

(3) Nid yw paragraff (2) yn gymwys os caiff yr anifail ei symud i'w gigydda neu os yw'r symudiad o dan drwydded a roddwyd gan arolygydd milfeddygol neu Weinidogion Cymru.

(4) Pan ddaw sampl a gymerwyd o dan baragraff (2) i law gweithredwr y labordy, rhaid iddo—

(a) profi'r sampl am bresenoldeb feirws BVD, a

(b) canfod pa un a yw feirws BVD yn bresennol yn y sampl ai peidio.

(5) Rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg am ganlyniad y prawf ac—

(a) pan na fo feirws BVD yn bresennol yn y sampl, fod gan yr anifail statws BVD unigol negatif, neu

(b) pan fo feirws BVD yn bresennol yn y sampl, fod gan yr anifail statws BVD unigol positif.

(6) Ni chaniateir symud unrhyw anifail buchol sydd â statws BVD unigol positif o dan baragraff (5)(b) oddi ar y daliad ac mae'n ddarostyngedig i'r mesurau yn erthyglau 32 a 39 o'r Gorchymyn hwn.

(7) Caniateir symud unrhyw anifail buchol sydd â statws BVD unigol negatif o dan baragraff (5)(a) oddi ar y daliad.

(8) Pan fo anifail buchol i'w symud o'i ddaliad presennol i ddaliad arall, rhaid i geidwad yr anifail roi gwybod i'r ceidwad yn y daliad cyrchu am ganlyniad y prawf o dan baragraff (5) dim mwy na 3 diwrnod cyn symud yr anifail.

(d) the animal has an individual BVD status of negative following a pre-movement test under article 40.

Pre-movement testing

40.—(1) This article applies to every bovine animal in a herd where that herd has a collective BVD status of not negative.

(2) Where the animal is to be moved off the holding, the keeper must, no more than 30 days prior to the movement—

(a) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take an ear tag sample of tissue in accordance with article 13, or

(b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from the animal for testing by an approved laboratory.

(3) Paragraph (2) does not apply if the animal is moved to slaughter or the movement is under licence granted by a veterinary inspector or the Welsh Ministers.

(4) On receipt of a sample taken under paragraph (2), the operator of the laboratory must—

(a) test the sample for the presence of BVDV, and

(b) determine whether or not BVDV is present in the sample.

(5) The operator of the approved laboratory must by notice inform the keeper, the Welsh Ministers and the veterinary surgeon of the result of the test and—

(a) where BVDV is not present in the sample, the animal has an individual BVD status of negative, or

(b) where BVDV is present in the sample, the animal has an individual BVD status of positive.

(6) Any bovine animal which has an individual BVD status of positive under paragraph (5)(b) may not be moved off the holding and is subject to the measures in articles 32 and 39 of this Order.

(7) Any bovine animal which has an individual BVD status of negative under paragraph (5)(a) may be moved off the holding.

(8) Where a bovine animal is to be moved from its current holding to another holding, the keeper of the animal must inform the keeper at the holding of destination of the result of the test under paragraph (5) no more than 3 days before moving the animal.

Profi ar ôl symud anifeiliaid heb statws BVD unigol hysbys o fuchesi y tu allan i Gymru

41.—(1) Mae'r erthygl hon yn gymwys i anifeiliaid buchol o'r tu allan i Gymru a symudir i ddaliad yng Nghymru ac nad oes ganddynt statws BVD unigol.

(2) Pan fo'r erthygl hon yn gymwys, rhaid i geidwad, dim mwy nag 20 o ddiwrnodau ar ôl y symudiad i'r daliad—

(a) trefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd sampl tag clust o feinwe yn unol ag erthygl 13, neu

(b) trefnu i filfeddyg cymeradwy, neu berson o dan oruchwyliaeth milfeddyg cymeradwy, gymryd sampl o waed,

o'r anifail i'w phrofi gan labordy cymeradwy.

(3) Pan ddaw sampl a gymerwyd o dan baragraff (2) i law gweithredwr y labordy, rhaid iddo—

(a) profi'r sampl am bresenoldeb feirws BVD, a

(b) canfod pa un a yw feirws BVD yn bresennol yn y sampl ai peidio.

(4) Rhaid i weithredwr y labordy cymeradwy drwy hysbysiad roi gwybod i'r ceidwad, Gweinidogion Cymru a'r milfeddyg am ganlyniad y prawf ac—

(a) pan na fo feirws BVD yn bresennol yn y sampl, fod gan yr anifail statws BVD unigol negatif, neu

(b) pan fo feirws BVD yn bresennol yn y sampl, fod gan yr anifail statws BVD unigol positif.

(5) Ni chaniateir symud unrhyw anifail buchol sydd â statws BVD unigol positif oddi ar y daliad ac mae'n ddarostyngedig i'r mesurau yn erthyglau 32 a 39 o'r Gorchymyn hwn.

(6) Pan fo'r erthygl hon yn gymwys, rhaid cadw unrhyw anifail buchol beichiog a symudir i ddaliad wedi ei ynysu oddi wrth anifeiliaid buchol eraill hyd nes—

(a) ei fod wedi bwrw llo, neu

(b) bod ganddo statws BVD unigol negatif o dan baragraff (4)(a).

Cyfyngiadau ar symud anifeiliaid pan na fo rhwymedigaethau samplu wedi eu cyflawni

42.—(1) Mae'r erthygl hon yn gymwys i geidwad buches neu anifail buchol os yw'r ceidwad, erbyn dyddiad y terfyn amser cydymffurfio diweddaraf (a osodir yn unol ag erthygl 26), wedi methu â chydymffurfio ag unrhyw un neu ragor o'i rwymedigaethau yn erthyglau 25, 29 neu 32 ("rhwymedigaethau cymwys" yn yr erthygl hon).

Post-movement testing of animals without a known individual BVD status from herds outside of Wales

41.—(1) This article applies to bovine animals from outside of Wales which are moved onto a holding in Wales and have no individual BVD status.

(2) Where this article applies, a keeper must, no more than 20 days post-movement onto the holding—

(a) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take an ear tag sample of tissue in accordance with article 13, or

(b) arrange for an approved veterinary surgeon, or person under the supervision of an approved veterinary surgeon, to take a sample of blood,

from the animal for testing by an approved laboratory.

(3) On receipt of a sample taken under paragraph (2), the operator of the laboratory must—

(a) test the sample for the presence of BVDV, and

(b) determine whether or not BVDV is present in the sample.

(4) The operator of the approved laboratory must by notice, inform the keeper, the Welsh Ministers and the veterinary surgeon of the result of the test and—

(a) where BVDV is not present in the sample, the animal has an individual BVD status of negative, or

(b) where BVDV is present in the sample, the animal has an individual BVD status of positive.

(5) Any bovine animal which has an individual BVD status of positive must not be moved off the holding and is subject to the measures in articles 32 and 39 of this Order.

(6) Where this article applies, any pregnant bovine animal moved onto a holding must be kept isolated from other bovine animals until it—

(a) has calved, or

(b) has an individual BVD status of negative under paragraph (4)(a).

Restrictions on the movement of animals where sampling obligations are not met

42.—(1) This article applies to the keeper of a bovine herd or bovine animal if, by the date of the most recent compliance deadline (set in accordance with article 26), the keeper has failed to comply with any of their obligations in articles 25, 29 or 32 (in this article "the applicable obligations").

(2) Pan fo paragraff (1) yn gymwys, mae gan y fuches statws BVD ar y cyd nad yw'n negatif.

(3) Ni chaiff y ceidwad, yn ystod y cyfnod perthnasol, symud (na threfnu i symud) unrhyw anifail buchol o'r daliad y'i cedwir arno oni bai—

(a) bod yr anifail yn cael ei symud i'w gigydda,

(b) bod y symudiad o dan drwydded a roddwyd gan arolygydd milfeddygol neu Weinidogion Cymru, neu

(c) bod milfeddyg cymeradwy yn ystyried yn rhesymol fod camau pellach wedi eu cymryd neu ymchwiliad pellach wedi ei gynnal sy'n cadarnhau nad yw feirws BVD yn bresennol yn yr anifail, neu nad yw'n bresennol mwyach, a'i fod drwy hysbysiad wedi rhoi gwybod i'r ceidwad a Gweinidogion Cymru am y ffaith honno.

(4) Ym mharagraff (3), "y cyfnod perthnasol" yw'r cyfnod—

(a) sy'n dechrau â dyddiad y terfyn amser cydymffurfio diweddaraf, a

(b) sy'n dod i ben ar y dyddiad y mae'r ceidwad—

(i) wedi cydymffurfio â phob un o'r rhwymedigaethau cymwys, a

(ii) wedi cael hysbysiad mewn cysylltiad â'r samplau a brofwyd yn unol â'r rhwymedigaethau hynny.

Ynysu anifeiliaid buchol sydd â haint parhaus

43.—(1) Mae'r erthygl hon yn gymwys i fuches sy'n cynnwys un neu ragor o anifeiliaid buchol â statws BVD unigol o haint parhaus yn unol ag erthygl 34(b).

(2) Yn ddarostyngedig i baragraff (4), rhaid i'r ceidwad wahanu'r holl anifeiliaid buchol â statws BVD unigol o haint parhaus oddi wrth weddill y fuches a'u lletya mewn un neu ragor o grwpiau (pob un yn "grŵp â haint parhaus BVD") yn unol â'r amodau ym mharagraff (3).

(3) Amodau'r paragraff hwn yw—

(a) na chaiff y ceidwad symud yr anifeiliaid oddi ar y daliad, a

(b) bod yr anifeiliaid yn cael eu lletya o dan do ac mewn modd sy'n gyson ag arferion da—

(i) sy'n atal cyswllt corfforol ag, ac

(ii) nad yw'n arwain at unrhyw risg sylweddol o drosglwyddo feirws BVD i,

unrhyw anifail buchol nad yw'n rhan o grŵp haint parhaus BVD.

(2) Where paragraph (1) applies, the herd has a collective BVD status of not negative.

(3) The keeper must not, during the relevant period, move (or arrange to move) any bovine animal from the holding on which it is kept unless—

(a) the animal is being moved to slaughter,

(b) the movement is under a licence granted by a veterinary inspector or the Welsh Ministers, or

(c) an approved veterinary surgeon reasonably considers that further action or investigation has been carried out which confirms that BVDV is not or is no longer present in the animal and has by notice informed the keeper and the Welsh Ministers of that fact.

(4) In paragraph (3), "the relevant period" is the period—

(a) beginning with the date of the most recent compliance deadline, and

(b) ending on the date on which the keeper has—

(i) complied with all of the applicable obligations, and

(ii) received a notification in respect of the samples tested in accordance with those obligations.

Isolation of bovine animals which are persistently infected

43.—(1) This article applies to a bovine herd which contains one or more bovine animals with an individual BVD status of persistently infected in accordance with article 34(b).

(2) Subject to paragraph (4), the keeper must separate all the bovine animals with an individual BVD status of persistently infected from the rest of the herd and house them in one or more groups (each a "BVD PI group") in accordance with the conditions in paragraph (3).

(3) The conditions of this paragraph are—

(a) that the keeper must not move the animals off the holding, and

(b) that the animals are housed indoors and in a manner consistent with good practice which—

(i) prevents physical contact with, and

(ii) does not give rise to any appreciable risk of transferring BVDV to,

any bovine animal that is not part of a BVD PI group.

(4) Nid yw paragraff (2) yn gymwys pan fo'r anifail yn cael ei—

(a) symud i'w gigydda,

(b) symud i le ar gyfer triniaeth filfeddygol, ar yr amod y dychwelir yr anifail yn uniongyrchol i'w fangre wreiddiol ar ôl y driniaeth, neu y'i lleddir neu y'i hanfonir yn uniongyrchol i'w gigydda, neu

(c) symud o dan drwydded a roddwyd gan arolygydd milfeddygol neu Weinidogion Cymru.

(5) Nid yw anifail buchol yn peidio â bod yn rhan o fuches yn rhinwedd ei wahanu oddi wrth weddill y fuches o dan yr erthygl hon.

Ystyr "symud i'w gigydda"

44.—(1) Yn y Rhan hon, pan gaiff unrhyw anifail buchol ei "symud i'w gigydda" mae hyn yn golygu bod yr anifail yn cael ei symud o dan yr amodau a bennir ym mharagraff (2).

(2) Yr amodau yw bod yr anifail yn cael ei symud—

(a) yn uniongyrchol i'w gigydda, a

(b) o dan drefniadau nad ydynt yn arwain at unrhyw risg sylweddol o haint â feirws BVD i unrhyw anifail buchol arall (ac eithrio anifail buchol sydd hefyd yn cael ei symud i'w gigydda).

(4) Paragraph (2) does not apply where the animal is being—

(a) moved to slaughter,

(b) moved to a place for veterinary treatment, provided that the animal is returned direct to its premises of origin after the treatment, is killed or goes direct to slaughter, or

(c) moved under a licence granted by a veterinary inspector or the Welsh Ministers.

(5) A bovine animal does not cease to be part of a bovine herd by virtue of its separation under this article.

Meaning of "moved to slaughter"

44.—(1) In this Part, where any bovine animal is "moved to slaughter" this means that the animal is being moved under the conditions specified in paragraph (2).

(2) The conditions are that the animal is being moved—

(a) directly to slaughter, and

(b) under arrangements which do not give rise to any appreciable risk of infection with BVDV to any other bovine animal (except a bovine animal which is also being moved to slaughter).

RHAN 7

Gorfodi

Gorfodi

45.—(1) Yn ddarostyngedig i baragraff (2), gorfodir y Gorchymyn hwn gan yr awdurdod lleol.

(2) Caiff Gweinidogion Cymru gyfarwyddo, mewn perthynas ag unrhyw achos penodol neu unrhyw ddosbarth o achos, mai hwy fydd yn gorfodi'r Gorchymyn hwn yn hytrach na'r awdurdod lleol.

Pwerau mynediad

46.—(1) Caiff arolygydd, drwy ddangos awdurdodiad sydd wedi ei ddilysu'n briodol os gofynnir amdano, fynd i unrhyw fangre (ac eithrio mangre a ddefnyddir yn gyfan gwbl fel annedd breifat) ar unrhyw awr resymol at ddiben gorfodi'r Gorchymyn hwn.

PART 7

Enforcement

Enforcement

45.—(1) Subject to paragraph (2), this Order is enforced by the local authority.

(2) The Welsh Ministers may direct, in relation to any particular case or class of case, that they will enforce this Order instead of the local authority.

Powers of entry

46.—(1) An inspector may, on producing a duly authenticated authorisation if requested, enter any premises (except premises used wholly as a private dwelling) at any reasonable hour for the purpose of enforcing this Order.

(2) Caiff ynad heddwch ddyroddi gwarant i ganiatáu i arolygydd fynd i unrhyw fangre, gan gynnwys annedd breifat, drwy rym rhesymol os bydd angen hynny, os yw wedi ei fodloni ar sail gwybodaeth ysgrifenedig a roddir ar lw—

(a) bod sail resymol dros fynd i'r fangre honno at ddiben gorfodi'r Gorchymyn hwn, a

(b) bod unrhyw un neu ragor o'r amodau ym mharagraff (3) wedi ei fodloni neu eu bodloni.

(3) Yr amodau yw—

(a) bod mynediad i'r fangre wedi ei wrthod, neu'n debygol o gael ei wrthod, a bod hysbysiad o'r bwriad i wneud cais am warant wedi ei roi i'r meddiannydd,

(b) y byddai gofyn am gael mynediad i'r fangre, neu roi hysbysiad o'r fath, yn mynd yn groes i fwriad mynd i'r fangre,

(c) bod angen mynd i'r fangre ar fyrder, neu

(d) nad yw'r fangre wedi ei meddiannu neu fod y meddiannydd yn absennol dros dro.

(4) Caniateir rhoi gwarant am gyfnod o hyd at 3 mis.

(5) Rhaid i arolygydd sy'n mynd i fangre nad yw wedi ei meddiannu, neu y mae ei meddiannydd yn absennol ohoni dros dro, ei gadael wedi ei diogelu yr un mor effeithiol rhag mynediad heb awdurdod ag yr ydoedd cyn iddo fynd iddi.

(2) A justice of the peace may issue a warrant to permit an inspector to enter any premises, including a private dwelling, by reasonable force if necessary, if satisfied on sworn information in writing, that—

(a) there are reasonable grounds to enter those premises for the purposes of enforcing this Order, and

(b) any of the conditions in paragraph (3) are met.

(3) The conditions are—

(a) entry to the premises has been, or is likely to be, refused, and notice of intention to apply for a warrant has been given to the occupier,

(b) asking for admission to the premises, or giving such notice, would defeat the object of entry,

(c) entry is required urgently, or

(d) the premises are unoccupied or the occupier is temporarily absent.

(4) A warrant may be granted for a period of up to 3 months.

(5) An inspector entering premises which are unoccupied or from which the occupier is temporarily absent must leave the premises as effectively secured against unauthorised entry as they were before entry.

Pwerau arolygwyr

47.—(1) Caiff arolygydd sy'n mynd i fangre at ddibenion gorfodi'r Gorchymyn hwn—

(a) arolygu unrhyw anifail neu unrhyw eitem yno;

(b) cymryd samplau;

(c) cynnal unrhyw ymholiadau, unrhyw archwiliadau neu unrhyw brofion;

(d) cael mynediad at unrhyw ddogfennau neu gofnodion perthnasol (ar ba ffurf bynnag y'u cedwir), eu harolygu a'u copïo, a mynd â hwy oddi yno i'w gwneud yn bosibl eu copïo;

(e) arolygu a gwirio gweithrediad, a data ar, unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig a ddefnyddir neu sydd wedi ei ddefnyddio mewn cysylltiad â'r cofnodion.

(2) Pan fo arolygydd wedi mynd i fangre ac nad yw'n rhesymol ymarferol penderfynu a yw dogfennau neu gofnodion yn y fangre honno yn berthnasol, caiff yr arolygydd ymafael ynddynt i ganfod pa un a ydynt yn berthnasol ai peidio.

Powers of inspectors

47.—(1) An inspector entering premises may for the purposes of enforcing this Order—

(a) inspect any animal or article there;

(b) take samples;

(c) carry out any inquiries, examinations or tests;

(d) access, inspect and copy any relevant documents or records (in whatever form they are held), and remove them to enable them to be copied;

(e) inspect and check the operation of, and data on, any computer and any associated apparatus or material that is or has been in use in connection with the records.

(2) Where an inspector has entered premises and it is not reasonably practicable to determine whether documents or records on those premises are relevant, the inspector may seize them to ascertain whether they are relevant or not.

(3) Caiff yr arolygydd—

(a) mynd ag unrhyw gyfarpar neu gerbyd angenrheidiol i'r fangre;

(b) mynd gydag unrhyw bersonau eraill y mae'r arolygydd yn ystyried eu bod yn angenrheidiol.

(3) The inspector may—

(a) take any necessary equipment or vehicle on to the premises;

(b) be accompanied by such other persons as the inspector considers necessary.

Troseddau gan gyrff corfforedig

48.—(1) Os bydd corff corfforedig yn cyflawni trosedd yn erbyn y Ddeddf ac os dangosir bod y drosedd wedi ei chyflawni gyda chydsyniad neu ymoddefiad swyddog, neu ei bod i'w phriodoli i esgeulustod ar ran y swyddog hwnnw, mae'r swyddog hwnnw yn ogystal â'r corff corfforedig yn euog o'r drosedd ac yn agored i'w erlyn a'i gosbi yn unol â hynny.

(2) Os yw materion busnes corff corfforedig yn cael eu rheoli gan ei aelodau, mae paragraff (1) yn gymwys mewn perthynas â gweithredoedd a diffyg gweithredoedd aelod mewn cysylltiad â'i swyddogaethau rheoli, fel pe bai'r person hwnnw yn un o gyfarwyddwyr y corff.

(3) Ystyr "swyddog", mewn perthynas â chorff corfforedig, yw cyfarwyddwr, aelod o'r pwyllgor rheoli, prif weithredwr, rheolwr, ysgrifennydd neu swyddog cyffelyb arall y corff, neu berson sy'n honni ei fod yn gweithredu yn rhinwedd unrhyw swydd o'r fath.

Offences by bodies corporate

48.—(1) If an offence against the Act is committed by a body corporate, and is shown to have been committed with the consent or connivance of an officer, or to be attributable to the neglect of such officer, that officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with functions of management as if that person were a director of the body.

(3) "Officer", in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

Huw Irranca-Davies

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig, un o Weinidogion Cymru
11 Mehefin 2024

Cabinet Secretary for Climate Change and Rural Affairs, one of the Welsh Ministers
11 June 2024

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin.

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ISBN 978-0-348-39574-7

£8.14

http://www.legislation.gov.uk/id/wsi/2024/753