

<b>CYNULLIAD CENEDLAETHOL CYMRU</b>		<b>NATIONAL ASSEMBLY FOR WALES</b>
<b>OFFERYNNAU STATUDOL</b>		<b>STATUTORY INSTRUMENTS</b>
<b>2001 Rhif (Cy. )</b>  <b>BWYD, CYMRU</b>  <b>ANIFEILIAID, CYMRU</b>  <b>IECHYD ANIFEILIAID</b>		<b>2001 No. (W. )</b>  <b>FOOD, WALES</b>  <b>ANIMALS, WALES</b>  <b>ANIMAL HEALTH</b>
<b>Rheoliadau Cyfyngu Pithio (Cymru) 2001</b>		<b>The Restriction on Pithing (Wales) Regulations 2001</b>
<b>NODYN ESBONIADOL</b>  <i>(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)</i>		<b>EXPLANATORY NOTE</b>  <i>(This note is not part of the Regulations)</i>
<p>1. Mae'r Rheoliadau hyn, sy'n gymwys i Gymru yn unig, yn rhoi ei heffaith yng Nghymru i Erthygl 5 o Gyfarwyddeb y Comisiwn 2000/418/EC (OJ Rhif L158, 30.6.2000, t.70).</p> <p>2. Mae'r Rheoliadau hyn –</p> <ul style="list-style-type: none"> <li>a. yn gwahardd defnyddio'r dechneg o'r enw "pithio" wrth gigyddio anifeiliaid o deulu'r ychen, teulu'r ddafad neu deulu'r afr i gael eu bwyta gan bobl neu gan anifeiliaid (<i>rheoliad 2(1)</i>);</li> <li>a. yn darparu y bernir bod carcas (heblaw croen)</li> </ul>		<p>1. These Regulations, which apply to Wales only, give effect to Article 5 of Commission Decision 2000/418/EC (OJ No.L158, 30.6.2000, p.70).</p> <p>2. These Regulations –</p> <ul style="list-style-type: none"> <li>a. prohibit the use of the technique known as "pithing" in the slaughter of bovine, ovine or caprine animals for human or animal consumption (<i>regulation 2(1)</i>);</li> <li>a. provide that the carcase</li> </ul>

anifail a bithiwyd yn anghyfreithlon yn ddeunydd risg penodedig (*rheoliad 3*);

- a. yn gwneud diwygiad canlyniadol i Reoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995 i'r graddau y maent yn gymwys i Gymru (*rheoliad 4*);

(ch) yn rhoi pŵer mynediad i bersonau a benodir yn arolygwyr gan yr awdurdod gorfodi perthnasol (*rheoliad 5*);

(d) yn creu tramgwyddau a chosbau (*rheoliadau 2(3), 6 a 7*);

(dd) yn pennu pwy sydd i'w gorfodi (*rheoliad 8*).

**3.** Mae'r Rheoliadau hyn (heblaw Rheoliad 3, sy'n dod i rym ar 1 Gorffennaf 2001) yn dod i rym ar 1 Ebrill 2001.

**4.** Mae arfarniad rheoleiddiol ar gyfer y Rheoliadau hyn wedi'i baratoi yn unol ag adran 65 o Ddeddf Llywodraeth Cymru 1998 ac wedi'i osod yn llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copïau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Caerdydd CF10 1EN.

(other than the hide) of an illegally pithed animal is deemed to be specified risk material (*regulation 3*);

- a. make a consequential amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995 insofar as they extend to Wales (*regulation 4*);
- a. give a power of entry to persons appointed as inspectors by the relevant enforcement authority (*regulation 5*);
- a. create offences and penalties (*regulations 2 (3), 6 and 7*);

- a. specify who is to enforce them (*regulation 8*).

**3.** These Regulations (other than Regulation 3, which comes into force on 1<sup>st</sup> July 2001) come into force on 1<sup>st</sup> April 2001.

**4.** A regulatory appraisal for these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1<sup>st</sup> Floor, Southgate House, Cardiff, CF10 1EN.

---

**CYNULLIAD CENEDLAETHOL CYMRU**

---

**OFFERYNNAU**

**STATUDOL**

**2001 Rhif (Cy. )**

**BWYD, CYMRU**

**ANIFEILIAID, CYMRU**

**IECHYD ANIFEILIAID**

**Rheoliadau Cyfyngu Pithio (Cymru) 2001**

*Wedi'u gwneud 2001*

*Yn dod i rym*

*(a) yn achos pob*

*darpariaeth heblaw*

*rheoliad 3 1 Ebrill 2001*

*(b) yn achos*

*rheoliad 3 1 Gorffennaf 2001*

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi**(a)** at ddibenion adran 2(2)

**NATIONAL ASSEMBLY FOR WALES**

**STATUTORY  
INSTRUMENTS**

**2001 No. (W. )**

**FOOD, WALES**

**ANIMALS, WALES**

**animal health**

**The Restriction on Pithing (Wales)  
Regulations 2001**

*Made 2001*

*Coming into force*

*(a) in the case of*

*all provisions other*

*than regulation 3 1<sup>st</sup> April 2001*

*(b) in the case*

*of regulation 3 1<sup>st</sup> July 2001*

o Ddeddf y Cymunedau Ewropeaidd 1972**(b)** mewn perthynas â mesurau sy'n ymwneud â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd gan weithredu ar y cyd i arfer y pwerau sydd wedi'u rhoi iddynt gan yr adran honno bellach yn gwneud y Rheoliadau canlynol:

## Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyfyngu Pithio (Cymru) 2000.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

(3) Yn achos pob darpariaeth heblaw rheoliad 3, daw'r Rheoliadau hyn i rym ar 1 Ebrill 2001. Daw rheoliad 3 i rym ar 1 Gorffennaf 2001.

## Cyfyngu Pithio

2.—(1) Ni chaiff neb bithio unrhyw anifail buchol, defeidiog neu afraidd cyn ei gigyddio i gael ei fwyta gan bobl neu gan anifeiliaid.

(2) At ddibenion y rheoliadau hyn, "pithio" anifail yw torri ei feinwe nerfol canolog, ar ôl ei stynio, ag offeryn hir ar siâp rhoden a roddir i mewn i geudod y benglog.

(3) Bydd unrhyw berson sy'n torri paragraff (1) yn euog o dramgwydd.

## Gwaredu anifeiliaid a bithiwyd yn anghyfreithlon

The National Assembly for Wales, being designated**(a)** for the purposes of section 2(2) of the European Communities Act 1972**(b)** in relation to measures relating to the common agricultural policy of the European Community, acting in exercise of the powers conferred on it by that section now makes the following Regulations:

## Title, application and commencement

1. —(1) These Regulations may be cited as the Restriction on Pithing (Wales) Regulations 2000.

(2) These Regulations apply to Wales only.

(3) In the case of all provisions other than regulation 3, these Regulations shall come into force on 1<sup>st</sup> April 2001. Regulation 3 shall come into force on 1<sup>st</sup> July 2001.

## Restriction on pithing

2.—(1) No person shall pith any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) For the purposes of these regulations, to "pith" an animal is to lacerate, after stunning, its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity.

3. Os oes unrhyw anifail buchol, defeidiog neu afrol wedi'i bithio yn groes i reoliad 2(1), trinnir pob rhan o'i garcas (ac eithrio'r croen) fel "deunydd risg penodedig" at ddibenion Rheoliadau Deunydd Risg Penodedig 1997(c).

## **Diwygiad i Reoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995**

4. I'r graddau y maent yn gymwys i Gymru, mae Rheoliadau Lles Anifeiliaid (Cigyddio neu Ladd) 1995(ch) wedi'u diwygio drwy fewnosod y rheoliad canlynol yn union ar ôl rheoliad 3 (cymhwyso ac esemptiadau) —

### **"Immobilisation after stunning**

**3A.**-(1) Nothing in these Regulations shall be taken as permitting the immobilisation, on after 1<sup>st</sup> April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) In paragraph (1), the "immobilisation" of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument

(3) Any person who contravenes paragraph (1) shall be guilty of an offence.

## **Disposal of illegally pithed animals**

3. Where any bovine, ovine or caprine animal has been pithed in contravention of regulation 2(1), all parts of its carcase (except the hide) shall be treated as "specified risk material" for the purposes of the Specified Risk Material Regulations 1997(c).

## **Amendment to the Welfare of Animals (Slaughter or Killing) Regulations 1995**

4. In so far as they extend to Wales, the Welfare of Animals (Slaughter or Killing) Regulations 1995(d) are amended by the insertion of the following regulation immediately after regulation 3 (application and exemptions) —

### **"Immobilisation after stunning**

**3A.**-(1) Nothing in these Regulations

introduced into the cranial cavity."

## Pwerau arolygwyr

5.—(1) Os gofynnir iddo wneud hynny, bydd gan arolygydd, ar ôl cyflwyno rhyw ddogfen sydd wedi'i dilysu'n briodol ac sy'n dangos ei awdurdod, hawl ar bob adeg resymol i fynd i unrhyw dir neu adeilad (heblaw adeilad domestig nad yw'n cael ei ddefnyddio mewn cysylltiad â'r Rheoliadau hyn) er mwyn darganfod a yw rheoliad 2(1) yn cael neu wedi cael ei dorri.

(2) Ym mharagraff (1), ystyr "arolygydd" yw person a benodir yn arolygydd at ddibenion y Rheoliadau hyn gan yr Asiantaeth Safonau Bwyd, Cynulliad Cenedlaethol Cymru, y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd, neu awdurdod lleol.

(3) Ym mharagraff (2) ac yn rheoliad 8, ystyr "awdurdod lleol" yw cyngor sir neu gyngor bwrdeistref sirol yng Nghymru.

(4) Bernir bod unrhyw berson a benodir yn arolygydd at ddibenion Deddf Iechyd Anifeiliaid 1981(d) gan —

(a) awdurdod lleol;  
neu

(b) Cynulliad

shall be taken as permitting the immobilisation, on after 1<sup>st</sup> April 2001, of any bovine, ovine or caprine animal prior to slaughtering it for human or animal consumption.

(2) In paragraph (1), the "immobilisation" of an animal means the laceration, after stunning, of its central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity."

## Powers of inspectors

5. —(1) An inspector shall on producing if so required some duly authenticated document showing his or her authority have the right at all reasonable hours to enter any land or premises (other than domestic premises not being used in connection with these Regulations) for the purpose of ascertaining if there is or has been a breach of regulation 2(1).

(2) In paragraph (1), "inspector" means a person appointed to be an inspector for the purposes of these Regulations by the Food Standards Agency, the National Assembly for Wales, the Minister of Agriculture, Fisheries and Food, or a local authority.

(3) In paragraph (2) and in regulation 8, "local authority" means a county council or county borough council in Wales.

(4) Any person appointed to be an

Cenedlaethol  
Cymru (p'un ai gan  
weithredu ar y cyd  
ag unrhyw un o  
Weinidogion y  
Goron neu beidio),  
neu

(c) y Gweinidog  
Amaethyddiaeth,  
Pysgodfeydd a  
Bwyd (p'un ai gan  
weithredu ar y cyd  
ag unrhyw un o  
Weinidogion y  
Goron neu â  
Chynulliad  
Cenedlaethol  
Cymru neu beidio)

wedi'i benodi yn arolygydd at ddibenion y  
Rheoliadau hyn gan yr awdurdod hwnnw neu  
yn ôl fel y digwydd gan Gynulliad  
Cenedlaethol Cymru neu yn ôl fel y digwydd  
gan y Gweinidog hwnnw.

## Rhwystro

6.—(1) Ni chaiff neb —

(a) rhwystro yn  
fwriadol unrhyw  
berson sydd wrthi  
yn gweithredu'r  
Rheoliadau hyn;

(b) methu, heb  
esgus rhesymol, â  
rhoi i unrhyw berson  
sydd wrthi'n  
gweithredu'r

inspector for the purposes of the  
Animal Health Act 1981(e) by –

(a) a local authority;

(b) the National Assembly for Wales  
(whether or not acting jointly with any  
Minister of the Crown), or

(c) the Minister of Agriculture, Fisheries  
and Food (whether or not acting jointly  
with any other Minister of the Crown or  
the National Assembly for Wales)

shall be deemed to have been  
appointed to be an inspector for the  
purposes of these Regulations by that  
authority or as the case may be the  
National Assembly for Wales or as the  
case may be that Minister.

## Obstruction

6. —(1) No person shall –

(a) intentionally obstruct any person  
acting in the execution of these  
Regulations;

(b) without reasonable cause, fail to  
give to any person acting in the  
execution of these Regulations any  
assistance or information which that  
person may reasonably require of him

Rheoliadau hyn unrhyw gymorth neu wybodaeth y gall y person hwnnw ofyn yn rhesymol amdano neu amdani er mwyn cyflawni ei swyddogaethau o dan y Rheoliadau hyn, na methu â chydymffurfio ag unrhyw hysbysiad a gyflwynir iddo o dan y Rheoliadau hyn; neu

(c) darparu gwybodaeth y mae'n gwybod ei bod yn ffug neu'n gamarweiniol i unrhyw berson sydd wrthi'n gweithredu'r Rheoliadau hyn;

a bydd unrhyw berson sy'n torri'r rheoliad hwn neu'n methu â chydymffurfio ag ef yn euog o dramgwydd.

(2) Rhaid peidio â dehongli dim ym mharagraff (1)(b) uchod fel pe bai'n ei gwneud yn ofynnol i unrhyw berson ateb unrhyw gais am wybodaeth a allai daflu bai arno pe bai'n gwneud hynny.

## Cosbi

7.—(1) Bydd person sy'n euog o dramgwydd o dan reoliad 6(1)(a) neu(b) yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol neu i garchar am gyfnod na fydd yn fwy na thri mis neu'r ddau.

or her for the purposes of his or her functions under these Regulations, or fail to comply with any notice served on him or her under these Regulations; or

(c) furnish to any person acting in the execution of these Regulations any information which he or she knows to be false or misleading;

and any person who contravenes or fails to comply with this regulation shall be guilty of an offence.

(2) Nothing in paragraph (1)(b) shall be construed as requiring any person to answer any request for information if to do so might incriminate him or her.

## Penalties

7.—(1) A person guilty of an offence under regulation 6(1)(a) or (b) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months or to both.

(2) A person guilty of an offence under regulation 2(1) or regulation 6(1)(c) shall be liable –

(a) on summary conviction, to a fine not exceeding the statutory maximum or to



(2) Bydd person sy'n euog o dramgwydd o dan reoliad 2(1) neu reoliad 6(1)(c) yn agored

(a) o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na'r uchafswm statudol neu i garchar am gyfnod na fydd yn fwy na thri mis neu'r ddau;

(b) o'i gollfarnu ar dditiad, i ddirwy neu i garchar am gyfnod heb fod yn fwy na dwy flynedd neu'r ddau.

## Gorfodi

8. Caiff y Rheoliadau hyn eu gorfodi –

(a) gan yr Asiantaeth Safonau Bwyd mewn perthynas ag adeiladau a drwyddeddir o dan y Rheoliadau Cig Ffres (Hylendid ac Archwilio) 1995(**dd**), a

(b) gan Gynulliad Cenedlaethol Cymru neu'r Gweinidog

imprisonment not exceeding three months or to both;

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

## Enforcement

8. These Regulations shall be enforced –

a. by the Food Standards Agency in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995(**f**), and

a. by the National Assembly for Wales or the Minister of Agriculture, Fisheries and Food (or the National Assembly for Wales and the said Minister acting jointly) or the relevant local authority in relation to any other premises.

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

Amaethyddiaeth,  
Pysgodfeydd a  
Bwyd (neu  
Gynulliad  
Cenedlaethol  
Cymru a'r  
Gweinidog a enwyd  
yn gweithredu ar y  
cyd) neu gan yr  
awdurdod lleol  
perthnasol mewn  
perthynas ag  
 unrhyw adeiladau  
eraill.

Date

*Dafydd Elis Thomas*

Presiding Officer of the National Assembly for  
Wales

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

Dyddiad

*Dafydd Elis Thomas*

Llywydd Cynulliad Cenedlaethol Cymru

**[ENDNOTES – WILL APPEAR IN PRINTED VERSION AS FOOTNOTES]**

**(a)** O.S. 1999/2788.

**(b)** 1972 p.68.

**(c)** O.S. 1997/2965, a ddiwygiwyd gan O.S. 1997/3062, O.S. 1998/2405 (a ddiwygiwyd ei hun gan O.S. 1998/2431), O.S. 1999/539 ac, mewn perthynas â Chymru, gan O.S. 2000/2659 (Cy.172) ac O.S. 2000/3387 (Cy.224).

**(ch)** O.S. 1995/731, a ddiwygiwyd gan O.S. 1999/400 ac O.S. 2001/656.

**(d)** 1981 p.22.

**(dd)** O.S. 1995/539.

**(e)** 1998 p.38.

**(a)** S.I. 1999/2788

**(b)** 1972 c.68.

**(c)** S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1998/2431), S.I. 1999/539 and, in relation to Wales, by S.I. 2000/2659 (W.172) and S.I. 2000/3387 (W.224)

**(d)** S.I. 1995/731, amended by S.I. 1999/400 and S.I. 2001/656.

**(e)** 1981 c.22.

**(f)** S.I. 1995/539.

**(g)** 1998 c.38.