

CYNULLIAD CENEDLAETHOL CYMRU		NATIONAL ASSEMBLY FOR WALES
OFFERYNNAU STATUDOL		STATUTORY INSTRUMENTS
2001 Rhif (Cy.)		2001 No. (W.)
BWYD, CYMRU		FOOD, WALES
Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001		The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001
NODYN ESBONIADOL <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)</i>		EXPLANATORY NOTE <i>(This note is not part of the Regulations)</i>
Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn diwygio Rheoliadau Ychwanegion Bwyd Amrywiol 1995, fel y'u diwygiwyd ("y prif Rheoliadau").		These Regulations, which apply to Wales only, amend the Miscellaneous Food Additives Regulations 1995, as amended ("the principal Regulations").
Mae'r Rheoliadau yn gweithredu Cyfarwyddeb y Comisiwn 2000/63/EC sy'n diwygio Cyfarwyddeb 96/77/EC sy'n nodi meini prawf purdeb penodol ynghylch ychwanegion bwyd heblaw lliwiau a melysyddion (OJ Rhif L277, 30.10.2000, t.1).		The Regulations implement Commission Directive 2000/63/EC amending Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (OJ No. L277, 30.10.2000, p.1).

<p>Yn ddarostyngedig i ddarpariaeth drosiannol, mae'r Rheoliadau yn diwygio'r gofynion yn y prif Reoliadau presennol o ran y meini prawf purdeb ar gyfer <i>butylated hydroxyanisole (BHA)</i> ac yn pennu meini prawf purdeb newydd mewn perthynas â'r ychwanegion a bennir yn Atodiad II i Gyfarwyddeb y Comisiwn 2000/63/EC (rheoliadau 3 i 5).</p>		<p>Subject to a transitional provision, the Regulations amend the existing requirements in the principal Regulations as regards the purity criteria for butylated hydroxyanisole (BHA) and specify new purity criteria in relation to the additives specified in Annex II to Commission Directive 2000/63/EC (regulations 3 to 5).</p>
<p>Mae'r Rheoliadau yn gwneud diwygiadau canlyniadol hefyd i'r offerynnau a bennir yn rheoliad 6, o ran cyfeiriadau yn yr offerynnau hynny at y prif Reoliadau.</p>		<p>The Regulations also make consequential amendments to the instruments specified in regulation 6, as regards references in those instruments to the principal Regulations.</p>
<p>Nid oes unrhyw arfarniad rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn.</p>		<p>No regulatory impact assessment has been prepared in respect of these Regulations.</p>

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<p style="text-align: center;">Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001</p>		<p style="text-align: center;">The Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001</p>
<p><i>Wedi'u gwneud</i></p> <p><i>Yn dod i rym 1 Mehefin 2001</i></p>		<p><i>Made</i></p> <p><i>Coming into force 1st June 2001</i></p>
<p>Drwy arfer y pwerau a roddwyd gan adrannau 16(1)(a), 17(1), 26(1) and (3) a 48 (1) o Ddeddf Diogelwch Bwyd 1990(a), a pharagraff 1 o Atodlen 1 iddi, ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru, mae Cynulliad Cenedlaethol Cymru(b), ar ôl rhoi sylw, yn unol ag adran 48(4A) o'r Ddeddf honno, i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd, ac ar ôl ymgynghori yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, yn gwneud y Rheoliadau canlynol:</p>		<p>In exercise of the powers conferred by sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990 (a), and now vested in the National Assembly for Wales (b) the National Assembly for Wales, having had regard, in accordance with section 48 (4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48 (4) and (4B) of that Act, makes the following Regulations:</p>
<p>Teitl, cychwyn a chymhwyso</p>		<p>Title, commencement and application</p>
<p>1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) (Cymru) 2001.</p>		<p>1.–(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001.</p>
<p>(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig a deuant i rym ar 1 Mehefin 2001.</p>		<p>(2) These Regulations apply to Wales only and come into force on 1st June 2001.</p>
<p>Diwygio Rheoliadau Ychwanegion Amrywiol Bwyd 1995</p>		<p>Amendment of the Miscellaneous Food Additives Regulations 1995</p>

<p>2. Diwygir Rheoliadau Ychwanegion Amrywiol Bwyd 1995 (c) i'r graddau y maent yn gymwys i Gymru, yn unol â Rheoliadau 3 i 5 isod.</p> <p>3. Yn rheoliad 2(1) (dehongli), yn y diffiniad o "Directive 96/77/EC" ychwanegir y geiriau "and Commission Directive 2000/63/EC"(ch) ar y diwedd.</p>		<p>2. The Miscellaneous Food Additives Regulations 1995 (c) shall be amended in so far as they apply to Wales, in accordance with Regulations 3 to 5 below.</p> <p>3. In regulation 2(1) (interpretation), in the definition of "Directive 96/77/EC" there shall be added at the end the words "and Commission Directive 2000/63/EC"(d).</p>
<p>4. Yn rheoliad 11 (darpariaeth drosiannol ac esemptiadau) mewnosodir ar ôl paragraff (1B) y paragraff canlynol -</p>		<p>4. In regulation 11 (transitional provision and exemptions) there shall be inserted after paragraph (1B) the following paragraph –</p>
<p>" (1C) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that -</p>		<p>" (1C) In any proceedings for an offence under these Regulations in respect of any food additive or food, it shall be a defence to prove that –</p>
<p>(a) the food additive or food concerned was put on the market or labelled before 1st June 2001; and</p> <p>(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments</p>		<p>(a) the food additive or food concerned was put on the market or labelled before 1st June 2001; and</p> <p>(b) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments</p>

made by regulations 3 and 5 of the Miscellaneous Food Additives (Amendment) (Wales) Regulations 2001 had not been made when that matter occurred."

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5. Yn Atodlen 5 (meini prawf purdeb) hepgorir y cofnodion sy'n ymwneud â'r ychwanegion amrywiol a restrir yn yr Atodlen i'r Rheoliadau hyn.

5. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

Diwygiadau canlyniadol

Consequential amendments

6.-(1) I'r graddau y mae unrhyw offeryn a restrir yn rheoliad 14(1) o Reoliadau Ychwanegion Bwyd Amrywiol (Diwygio) 1999(**d**) yn gymwys i Gymru, bydd effaith y ddarpariaeth honno yn dod i ben mewn perthynas â'r offeryn hwnnw.

6.-(1) In so far as any instrument listed in regulation 14(1) of the Miscellaneous Food Additives (Amendment) Regulations 1999 (**e**) extends to Wales, that provision shall cease to have effect in relation to that instrument.

2. Yn yr offerynnau canlynol, i'r graddau y maent yn gymwys i Gymru, dehonglir cyfeiriadau at Reoliadau Ychwanegion Bwyd Amrywiol 1995 fel petaent yn gyfeiriadau at yr offerynnau hynny fel y'u diwygiwyd gan Reoliadau Ychwanegion Bwyd (Diwygio) 1997(**dd**), Rheoliadau Ychwanegion Bwyd Amrywiol (Diwygio) 1999 a'r Rheoliadau hyn:

(2) In the following instruments, in so far as they extend to Wales, references to the Miscellaneous Food Additives Regulations 1995 shall be construed as references to those instruments as amended by the Miscellaneous Food Additives (Amendment) Regulations 1997(**f**), the Miscellaneous Food Additives (Amendment) Regulations 1999 and these Regulations:

Rheoliadau Hydrocarbonau Mwnol
mewn Bwyd 1966 **(e)**

Rheoliadau Cynhyrchion Siwgr
Penodedig 1976 **(f)**

Rheoliadau Coco a Chynhyrchion
Siocled 1976 **(ff)**

Rheoliadau Suddau Ffrwythau a
Neithdarau Ffrwythau 1977 **(g)**

Rheoliadau Llaeth Cyddwys a Llaeth
Sych 1977 **(ng)**

Rheoliadau Jam a Chynnyrch Tebyg
1981 **(h)**

Rheoliadau Cynhyrchion Cig a
Chynhyrchion Pysgod Taenadwy
1984 **(i)**

Rheoliadau Labelu Ychwanegion
Bwyd 1992 **(j)**

Rheoliadau Labelu Bwyd 1996 **(l)**

the Mineral Hydrocarbons in Food
Regulations 1966 **(g)**

the Specified Sugar Products
Regulations 1976 **(h)**

the Cocoa and Chocolate Products
Regulations 1976 **(i)**

the Fruit Juices and Fruit Nectars
Regulations 1977 **(j)**

the Condensed Milk and Dried Milk
Regulations 1977 **(k)**

the Jam and Similar Products
Regulations 1981 **(l)**

the Meat Products and Spreadable
Fish Products Regulations 1984 **(m)**

the Food Additives Labelling
Regulations 1992 **(n)**

the Food Labelling Regulations 1996
(o)

Llofnodwyd ar ran Cynulliad Cenedlaethol
Cymru o dan adran 66(1) o Ddeddf
Llywodraeth Cymru 1998**(ll)**.

Signed on behalf of the National Assembly
for Wales under section 66(1) of the
Government of Wales Act 1998**(p)**.

ATODLEN Rheoliad 5

SCHEDULE Regulation 5

**YCHWANEGION AMRYWIOL Y MAE'R
MEINI PRAWF PURDEB A BENNIR NEU Y
CYFEIRIR ATYNT YN ATODLEN 5 I'R PRIF
REOLIADAU YN CAEL EU HEPGOR**

**MISCELLANEOUS ADDITIVES FOR WHICH
PURITY CRITERIA SPECIFIED OR
REFERRED TO IN SCHEDULE 5 TO THE
PRINCIPAL REGULATIONS ARE OMITTED**

E 296Malic acid

E 296Malic acid

E 297Fumaric acid

E 297Fumaric acid

E 350(i)Sodium malate

E 350(i)Sodium malate

E 350(ii)Sodium hydrogen malate

E 350(ii)Sodium hydrogen malate

E 351Potassium malate

E 351Potassium malate

E 352(i)Calcium malate

E 352(i)Calcium malate

E 352(ii)Calcium hydrogen malate

E 352(ii)Calcium hydrogen malate

E 355Adipic acid

E 355Adipic acid

E 363Succinic acid

E 363Succinic acid

E 380Triammonium citrate

E 380Triammonium citrate

E 500(i)Sodium carbonate

E 500(i)Sodium carbonate

E 500(ii)Sodium hydrogen carbonate

E 500(ii)Sodium hydrogen carbonate

E 500(iii)Sodium sesquicarbonate

E 500(iii)Sodium sesquicarbonate

E 501(i)Potassium carbonate

E 501(i)Potassium carbonate

E 501(ii)Potassium hydrogen carbonate	E 501(ii)Potassium hydrogen carbonate
E 503(i)Ammonium carbonate	E 503(i)Ammonium carbonate
E 503(ii)Ammonium hydrogen carbonate	E 503(ii)Ammonium hydrogen carbonate
E 507Hydrochloric acid	E 507Hydrochloric acid
E 509Calcium chloride	E 509Calcium chloride
E 513Sulphuric acid	E 513Sulphuric acid
E 514(i)Sodium sulphate	E 514(i)Sodium sulphate
E 515(i)Potassium sulphate	E 515(i)Potassium sulphate
E 516Calcium sulphate	E 516Calcium sulphate
E 522Aluminium potassium sulphate	E 522Aluminium potassium sulphate
E 524Sodium hydroxide	E 524Sodium hydroxide
E 525Potassium hydroxide	E 525Potassium hydroxide
E 526Calcium hydroxide	E 526Calcium hydroxide
E 527Ammonium hydroxide	E 527Ammonium hydroxide
E 528Magnesium hydroxide	E 528Magnesium hydroxide
E 529Calcium oxide	E 529Calcium oxide
E 530Magnesium oxide	E 530Magnesium oxide
E 535Sodium ferrocyanide	E 535Sodium ferrocyanide
E 536Potassium ferrocyanide	E 536Potassium ferrocyanide
E 541Sodium aluminium phosphate, acidic	E 541Sodium aluminium phosphate, acidic
E 551Silicon dioxide	E 551Silicon dioxide

E 552Calcium silicate	E 552Calcium silicate
E 553a(i)Magnesium silicate	E 553a(i)Magnesium silicate
E 553a(ii)Magnesium trisilicate	E 553a(ii)Magnesium trisilicate
E 575Glucono-delta-lactone	E 575Glucono-delta-lactone
E 576Sodium gluconate	E 576Sodium gluconate
E 577Potassium gluconate	E 577Potassium gluconate
E 578Calcium gluconate	E 578Calcium gluconate
E 640Glycine	E 640Glycine
E 900Dimethylpolysiloxane	E 900Dimethylpolysiloxane
E 901Beeswax, white and yellow	E 901Beeswax, white and yellow
E 903Carnauba wax	E 903Carnauba wax
E 904Shellac	E 904Shellac
E 941Nitrogen	E 941Nitrogen
E 942Nitrous oxide	E 942Nitrous oxide
E 948Oxygen	E 948Oxygen
E 999Extract of quillaia	E 999Extract of quillaia
E 1200Polydextrose	E 1200Polydextrose
Propane-1, 2-diol (propylene glycol)	Propane-1, 2-diol (propylene glycol)

[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]

(a) 1990 p.16; diwygiwyd adran 6(4)(a) o'r Ddeddf gan Ddeddf Dadreoleiddio a Chontractio Allan 1994 (p.40), Atodlen 9, paragraff 6 a chan Ddeddf Safonau Bwyd 1999 (p. 28), Atodlen 5, paragraff 10(3).

Trosglwyddwyd swyddogaethau a oedd gynt yn arferadwy gan "the Ministers", i'r graddau y maent yn arferadwy mewn perthynas â Chymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672); mae swyddogaethau a oedd gynt yn arferadwy gan "the Ministers" yn arferadwy bellach, mewn perthynas â Lloegr, gan yr Ysgrifennydd Gwladol yn unol â pharagraff 8 o Atodlen 5 i Ddeddf Safonau Bwyd 1999; trosglwyddwyd y swyddogaethau hynny, i'r graddau y maent yn arferadwy mewn perthynas â'r Alban, i "the Scottish Ministers" gan adran 53 o Ddeddf yr Alban 1998 (p. 46). Mae Rheoliad 13(4) o O.S. 2000/656 yn awdurdodi'r Ysgrifennydd Gwladol yn ddiawms i ddiwygio'r Rheoliadau sy'n bodoli eisoes ac a wnaed gan y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd (p'un ai gydag eraill neu beidio) o dan Ddeddf Diogelwch Bwyd 1990.

(a) 1990 c. 16; section 6(4)(a) of the Act was amended by the Deregulation

and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6 and by the

Food Standards Act 1999 (c. 28), Schedule 5, paragraph 10(3).

Functions formerly exercisable by "the Ministers" are now exercisable, in relation

to England, by the Secretary of State pursuant to paragraph 8 of Schedule

5 to the Food Standards Act 1999; functions formerly exercisable by "the

Ministers", so far as exercisable in relation to Wales, were transferred

to the National Assembly for Wales by the National Assembly for Wales

(Transfer of Functions) Order 1999 (S.I. 1999/672); those functions, so

far as exercisable in relation to Scotland, were transferred to "the

Scottish Ministers" by section 53 of the Scotland Act 1998 (c. 46).

Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of

State to amend existing Regulations made by the Minister of Agriculture,

Fisheries and Food (whether with others or not) under the Food Safety Act

1990.

(b) Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) O.S. 1995/3187, a ddiwygiwyd gan O.S. 1997/1413 ac O.S. 1999/1136.

(ch) OJ Rhif L277, 30.10.2000, t. 1.

(d) O.S. 1999/1136.

(dd) O.S. 1997/1413.

(e) O.S. 1966/1073; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(f) O.S. 1976/509; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(ff) O.S. 1976/541; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(g) O.S. 1977/927; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(ng) O.S. 1977/928; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(h) O.S. 1981/1063; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(i) O.S. 1984/1566; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(j) O.S. 1992/1978; O.S. 1995/3187 yw'r offeryn diwygio perthnasol.

(l) O.S. 1996/1499 y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(b) The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(c) SI 1995/3187, amended by SI 1997/1413 and SI 1999/1136.

(d) OJ No. L277, 30.10.2000, p. 1.

(e) S.I. 1999/1136.

(f) S.I. 1997/1413.

(g) S.I. 1966/1073; the relevant amending instrument is S.I. 1995/3187.

(h) S.I. 1976/509; the relevant amending instrument is S.I. 1995/3187.

(i) S.I. 1976/541; the relevant amending instrument is S.I. 1995/3187.

(j) S.I. 1977/927; the relevant amending instrument is S.I. 1995/3187.

(k) S.I. 1977/928; the relevant amending instrument is S.I.

1995/3187.

(l) S.I. 1981/1063; the relevant amending instrument is S.I. 1995/3187.

(m) S.I. 1984/1566; the relevant amending instrument is S.I. 1995/3187.

(n) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3187.

(o) S.I. 1996/1499 to which there are amendments not relevant to these Regulations.

(ll) 1998 c.38.

(p) 1998 c.38.