OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2014 Rhif 3080 (Cy. 305)

2014 No. 3080 (W. 305)

BWYD, CYMRU

FOOD, WALES

Rheoliadau Hylendid Bwyd (Cymru) (Diwygio) (Rhif 2) 2014

The Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2014

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn diwygio Rheoliadau Hylendid Bwyd (Cymru) 2006 (O.S. 2006/31 (Cy. 5), fel y'u diwygiwyd eisoes) ("Rheoliadau 2006"). Mae'r Rheoliadau'n gwneud darpariaeth ynghylch llaeth crai, ac felly'n ymwneud â'r gofynion y darperir ar eu cyfer gan Adran IX o Atodiad III i Reoliad (EC) Rhif 853/2004 Senedd Ewrop a'r Cyngor sy'n gosod rheolau hylendid penodol ar gyfer bwyd sy'n dod o anifeiliaid (OJ Rhif L 139, 30.04.2004, t 55).

Mae rheoliad 2 yn diwygio Atodlen 6 i Reoliadau 2006 er mwyn darparu ar gyfer parhau mewn grym, yng Nghymru, y gofyniad fod cynhwysydd y gwerthir llaeth crai ynddo wedi ei farcio neu ei labelu gyda rhybudd iechyd. Lle y mae llaeth crai nad yw wedi ei ragbecynnu yn cael ei werthu mewn sefydliad arlwyo, rhaid i'r rhybudd iechyd ymddangos ar label sydd ynghlwm wrth y cynhwysydd neu ar docyn neu hysbysiad y gellir ei weld yn rhwydd yn y man lle mae'r prynwr yn dewis y llaeth hwnnw. Caniateir defnyddio ieithoedd ychwanegol at y Saesneg ar y marc neu'r label.

Darperir ar gyfer y gofyniad rhybudd iechyd presennol gan reoliad 31 o Reoliadau Labelu Bwyd 1996 (O.S. 1996/1499, fel y'u diwygiwyd) ("Rheoliadau 1996"). Bydd rheoliad 31 o Reoliadau 1996 yn cael ei ddirymu ar 13 Rhagfyr 2014 gan reoliad 13 o Reoliadau Gwybodaeth am Fwyd (Cymru) 2014 (O.S. 2014/2303 (Cy. 227)) a Rhan 1 o Atodlen 6 i'r Rheoliadau hynny.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Wales, amend the Food Hygiene (Wales) Regulations 2006 (S.I. 2006/31 (W. 5)), as already amended) ("the 2006 Regulations"). The Regulations make provision about raw milk, and are therefore related to the requirements provided for by Section IX of Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (OJ No L 139, 30.04.2004, p 55).

Regulation 2 amends Schedule 6 to the 2006 Regulations so as to provide for the continuation in force in Wales of the requirement for the container in which raw milk is sold to be marked or labelled with a health warning. Where raw milk is not prepacked and is sold at a catering establishment, the health warning must appear on a label attached to the container or on a ticket or notice that is readily discernible at the place where the purchaser chooses that milk. Languages in addition to English may be used on the marking or label.

The current health warning requirement is provided for by regulation 31 of the Food Labelling Regulations 1996 (S.I. 1996/1499, as amended) ("the 1996 Regulations"). Regulation 31 of the 1996 Regulations will be revoked on 13 December 2014 by regulation 13 of, and Part 1 of Schedule 6 to, the Food Information (Wales) Regulations 2014 (S.I. 2014/2303 (W. 227)).

Mae rheoliad 2 o'r Rheoliadau hyn hefyd yn darparu fod unrhyw berson sy'n gwerthu llaeth crai yn groes i'r gofynion rhybudd iechyd yn euog o dramgwydd ac yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni thybiwyd bod angen llunio asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Regulation 2 of these Regulations also provides that any person who sells raw milk in contravention of the health warning requirements is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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.

OFFERYNNAU STATUDOL CYMRU

2014 Rhif 3080 (Cy. 305)

BWYD, CYMRU

Rheoliadau Hylendid Bwyd (Cymru) (Diwygio) (Rhif 2) 2014

Gwnaed	*19 Tachwedd 2014*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*20 Tachwedd 2014*
Yn dod i rym	*13 Rhagfyr 2014*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddir gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(**1**) ac adrannau 16(1)(e)(**2**) a 48(1)(**3**) o Ddeddf Diogelwch Bwyd 1990(**4**).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972, o ran mesurau sy'n ymwneud â bwyd (gan gynnwys diod) gan gynnwys cynhyrchu bwyd ar lefel gynradd(**5**).

(**1**) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7).
(**2**) Diwygiwyd adran 16(1) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28), a pharagraffau 7 ac 8 o Atodlen 5 iddi.
(**3**) Diwygiwyd adran 48(1) gan adran 40(1) o Ddeddf Safonau Bwyd 1999 (p. 28), a pharagraffau 7 ac 8 o Atodlen 5 iddi.
(**4**) 1990 p. 16. Trosglwyddwyd swyddogaethau a oedd gynt gan "the Ministers", i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan O.S 1999/672 fel y'i darllenir ar y cyd ag adran 40(3) o Ddeddf Safonau Bwyd 1999, ac fe'u trosglwyddwyd wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.
(**5**) O.S. 2005/1971. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 28 a 30 o Atodlen 11 iddi, mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru gan y dynodiad hwn wedi eu trosglwyddo i Weinidogion Cymru.

WELSH STATUTORY INSTRUMENTS

2014 No. 3080 (W. 305)

FOOD, WALES

The Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2014

Made	*19 November 2014*
Laid before the National Assembly for Wales	*20 November 2014*
Coming into force	*13 December 2014*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and sections 16(1)(e)(**2**) and 48(1)(**3**) of the Food Safety Act 1990(**4**).

The Welsh Ministers have been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to measures relating to food (including drink) including the primary production of food(**5**).

(**1**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c. 51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7).
(**2**) Section 16(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28).
(**3**) Section 48(1) was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999.
(**4**) 1990 c. 16. Functions formerly exercisable by "the Ministers", so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the Food Standards Act 1999, and subsequently transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
(**5**) S.I. 2005/1971. By virtue of section 162 and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly for Wales by this designation are transferred to the Welsh Ministers.

Fel sy'n ofynnol gan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n gosod egwyddorion cyffredinol a gofynion cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn gosod gweithdrefnau o ran materion diogelwch bwyd(**1**), cynhaliwyd ymgynghoriad cyhoeddus agored a thryloyw wrth lunio a gwerthuso'r Rheoliadau hyn.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**1**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

I'r graddau y gwneir y Rheoliadau drwy arfer pwerau o dan Ddeddf Diogelwch Bwyd 1990, mae Gweinidogion Cymru wedi rhoi sylw i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, yn unol ag adran 48(4A) o'r Ddeddf honno(**2**).

So far as the Regulations are made in exercise of powers under the Food Safety Act 1990, the Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A) of that Act(**2**).

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Hylendid Bwyd (Cymru) (Diwygio) (Rhif 2) 2014.

(2) Daw'r Rheoliadau hyn i rym ar 13 Rhagfyr 2014 ac maent yn gymwys o ran Cymru.

Title, commencement and application

1.—(1) The title of these Regulations is the Food Hygiene (Wales) (Amendment) (No. 2) Regulations 2014.

(2) These Regulations come into force on 13 December 2014 and apply in relation to Wales.

Diwygio Rheoliadau Hylendid Bwyd (Cymru) 2006

2.—(1) Mae Rheoliadau Hylendid Bwyd (Cymru) 2006(**3**) wedi eu diwygio yn unol â pharagraffau (2) a (3).

(2) Yn rheoliad 17 (tramgwyddau a chosbau)—

(a) ym mharagraff (2), yn lle "Yn ddarostyngedig i baragraff (3)" rhodder "Yn ddarostyngedig i baragraffau (3) a (3A)";

(b) ar ôl paragraff (3), mewnosoder y paragraff canlynol—

"(3A) Bydd person sy'n euog o dramgwydd o dan baragraff 1A neu 1B o Atodlen 6 yn agored, o'i gollfarnu'n ddiannod, i ddirwy nad yw'n uwch na lefel 5 ar y raddfa safonol."

(3) Yn Atodlen 6 (cyfyngiadau ar werthu llaeth crai a fwriedir ar gyfer ei yfed yn uniongyrchol gan bobl)—

Amendments to the Food Hygiene (Wales) Regulations 2006

2.—(1) The Food Hygiene (Wales) Regulations 2006(**3**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 17 (offences and penalties)—

(a) in paragraph (2), for "Subject to paragraph (3)" substitute "Subject to paragraphs (3) and (3A)";

(b) after paragraph (3), insert the following paragraph—

"(3A) A person guilty of an offence under paragraph 1A or 1B of Schedule 6 is liable on summary conviction to a fine not exceeding level 5 on the standard scale."

(3) In Schedule 6 (restrictions on the sale of raw milk intended for direct human consumption)—

(**1**) OJ Rhif L 31, 1.2.2002, t 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) Rhif 652/2014 Senedd Ewrop a'r Cyngor sy'n gosod darpariaethau ar gyfer rheoli gwariant mewn perthynas â'r gadwyn fwyd, iechyd anifeiliaid a lles anifeiliaid, ac mewn perthynas â iechyd planhigion a defnyddiau atgynhyrchiol planhigion (OJ Rhif L 189, 27.6.2014, t 1).

(**2**) Mewnosodwyd adran 48(4A) gan adran 40(1) o Ddeddf Safonau Bwyd 1999, a pharagraffau 7 ac 21 o Atodlen 5 iddi.

(**3**) O.S. 2006/31 (Cy. 5) fel y'i diwygiwyd gan O.S. 2006/1534 (Cy. 151), O.S. 2007/373 (Cy. 33), O.S. 2010/893 (Cy. 92), O.S. 2012/975 (Cy. 129), O.S. 2012/1765 (Cy. 225), O.S. 2013/479 (Cy. 55), O.S. 2013/3007 (Cy. 298), O.S. 2013/3049 (Cy. 308), O.S. 2014/1858 (Cy. 192) ac O.S.2014/2303 (Cy. 227).

(**1**) OJ No L 31, 1.2.2002, p 1, as last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material (OJ No L 189, 27.6.2014, p 1).

(**2**) Section 48(4A) was inserted by section 40(1) of, and paragraphs 7 and 21 of Schedule 5 to, the Food Standards Act 1999.

(**3**) S.I. 2006/31 (W. 5) as amended by S.I. 2006/1534 (W. 151), S.I. 2007/373 (W. 33), S.I. 2010/893 (W. 92), S.I. 2012/975 (W. 129), S.I. 2012/1765 (W. 225), S.I. 2013/479 (W. 55), S.I. 2013/3007 (W. 298), S.I. 2013/3049 (W. 308), S.I. 2014/1858 (W. 192) and S.I. 2014/2303 (W. 227).

(a) ar ôl paragraff 1, mewnosoder y paragraffau canlynol—

"**1A.** Bydd unrhyw berson sy'n gwerthu llaeth crai yn groes i baragraff 7A yn cyflawni tramgwydd.

1B. Bydd unrhyw berson sy'n gwerthu llaeth crai yn groes i baragraff 7B yn cyflawni tramgwydd.";

(b) ar ôl paragraff 7, mewnosoder y paragraffau canlynol—

"**7A.** Ac eithrio mewn achosion y mae paragraff 7B yn gymwys iddynt, rhaid i'r cynhwysydd y gwerthir unrhyw laeth crai ynddo fod wedi ei farcio neu ei labelu â'r geiriau "This milk has not been heat-treated and may therefore contain organisms harmful to health. The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness.".

7B. Yn achos unrhyw laeth crai nad yw wedi ei ragbecynnu ac a werthir mewn sefydliad arlwyo, rhaid i'r geiriau "Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health. The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness." ymddangos ar—

(a) label sydd ynghlwm wrth y cynhwysydd y gwerthir y llaeth hwnnw ynddo, neu

(b) ar docyn neu hysbysiad, y gall darpar brynwr ei weld yn rhwydd, yn y man lle mae'r prynwr yn dewis y llaeth hwnnw.

7C. Yn ychwanegol at y testun Saesneg y mae'n rhaid ei gynnwys yn rhinwedd paragraff 7A, caiff y marc neu'r label gynnwys y testun Cymraeg "Nid yw'r llaeth hwn wedi ei drin â gwres a gall felly gynnwys organeddau sy'n niweidiol i iechyd. Mae'r Asiantaeth Safonau Bwyd yn cynghori'n gryf na ddylai gael ei yfed gan blant, merched beichiog, pobl hŷn neu'r rhai sy'n sâl neu â salwch cronig.".

(a) after paragraph 1, insert the following paragraphs—

"**1A.** Any person who sells raw milk in contravention of paragraph 7A commits an offence.

1B. Any person who sells raw milk in contravention of paragraph 7B commits an offence.";

(b) after paragraph 7, insert the following paragraphs—

"**7A.** Except in cases to which paragraph 7B applies, the container in which any raw milk is sold must be marked or labelled with the words "This milk has not been heat-treated and may therefore contain organisms harmful to health. The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness.".

7B. In the case of any raw milk which is not prepacked and is sold at a catering establishment there must appear—

(a) on a label attached to the container in which that milk is sold, or

(b) on a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk,

the words "Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health. The Food Standards Agency strongly advises that it should not be consumed by children, pregnant women, older people or those who are unwell or have chronic illness.".

7C. In addition to the English text that must be included by virtue of paragraph 7A, the mark or label may include the Welsh text "Nid yw'r llaeth hwn wedi ei drin â gwres a gall felly gynnwys organeddau sy'n niweidiol i iechyd. Mae'r Asiantaeth Safonau Bwyd yn cynghori'n gryf na ddylai gael ei yfed gan blant, merched beichiog, pobl hŷn neu'r rhai sy'n sâl neu â salwch cronig.".

7D. Yn ychwanegol at y testun Saesneg y mae'n rhaid ei gynnwys yn rhinwedd paragraff 7B, caiff y label, tocyn neu hysbysiad gynnwys y testun Cymraeg "Nid yw'r llaeth a ddarperir yn y sefydliad hwn wedi ei drin â gwres a gall felly gynnwys organeddau sy'n niweidiol i iechyd. Mae'r Asiantaeth Safonau Bwyd yn cynghori'n gryf na ddylai gael ei yfed gan blant, merched beichiog, pobl hŷn neu'r rhai sy'n sâl neu â salwch cronig.".

7E. Nid oes dim yn yr Atodlen hon yn atal y canlynol rhag cael eu marcio neu eu labelu, fel y bo'n briodol, â thestun sy'n cyfateb i'r hyn y mae'n rhaid ei gynnwys yn rhinwedd paragraffau 7A a 7B mewn unrhyw iaith ychwanegol at y Gymraeg a'r Saesneg—

(a) y cynhwysydd y gwerthir llaeth crai ynddo;

(b) yn achos llaeth crai nad yw wedi ei ragbecynnu ac a werthir mewn sefydliad arlwyo—

(i) label sydd ynghlwm wrth y cynhwysydd y gwerthir y llaeth hwnnw ynddo,

(ii) tocyn neu hysbysiad y gall darpar brynwr ei weld yn rhwydd yn y man lle mae'r prynwr yn dewis y llaeth hwnnw.";

(c) ym mharagraff 8, yn y man priodol yn nhrefn yr wyddor, mewnosoder—

"mae "labelu" ("*labelling*"), mewn perthynas â bwyd, yn cynnwys unrhyw eiriau, manylion, nod masnach, enw brand, deunydd darluniadol neu symbol sy'n ymwneud â'r bwyd ac yn ymddangos ar ddeunydd pacio'r bwyd neu ar unrhyw ddogfen, hysbysiad, label, cylch neu goler a gyflwynir gyda'r bwyd;";

"ystyr "sefydliad arlwyo" ("*catering establishment*") yw bwyty, cantîn, clwb, tafarndy, ysgol, ysbyty neu sefydliad cyffelyb (gan gynnwys cerbyd neu stondin sefydlog neu symudol) lle paratoir bwyd, yng nghwrs busnes, i'w gyflenwi i'r defnyddiwr olaf, a'r bwyd yn barod i'w fwyta heb ei baratoi ymhellach;";

7D. In addition to the English text that must be included by virtue of paragraph 7B, the label, ticket or notice may include the Welsh text "Nid yw'r llaeth a ddarperir yn y sefydliad hwn wedi ei drin â gwres a gall felly gynnwys organeddau sy'n niweidiol i iechyd. Mae'r Asiantaeth Safonau Bwyd yn cynghori'n gryf na ddylai gael ei yfed gan blant, merched beichiog, pobl hŷn neu'r rhai sy'n sâl neu â salwch cronig.".

7E. Nothing in this Schedule prevents the following being marked or labelled, as appropriate, with text corresponding to that which is required by virtue of paragraphs 7A and 7B in any other language in addition to Welsh and English—

(a) the container in which raw milk is sold;

(b) in the case of raw milk which is not prepacked and is sold at a catering establishment—

(i) a label attached to the container in which that milk is sold,

(ii) a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk.";

(c) in paragraph 8, in the appropriate place in alphabetical order insert—

""catering establishment" ("*sefydliad arlwyo*") means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation;";

""labelling" ("*labelu*"), in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;";

“ystyr “wedi ei ragbecynnu” (“*prepacked*”), mewn perthynas â bwyd, yw wedi ei roi mewn deunydd pacio cyn ei gynnig ar werth, fel nad oes modd i’r bwyd, boed wedi ei orchuddio’n gyfan gwbl neu’n rhannol yn unig, gael ei newid heb agor neu newid y deunydd pacio, ac fel bod y bwyd yn barod ar gyfer ei werthu i’r defnyddiwr olaf neu i sefydliad arlwyo.”

““prepacked” (“*wedi ei ragbecynnu*”), in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the final consumer or to a catering establishment;”.

Mark Drakeford

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

19 Tachwedd 2014

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

19 November 2014

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Rheoliadau Hylendid Bwyd (Cymru) (Diwygio) (Rhif 2) 2014

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