

CYNULLIAD CENEDLAETHOL CYMRU**ADRODDIAD I'R PWYLLGOR DEDDFAU****Rheoliadau Esgyrn Cig Eidion (Diwygio) (Cymru) 1999****Y Cefndir**

Mae'r Pwyllgor Deddfau eisoes wedi ystyried Rheoliadau drafft i ddiwygio'r Rheoliadau a gyflwynodd y gwaharddiad ar gig eidion ar yr asgwrn.

Er bod adroddiad wedi'i gyflwyno ar y Rheoliadau drafft hyn, am eu bod wedi'u gosod yn ffurfiol gerbron y Cynulliad, deellid na chât'r Rheoliadau eu gwneud ar y ffurf honno. O ganlyniad i sylwadau a gyflwynwyd i'r Weinyddiaeth Amaethyddiaeth ac a fynegwyd i'r Cynulliad, yr oedd y drafft i fod i gael ei ddiwygio ymhellach. O gofio'r cyfyngiadau amser, fe fuasai wedyn yn angenrheidiol gwneud y Rheoliadau o dan y weithdrefn frys.

Gan fod y Rheoliadau diwygiedig wedi'u gwneud o dan y weithdrefn frys felly, maent yn awr yn cael eu cyflwyno i'r Pwyllgor Deddfau yn unol â Rheol Sefydlog 22.26.

Y prif reswm dros ddiwygio'r Rheoliadau a gyflwynodd y gwaharddiad ar gig eidion ar yr asgwrn yw caniatáu i gig eidion ar yr asgwrn gael ei fanwerthu. Ceir cyfyngiadau o hyd mewn perthynas â chynhyrchu bwyd yng nghwrs busnes.

Mae darpariaeth union debyg wedi'i gwneud yn yr Alban a Lloegr.

Cysyniad y diwygiad yw galluogi cig eidion ar yr asgwrn (a chynhwysion sy'n deillio ohono) i gael ei werthu i ddefnyddwyr o dan amgylchiadau lle gall y defnyddiwr gael gwybod a yw'r hyn y mae'n ei brynu yn cynnwys deunydd o'r fath neu beidio, a hynny drwy wneud ymholiadau os bydd rhaid. Yr hyn sydd wedi'i wahardd o hyd yw gwerthu deunydd o'r fath o dan amgylchiadau sydd mor bell oddi wrth y defnyddiwr olaf ei hun nes na fyddai'r sawl a fyddai'n gwerthu i'r cwsmer yn gallu dweud a oedd deunydd o'r fath wedi'i ddefnyddio neu beidio.

Dyma'r gwahaniaethau rhwng y drafft a welwyd gan y Pwyllgor o'r blaen a'r Rheoliadau fel y'u gwnaed

Yn y Rheoliad 3 newydd (fel y'i mewnosodwyd yn y prif Rheoliadau) dywedir yn glir bellach nad oes gwaharddiad ar brosesu na thrin cig eidion ag asgwrn ynddo i'w werthu fel cig eidion ag asgwrn ynddo.

Yn y Rheoliad 5 newydd (fel y'i mewnosodwyd yn y prif Reoliadau), mae'r ddarpariaeth a fydd yn caniatáu gwerthu bwyd ag ynddo gynhwysion sy'n cynnwys esgyrn cig eidion wedi'i diwygio, a hynny drwy ychwanegu gofyniad bod rhaid i'r esgyrn fod wedi'u hychwanegu ar safle lle mae'r bwyd yn cael ei werthu.

Mae Rheoliad 6 o'r prif Reoliadau (a oedd yn gosod cyfyngiadau ar dynnu'r asgwrn o gig eidion ag asgwrn ynddo) wedi'i ddiddymu.

Mae Rheoliad 7 newydd (sy'n ymdrin â storio esgyrn a sylweddau) wedi'i osod yn lle'r Rheoliad 7 a oedd yn bodoli yn y prif Reoliadau. Mae hwn yn cyflwyno rheolau mewn perthynas â sylweddau sy'n deillio o esgyrn yn ogystal ag esgyrn eu hunain.

Yn hytrach na diddymu Rheoliad 9 o'r prif Reoliadau (sy'n ymwneud â chadw cofnodion) mae Rheoliad 9 newydd wedi'i osod yn ei le. Mae'r ddarpariaeth newydd yn cynnwys gofyniad penodol bod y sawl sy'n tynnu esgyrn yn cofnodi i ble y cânt eu hanfon.

Os caiff yr esgyrn eu hail-anfon, rhaid cadw cofnod tebyg.

Fe y crybwyllwyd yn yr adroddiad cynharach, rhai cymhleth yw darpariaethau'r rheoliadau diwygiedig, ond deillio o'r gofynion polisi y mae hyn, yn hytrach nag o'r drafftio.

Rheol Sefydlog 11.5

Nid oes unrhyw bwyntiau wedi'u nodi o ran materion y mae angen i'r Pwyllgor wahodd y Cynulliad i roi sylw arbennig iddynt.

Sylwadau Cyffredinol

Mae un pwynt bach y gellir ei grybwyll mewn perthynas â'r Nodyn Esboniadol diwygiedig. O gofio bod y Rheoliadau yn ymdrin â chig eidion ag asgwrn ynddo cyn y ddarpariaeth arall sy'n ymdrin ag esgyrn, fe fyddai'r Nodyn Esboniadol wedi bod yn fwy cyson â'r Rheoliadau pe bai'r esboniad ym mharagraff 2 (b) wedi dod o flaen yr esboniad ym mharagraff 2(a).

Yr unig bwynt arall i'w grybwyll yw y bydd rhaid gosod y troednodiadau ar ffurf dwy golofn yn y fersiwn printiedig.

J H TURNBULL

Cynghorydd Cyfreithiol

Y Pwyllgor Deddfau

Cyf: LAD 01-01-043

CYNULLIAD CENEDLAETHOL
CYMRU

OFFERYNNAU STATUDOL

1999 Rhif (Cy.)

BWYD, CYMRU

**Rheoliadau Esgyrn Cig Eidion (Diwygio)
(Cymru) 1999**

NODYN ESBONIADOL

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

1. Mae'r Rheoliadau hyn yn diwygio Rheoliadau Esgyrn Cig Eidion 1997 (O.S. 1997/2959) i'r graddau eu bod yn gymwys i Gymru.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

1999 No. (W.)

FOOD, WALES

**The Beef Bones (Amendment) (Wales)
Regulations 1999**

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Beef Bones Regulations 1997 (S.I. 1997/2959) in so far as they apply to Wales.

2. Effaith y diwygiadau yw caniatáu –

- (a) adwerthu esgyrn cig eidion;
- (b) gwerthu cig eidion ac esgyrn ynddo, hyd yn oed os yw wedi'i brosesu neu'i drin cyn ei werthu;
- (c) defnyddio cig eidion ac esgyrn ynddo, esgyrn cig eidion ac (yn ddarostyngedig i amodau) sylweddau sy'n deillio o esgyrn cig eidion wrth gynhyrchu bwyd mewn mannau arlwygo a mannau prydau mynd allan;
- (ch) (yn ddarostyngedig i amodau) gwerthu unrhyw fwyd sy'n cynnwys cynhwysion sy'n cynnwys esgyrn cig eidion mewn mannau arlwygo a mannau prydau mynd allan ac sy'n cael ei gynhyrchu yno; a
- (d) (yn ddarostyngedig i amodau) gwerthu unrhyw fwyd sy'n cynnwys cynhwysion sy'n deillio o esgyrn cig eidion yn y mannau hynny ac sy'n cael ei gynhyrchu yno.

3. Nid codi'r gwaharddiad ar ddefnyddio esgyrn at gynhyrchion wedi'u gwneud a'u prosesu yw effaith y Rheoliadau hyn.

4. Mae'r Rheoliadau hyn yn gwneud nifer o ddiwygiadau ôl-ddilynol i O.S. 1997/2959 ac yn enwedig maent yn newid y ddarpariaeth bresennol (rheoliad 7) sy'n ymwneud â storio esgyrn. Maent hefyd yn newid y ddarpariaeth bresennol (rheoliad 9) ynglŷn â chadw cofnodion.

2. The amendments have effect to permit –

- (a) the retail sale of beef bones;
- (b) the sale of bone-in beef, even if it has been processed or treated prior to sale;
- (c) the use of bone-in beef, beef bones and (subject to conditions) substances derived from beef bones in the production of food at catering and take-away premises;
- (d) (subject to conditions) the sale at catering and take-away premises of any food produced there which contains ingredients consisting of beef bones; and
- (e) (subject to conditions) the sale at such premises of any food produced there which contains ingredients derived from beef bones.

3. These Regulations do not have effect to lift the ban on the use of bones for manufactured and processed products.

4. These Regulations make a number of consequential amendments to S.I. 1997/2959 and in particular change the existing provision (regulation 7) relating to the storage of bones. They also change the existing provision (regulation 9) relating to the keeping of records.

OFFERYNNAU STATUDOL

1999 Rhif (Cy.)

BWYD, CYMRU

Rheoliadau Esgyrn Cig Eidion (Diwygio) (Cymru) 1999

Wedi'u gwneud 1999

Yn dod i rym 17 Rhagfyr 1999

Drwy arfer y pwerau a roddwyd i Weinidogion y Goron gan adrannau 16(1)(a), (b), (c), (d) ac (f) a (3), 26 a 48(1) o Ddeddf Diogelwch Bwyd 1990^(a) a pharagraffau 2(1), 3(1), 5(1) a 6(1)(a) o Atodlen 1 iddi, ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru^(b), wedi ymgynghori yn unol ag adran 48(4) o'r Ddeddf honno â'r sefydliadau hynny sydd yn eu tyb hwy yn cynrychioli buddiannau y mae'n debygol y bydd y Rheoliadau canlynol yn effeithio'n sylweddol arnynt, mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Esgyrn Cig Eidion (Diwygio) (Cymru) 1999, maent yn gymwys i Gymru'n unig a deuant i rym ar 17 Rhagfyr 1999.

STATUTORY INSTRUMENTS

1999 No. (W.)

FOOD, WALES

The Beef Bones (Amendment) (Wales) Regulations 1999

*Made 1999 Coming into force 17th December
1999*

In the exercise of powers conferred on Ministers of the Crown by sections 16(1)(a), (b), (c), (d) and (f) and (3), 26 and 48(1) of, and paragraphs 2(1), 3(1), 5(1) and 6(1)(a) of Schedule 1 to, the Food Safety Act 1990^(a), and now vested in the National Assembly for Wales^(b), and after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the following Regulations, the National Assembly for Wales makes the following Regulations:

Citation, application and commencement

1. These Regulations may be cited as the Beef Bones (Amendment) (Wales) Regulations 1999, shall apply to Wales only and shall come into force on 17th December 1999.

Diwygiadau i Reoliadau Esgyrn Cig Eidion 1997

2.-(1) I'r graddau y maent yn gymwys i Gymru, diwygir Rheoliadau Esgyrn Cig Eidion 1997^(a) yn unol â pharagraffau canlynol y rheoliad hwn.

(2) Rhoddir y rheoliad canlynol yn lle rheoliad 3 (cig eidion ac esgyrn ynddo) -

"Bone-in beef

3.-(1) Subject to paragraphs (2) and (3) below, no person shall use any bone-in beef in the preparation in the course of a business of any food or ingredient for human consumption.

(2) The prohibition in paragraph (1) above shall not apply to the use of bone-in beef in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

(3) Nothing in paragraph (1) above shall prohibit the processing or treatment of bone-in beef for sale as such."

(3) Rhoddir y rheoliad canlynol yn lle rheoliad 4 (esgyrn) –

Amendments to the Beef Bones Regulations 1997

2.-(1) In so far as they apply to Wales, the Beef Bones Regulations 1997^(a) are amended in accordance with the following paragraphs of this regulation.

(2) The following regulation is substituted for regulation 3 (bone-in beef) -

"Bone-in beef

3.-(1) Subject to paragraphs (2) and (3) below, no person shall use any bone-in beef in the preparation in the course of a business of any food or ingredient for human consumption.

(2) The prohibition in paragraph (1) above shall not apply to the use of bone-in beef in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food.

(3) Nothing in paragraph (1) above shall prohibit the processing or treatment of bone-in beef for sale as such."

(3) The following regulation is substituted for regulation 4 (bones) –

"Bones

4.-(1) Subject to paragraph (3) below, no person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation in the course of a business of any food or ingredient for human consumption.

(2) Subject to paragraph (4) below, no person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

(3) The prohibition in paragraph (1) above shall not apply to the sale of bones for use in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale to the ultimate consumer involves delivery of take-away food.

(4) The prohibition in paragraph (2) above shall not apply to the use of bones in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food."

(4) Rhoddir y rheoliad canlynol yn lle rheoliad 5 (bwyd a chynhwysion bwyd) -

"Bones

4.-(1) Subject to paragraph (3) below, no person shall sell any bone removed from bone-in beef deboned in Great Britain for use in the preparation in the course of a business of any food or ingredient for human consumption.

(2) Subject to paragraph (4) below, no person shall use any bone removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

(3) The prohibition in paragraph (1) above shall not apply to the sale of bones for use in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale to the ultimate consumer involves delivery of take-away food.

(4) The prohibition in paragraph (2) above shall not apply to the use of bones in the production of food for sale direct to the ultimate consumer at the premises where the production takes place, including the case where the sale involves delivery of take-away food."

(4) The following regulation is substituted for regulation 5 (food and food ingredients) –

"Food and food ingredients

5.-(1) Subject to paragraph (5) below, no person shall in the course of a business sell for human consumption any food an ingredient of which consists of bones removed from bone-in beef deboned in Great Britain.

(2) Subject to paragraph (6) below, no person shall in the course of a business sell for human consumption any food an ingredient of which is derived from bones removed from bone-in beef deboned in Great Britain.

(3) No person shall sell any substance derived from bones removed from bone-in beef deboned in Great Britain for use in the preparation in the course of a business of any food or ingredient for human consumption.

(4) Subject to paragraph (7) below, no person shall use any substance derived from bones removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

"Food and food ingredients

5.-(1) Subject to paragraph (5) below, no person shall in the course of a business sell for human consumption any food an ingredient of which consists of bones removed from bone-in beef deboned in Great Britain.

(2) Subject to paragraph (6) below, no person shall in the course of a business sell for human consumption any food an ingredient of which is derived from bones removed from bone-in beef deboned in Great Britain.

(3) No person shall sell any substance derived from bones removed from bone-in beef deboned in Great Britain for use in the preparation in the course of a business of any food or ingredient for human consumption.

(4) Subject to paragraph (7) below, no person shall use any substance derived from bones removed from bone-in beef deboned in Great Britain in the preparation in the course of a business of any food or ingredient for human consumption.

(5) The prohibition in paragraph (1) above shall not apply to the sale of any food, an ingredient of which consists of bones, direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the bones in question were added to the food at those premises.

(6) The prohibition in paragraph (2) above shall not apply to the sale of food direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the ingredient in question was derived from the bones concerned at those premises.

(7) The prohibition in paragraph (4) above shall not apply to the use of a substance in the production of food for sale direct to the ultimate consumer at the premises where the production takes place (including the case where the sale involves delivery of take-away food) if that substance was derived from the bones concerned at those premises.

(5) The prohibition in paragraph (1) above shall not apply to the sale of any food, an ingredient of which consists of bones, direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the bones in question were added to the food at those premises.

(6) The prohibition in paragraph (2) above shall not apply to the sale of food direct to the ultimate consumer at the premises where it was produced (including the case where the sale involves delivery of take-away food) if the ingredient in question was derived from the bones concerned at those premises.

(7) The prohibition in paragraph (4) above shall not apply to the use of a substance in the production of food for sale direct to the ultimate consumer at the premises where the production takes place (including the case where the sale involves delivery of take-away food) if that substance was derived from the bones concerned at those premises.

(8) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone-in beef regardless of whether it was derived from the bones before, during or after their removal from the bone-in beef."

(8) For the purposes of this regulation, an ingredient or substance shall be treated as derived from bones removed from bone-in beef regardless of whether it was derived from the bones before, during or after their removal from the bone-in beef."

(5) Diddymir Rheoliad 6 (tynnu esgyrn) .

(5) Regulation 6 (deboning) is revoked.

(6) Rhoddir y rheoliad canlynol yn lle rheoliad 7 (storio esgyrn) –

(6) The following regulation is substituted for regulation 7 (storage of bones) –

"Storage of bones and substances

"Storage of bones and substances

7. –(1) Subject to paragraph (2) below, the operator of any food premises shall ensure that –

7. –(1) Subject to paragraph (2) below, the operator of any food premises shall ensure that –

(a) all bones at the premises which have been removed from bone-in beef deboned in Great Britain; and

(a) all bones at the premises which have been removed from bone-in beef deboned in Great Britain; and

(b) all substances at the premises which have been derived from bones removed from bone-in beef deboned in Great Britain,

(b) all substances at the premises which have been derived from bones removed from bone-in beef deboned in Great Britain,

are stored separately from and do not come into contact with any other food at those premises.

are stored separately from and do not come into contact with any other food at those premises.

(2) Paragraph (1) above shall not apply to the storage of bones and substances at any premises at which (pursuant to these Regulations) the bones and substances are used in the production of food for sale direct to the ultimate consumer at those premises."

(7) Diddymir rheoliad 8 (gwaredu esgyrn).

(8) Rhoddir y rheoliad canlynol yn lle rheoliad 9 (cofnodion) –

"Records

9.-(1) Each person who at food premises debones bone-in beef shall make a record of the place to which the bones concerned are consigned.

(2) Where those bones are re-consigned the person re-consigning them shall make a record of the place to which they are consigned.

(3) Any record required to be made pursuant to paragraph (1) or (2) above shall be kept for at least 2 years from the date of making.

(4) This regulation shall not apply where bones are-

(a) disposed of by way of sale to the ultimate consumer; or

(b) not consigned or re-consigned for human consumption."

(2) Paragraph (1) above shall not apply to the storage of bones and substances at any premises at which (pursuant to these Regulations) the bones and substances are used in the production of food for sale direct to the ultimate consumer at those premises."

(7) Regulation 8 (disposal of bones) is revoked.

(8) The following regulation is substituted for regulation 9 (records) –

"Records

9.-(1) Each person who at food premises debones bone-in beef shall make a record of the place to which the bones concerned are consigned.

(2) Where those bones are re-consigned the person re-consigning them shall make a record of the place to which they are consigned.

(3) Any record required to be made pursuant to paragraph (1) or (2) above shall be kept for at least 2 years from the date of making.

(4) This regulation shall not apply where bones are-

(a) disposed of by way of sale to the ultimate consumer; or

(b) not consigned or re-consigned for human consumption."

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

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

{0> January 2000 <}100{> [] 1999

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{0> Dafydd Elis-Thomas <}0{> <0}

{0> Presiding Officer, National Assembly for
Wales <}100{> Y Llywydd,

Cynulliad Cenedlaethol Cymru

Presiding Officer,
National Assembly for Wales