

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Lleoliad:

Ystafell Bwyllgora 2 – y Senedd

Dyddiad:

Dydd Llun, 7 Gorffennaf 2014

Amser:

14.30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch a:

Gareth Williams

Clerc y Pwyllgor

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Agenda

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Offerynnau sy'n cynnwys materion i gyflwyno adroddiad arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3

Offerynnau'r Weithdrefn Penderfyniad Cadarnhaol

CLA416 – Rheoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014 (Tudalennau 1 – 32)

Y weithdrefn gadarnhaol; Fe'u gwnaed ar: dyddiad heb ei nodi; Fe'u gosodwyd ar: 24 Mehefin 2014; Yn dod i rym ar: 6 Awst 2014

CLA(4)–19–14 – Papur 1 – Rheoliadau

CLA(4)–19–14 – Papur 2 – Memorandwm Esboniadol

CLA(4)–19–14 – Papur 3 – Adroddiad

CLA417 – Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014 (Tudalennau 33 – 87)

Y weithdrefn gadarnhaol; Fe'u gwnaed ar: dyddiad heb ei nodi; Fe'u gosodwyd ar: 24 Mehefin 2014; Yn dod i rym ar: 31 Rhagfyr 2014

CLA(4)–19–14 – Papur 4 – Rheoliadau

CLA(4)–19–14 – Papur 5 – Memorandwm Esboniadol

CLA(4)–19–14 – Papur 6 – Adroddiad

3 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y canlynol:

(vi) lle mae'r pwyllgor yn cyd-drafod cynnwys, casgliadau neu argymhellion adroddiad y mae'n bwriadu ei gyhoeddi; neu'n ymbaratoi i gael tystiolaeth gan unrhyw berson;

Adroddiad drafft ar yr ymchwiliad i anghymhwyso person rhag bod yn Aelod o Gynulliad Cenedlaethol Cymru (Tudalennau 88 – 227)

CLA(4)–19–14 – Papur 7 – Adroddiad Drafft

CLA(4)–19–14 – Papur 8 – Gorchymyn 2010

CLA(4)–19–14 – Papur 9 – Darn i Ddeddf Llywodraeth Cymru 2006

CLA(4)–19–14 – Papur 10 – Tabl

CLA(4)–19–14 – Papur 11 – Nodyn Cyngor Cyfreithiol

Ymchwiliad i ddeddfu (Tudalennau 228 – 229)

Trafodaeth gyda'r tîm cyfathrebu

Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), i'w cymeradwyo drwy benderfyniad y Cynulliad.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2014 Rhif (Cy.)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Lles Anifeiliaid
(Adnabod Cŵn) (Cymru) 2014**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer microsglodynnu cŵn yn orfodol fel dull o adnabod ac ar gyfer cofrestru'r microsglodyn a manylion ceidwad y ci mewn cronfa ddata.

Mae rheoliad 3 yn ei gwneud yn ofynnol i unrhyw gi bach a gaiff ei eni ar ôl i'r Rheoliadau hyn ddod i rym gael ei ficrosglodynnu cyn iddo droi'n 56 diwrnod oed neu cyn iddo gael ei drosglwyddo i geidwad newydd, pa un bynnag yw'r cynharaf.

Mae rheoliad 4 yn ei gwneud yn ofynnol i unrhyw gi y mae ei geidwad yn newid ar ôl i'r Rheoliadau hyn ddod i rym gael ei ficrosglodynnu, ac i'r ceidwad sy'n trosglwyddo ddiweddarau'r gronfa ddata y mae'r microsglodyn wedi ei gofrestru arni gyda manylion cyswllt y ceidwad newydd.

Mae rheoliad 5 yn ei gwneud yn ofynnol i bob ci llawndwf gael ei ficrosglodynnu heb fod yn hwyrach na 1 Mawrth 2015.

Mae rheoliad 6 yn ei gwneud yn ofynnol i gŵn wedi'u mewnforio gael eu microsglodynnu.

Mae rheoliad 7 yn esemptio cŵn o'r gofyniad microsglodynnu o dan y Rheoliadau hyn os yw ceidwad y ci ond yn ymweld â Chymru am gyfnod nad yw'n hwy na 30 o ddiwrnodau.

Mae rheoliad 8 yn creu gweithdrefn sy'n caniatáu i filfeddyg gael ardystio bod ci yn esempt o'r gofyniad i ficrosglodynnu ar sail ei iechyd.

Mae rheoliad 9 yn nodi pa wybodaeth y mae'n rhaid ei chofnodi mewn cronfa ddata.

Mae rheoliad 10 yn creu troseddau o fethu cydymffurfio â rheoliadau 3, 4, 5 a 6.

Mae rheoliad 11 yn darparu bod y Rheoliadau i gael eu gorfodi gan yr awdurdod lleol.

Mae rheoliad 12 yn gwneud diwygiadau canlyniadol i Rheoliadau Tocio Cynffonnau Cŵn Gwaith (Cymru) 2007.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd Asesiad Effaith Rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi o Swyddfa'r Prif Swyddog Milfeddygol, Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

Rheoliadau Drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), i'w cymeradwyo drwy benderfyniad y Cynulliad.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2014 Rhif (Cy.)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Lles Anifeiliaid
(Adnabod Cŵn) (Cymru) 2014**

Gwnaed

Yn dod i rym

6 Awst 2014

Mae Gweinidogion Cymru, sef yr awdurdod cenedlaethol priodol o ran Cymru(1), yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 12 o Ddeddf Lles Anifeiliaid 2006(2).

Yn unol ag adran 12(6) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â'r personau hynny yr ymddengys iddynt hwy eu bod yn cynrychioli'r buddiannau y mae'r Rheoliadau hyn yn ymwneud â hwynt, fel y gwelant yn briodol.

Yn unol ag adran 61(2) o'r Ddeddf honno(3), gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd ganddo drwy benderfyniad.

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- (1) Diffinnir yr "appropriate national authority" yn adran 62(1) o Ddeddf Lles Anifeiliaid 2006. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.
- (2) 2006 p.45.
- (3) Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 34 o Atodlen 11 iddi mae'r cyfeiriad yn adran 61(2) at "House of Parliament" yn cynnwys Cynulliad Cenedlaethol Cymru.

RHAN 1

Cyflwyniad

Enwi, cymhwyso a chychwyn

- 1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014.
- (2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.
- (3) Daw'r Rheoliadau hyn i rym ar 6 Awst 2014.

Dehongli

2. Yn y Rheoliadau hyn—

(1) ystyr “awdurdod lleol” (“*local authority*”) yw'r cyngor sir neu gyngor bwrdeistref sirol;

ystyr “ci bach” (“*puppy*”) yw ci sy'n llai na 6 mis oed;

ystyr “ci llawndwf” (“*adult dog*”) yw ci nad yw'n llai na 6 mis oed;

ystyr “microsglodyn” (“*microchip*”) yw dyfais adnabod amledd radio oddefol darllen yn unig—

- (a) wedi ei rhaglennu â rhif unigryw y gellir ei ddarllen â sganiwr; a
- (b) wedi ei chofrestru mewn cronfa ddata y mae ceidwad y ci'n credu'n rhesymol ei bod yn bodloni gofynion rheoliad 9;

ystyr “microsglodynnu” (“*microchipped*”) yw rhoi microsglodyn o dan y croen;

ystyr “milfeddyg” (“*veterinary surgeon*”) yw person sydd wedi ei gofrestru yn y gofrestr o filfeddygon o dan adran 2 o Ddeddf Milfeddygon 1966.

(2) ystyr “ceidwad” (“*keeper*”), mewn perthynas ag unrhyw gi ac eithrio ci cymorth (o fewn ystyr adran 173(1) o Ddeddf Cydraddoldeb 2010 (1)), yw'r person y mae'r ci yn preswyllo gydag ef fel arfer.

Mewn perthynas â chi cymorth, ystyr “ceidwad” yw,—

- (a) hyd nes bod y ci'n peidio â gweithio fel ci cymorth, y corff sy'n gyfrifol am ei hyfforddi a'i neilltuo;
- (b) ar ôl i'r ci beidio â gweithio fel ci cymorth, y person y mae'r ci yn preswyllo gydag ef fel arfer.

Adnabod cŵn bach

3.—(1) Pan fo ci llawndwf yn rhoi genedigaeth i gi bach ar ôl i'r Rheoliadau hyn ddod i rym, rhaid i

(1) 2010 p.15.

geidwad y ci llawndwf hwnnw sicrhau bod y ci bach hwnnw yn cael ei ficrosglodynnu—

- (a) cyn iddo droi'n 56 diwrnod oed; neu
- (b) cyn iddo gael ei drosglwyddo i geidwad newydd,

pa un bynnag yw'r cynharaf.

(2) Rhaid i geidwad y ci llawndwf gael ei gofrestru fel ceidwad cyntaf y ci bach yn y gronfa ddata y cofrestrir y microsglodyn arni yn unol â rheoliad 9(1)(ii).

Newid Ceidwaid

4.—(1) Ar ôl i'r Rheoliadau hyn ddod i rym, cyn i unrhyw gi gael ei drosglwyddo i geidwad newydd, rhaid i'r ceidwad sy'n trosglwyddo—

- (a) sicrhau bod y ci wedi ei ficrosglodynnu; a
- (b) rhoi enw, cyfeiriad a rhif ffôn (os oes ganddo un) y ceidwad newydd i weithredwr y gronfa ddata y mae'r microsglodyn a roddwyd yn y ci wedi ei gofrestru arni.

(2) Rhaid i'r ceidwad sy'n trosglwyddo roi'r canlynol i'r ceidwad newydd—

- (a) enw gweithredwr y gronfa ddata y mae manylion microsglodyn y ci wedi'u cofrestru arni; neu
- (b) y dystysgrif a ddyroddwyd o dan reoliad 8(1).

Adnabod Cŵn Llawndwf

5. Rhaid i geidwad unrhyw gi llawndwf sicrhau ei fod wedi ei ficrosglodynnu heb fod yn hwyrach na 1 Mawrth 2015.

Adnabod Cŵn wedi'u Mewnforio

6. Rhaid i geidwad sy'n mewnforio ci nad yw wedi ei adnabod yn unol â'r Rheoliadau hyn sicrhau ei fod yn cael ei ficrosglodynnu—

- (a) o fewn 30 o ddiwrnodau i fewnforio'r ci; neu
 - (b) cyn trosglwyddo'r ci i geidwad newydd,
- pa un bynnag yw'r cynharaf.

Esemptiad i bobl nad ydynt yn breswylwyr

7. Nid yw rheoliadau 3, 4 a 5 yn gymwys i geidwad ci sy'n ymweld â Chymru am gyfnod nad yw'n hwy na 30 o ddiwrnodau.

Esemptiad Milfeddygol

8.—(1) Nid yw rheoliadau 3, 4, 5 a 6 yn gymwys os bydd milfeddyg yn ardystio y byddai

microsglodynnu yn gwanhau iechyd ci yn sylweddol.

(2) Rhaid i ardystiad o dan baragraff (1) fod ar ffurf a gymeradwywyd gan Weinidogion Cymru.

(3) Ni chaniateir dyroddi ardystiad o dan baragraff (1) am fwy na 4 wythnos.

(4) Os yw'r milfeddyg o'r farn fod y risg o wanhau iechyd y ci'n sylweddol yn un barhaol, nid yw paragraff (3) yn gymwys.

Gofynion o ran Cronfa Ddata

9.—(1) Rhaid i geidwad gredu'n rhesymol fod gweithredwr y gronfa ddata'n cofnodi'r canlynol yn gywir—

- (i) rhif unigryw'r microsglodyn;
- (ii) enw a chyfeiriad y ceidwad;
- (iii) rhif ffôn y ceidwad, os oes ganddo un;
- (iv) enw'r ci;
- (v) brîd y ci;
- (vi) lliw'r ci;
- (vii) unrhyw nodweddion corfforol arbennig sydd gan y ci;
- (viii) rhyw'r ci; a
- (ix) dyddiad geni'r ci.

(2) Rhaid i geidwad gredu'n rhesymol fod gweithredwr y gronfa ddata—

- (i) yn diweddarar unrhyw newidiadau, y rhoddir gwybod amdanynt, i'r wybodaeth a restrir ym mharagraff (1) ar y gronfa ddata;
- (ii) yn cofnodi'r wybodaeth a restrir ym mharagraff (1) mewn cronfa ddata gyfrifiadurol ddiogel; a
- (iii) yn gallu prosesu ymholiadau am yr wybodaeth honno dros y ffôn neu ar-lein ar bob adeg resymol.

Troseddau

10. Mae'n drosedd, y gellir ei chosbi â dirwy o ddim mwy na lefel 2 ar y raddfa safonol, i—

- (a) methu cydymffurfio â rheoliad 3;
- (b) methu cydymffurfio â rheoliad 4;
- (c) methu cydymffurfio â rheoliad 5; neu
- (d) methu â chydymffurfio â rheoliad 6.

Gorfodi

11. Caiff y Rheoliadau hyn eu gorfodi gan yr awdurdod lleol.

Diwygio Rheoliadau Tocio Cynffonnau Cŵn Gwaith (Cymru) 2007

12.—(1) Mae Rheoliadau Tocio Cynffonnau Cŵn Gwaith (Cymru) 2007⁽¹⁾ wedi eu diwygio fel a ganlyn.

(2) Yn lle rheoliad 5(1) rhodder—

“(1) Er mwyn cael ei ddynodi fel ci is-adran (3) fel sy'n ofynnol gan adran 6(8) o Ddeddf Lles Anifeiliaid 2006—

- (a) rhaid i gi fod wedi ei ficrosglodynnu gan filfeddyg, neu nyrs filfeddygol o dan oruchwyliaeth milfeddyg, yn unol â rheoliad 3 o Reoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014; a
- (b) cyn i'r ci droi'n 91 diwrnod oed, rhaid dynodi ei fod yn gi gwaith ardystiedig o dan adran 6(3) o Ddeddf Lles Anifeiliaid 2006 drwy nodi'r tociad cynffon fel nodwedd gorfforol arbennig yn y gronfa ddata y mae microsglodyn y ci wedi ei gofrestru ynddi o dan reoliad 9(1)(vii) o Reoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014.”

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidogion Cymru

Dyddiad

(1) O.S. 2007/1028 (Cy. 95).

Explanatory Memorandum to the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014.

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014. I am satisfied that the benefits justify the likely costs.

Alun Davies AM
Minister for Natural Resources and Food

DATE: 18 June 2014

1. Description

These Regulations provide for the identification of all dogs in Wales through the implantation of a microchip. Puppies born after the legislation has commenced will be required to be microchipped before they are 56 days old; the purpose of microchipping puppies would be to ensure an audit trail from the premises of its birth to any new owner/keepers. Should welfare or medical problems arise in the future which indicate that the source of the problem was from the place of birth, it would be possible to establish that link and take the necessary action to ensure there is no future reoccurrence.

A person who fails to identify his or her dog as required under the Regulations commits an offence under the Animal Welfare Act 2006 and is liable to a fine not exceeding level 2 on the standard scale.

Under section 30 of the Animal Welfare Act 2006 Local Authorities may prosecute for any offence under the Act.

Compulsory microchipping in Wales is supported by the Police, Veterinarians (Royal College of Veterinary Surgeons and British Veterinary Association) and welfare organisations including the RSPCA, Dogs Trust and Advisory Council on the Welfare of Dogs. It is firmly believed that this measure will have a positive impact on animal welfare and may assist in the control of dangerous and nuisance dogs. The traceability of all dogs back to their owners and ultimately back to the breeders will help to encourage more responsible ownership and breeding as enforcement authorities will find it easier to take remedial action and, where appropriate, prosecutions.

Compulsory microchipping has already been introduced for dogs in France, Denmark, Slovenia, Switzerland, the Netherlands, Spain, Portugal, Canada, Hong Kong, Israel and Japan. In other countries, certain regions or areas have done so, such as Prague in the Czech Republic and several states in Australia. In European countries with compulsory microchipping, there are high levels of compliance with 80-90% of dogs estimated to be microchipped (European Pet Network/The Kennel Club estimates). Further, in Sweden, it is a legal requirement for dogs to be registered and permanently identified from four months of age. Since 2000, identification by microchip is preferred over marking with an ear tattoo. Dogs must be registered with the Swedish Authorities within four weeks of being transferred to a new owner. As a consequence, over 90% of stray dogs are reunited with their owners within 24 hours of being collected by the authorities (Tasker, L (2008) Stray Animal Control Practices (Europe) WSPA/RSPCA International).

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None identified.

3. Legislative background

These Regulations will be made under section 12(1) of the Animal Welfare Act 2006. Section 12(1) gave the National Assembly power to make regulations promoting the welfare of animals. Those powers are now vested in the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Section 12(6) of the Act requires that the Welsh Ministers consult with person appearing to them to represent any interest concerned prior to exercising that power

Regulations made under section 12 are subject to approval by the National Assembly for Wales by affirmative resolution procedure.

4. Purpose & intended effect of the legislation

The purpose of the Regulations is to allow the permanent identification of dogs through the implantation and subsequent registration of a microchip (a read only passive radio frequency identification device), to increase traceability of dogs and provide a deterrent against irresponsible ownership. This is an integral part of a wider policy on raising standards of welfare for dogs.

A microchip is a passive device unless stimulated by an appropriate scanner which can receive a radio signal from the microchip indicating its identification code. This code can then be mapped against the data recorded on the microchip database to identify the owner of the dog and therefore ensures accurate traceability.

The merit of being able to identify a dog has long been acknowledged in UK law. Although the dog licence was abolished in 1987, it is still a legal requirement under the Control of Dogs Order 1992 for a dog to wear a collar and tag with the owner's name and address on it whilst in a public place. This method of identification is not permanent; the Dogs Trust Stray Dog Surveys of 2011-13 indicated from responses received that only 4-5% of dogs returned to owners were as a result of collars and tags. However, due to the benefits of the identity of a dog's owner being visible to all where a collar/tag is available, without the need for an electronic scanner, this legislation will not be superseded but complemented by the microchipping legislation.

By requiring this permanent method of identification, more lost dogs will be reunited with their owners more quickly to the benefit of owners and dogs, saving Local Authorities and charities considerable kennelling costs. It will also be easier for those responsible for tackling abuses of dog welfare to bring owners to account and to protect public safety.

It is also important to recognise that this legislation is part of a wider set of controls relating to dogs. Traceability back to owners and, for puppies, dog breeders, will in the longer term lead to dog health improvements. In the case of

breeders, poor breeding conditions can lead to physical and mental health problems; traceability may encourage greater responsibility for a dogs' welfare.

The main policy proposals for the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014, which will come into force on 1st March 2015, include:

- the requirement to microchip puppies before they are 56 days old, and older dogs before 1st March 2015;
- the seller being responsible for the transfer of ownership of a dog on the relevant microchip database, within 7 days of rehoming. For newly microchipped animals, this must be done within 7 days of implantation;
- standardising the details that must be recorded by microchip database providers; and
- creating an offence if a dog that is resident in Wales for more than 30 days per year, and has not been exempted by a veterinary surgeon on significant health grounds, is not microchipped.

The Regulations cover the basic requirements to introduce compulsory microchipping in Wales. Officials are working with counterparts in Defra on the development of Industry Standards for microchips and databases, as well as a compulsory training course for implanters. Once this work has been completed, the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014 will be amended to include these additional requirements in due course.

5. Consultation

A consultation on proposals to introduce regulations requiring the compulsory microchipping of dogs in Wales was launched on 16th May 2012 for a period of 12 weeks. Nine questions were asked, seeking opinion on aspects such as whether the general public thought compulsory microchipping should be introduced; how the requirement would be introduced (e.g. compliance within one year of legislation coming into force, only on transfer etc.); data storage and access; exemptions and cost analysis, among other issues.

120 individual responses (excluding approximately 1,000 campaign letters) were received in total; a summary of the responses can be seen here: <http://wales.gov.uk/consultations/environmentandcountryside/120516microchippingdogs/?status=closed&lang=en>. It was clear from the consultation that the overwhelming majority of respondents (84%) thought compulsory microchipping of dogs should be introduced in Wales. The majority felt that there should be no exemptions other than on health grounds (as assessed by a veterinary health care professional) and that the current information storage on commercial databases was adequate. There were, however, concerns raised about access to information due to animal rights activists and recent attacks on dog breeders.

Discussions have taken place with representatives of the Welsh Local Authorities, Dogs Trust and The Kennel Club to discuss the introduction of compulsory microchipping.

Key issues raised were:

- No single point of contact to find microchip details.
- Databases should be signed up to Europetnet, a group of national and local associations based across Europe who register information about pets that have been uniquely identified with a microchip.
- Exemptions needed for smaller dogs, due to welfare implications.
- Ensuring it is required in law that information is kept up-to-date.
- Where the responsibility to microchip and register as the owner of a dog would lie when it came into a Local Authority kennel or sanctuary.
- Clarifying notes should be embedded in the Regulations.
- Training for dog wardens essential.
- Fixed penalty notices should be included.

PART 2 – REGULATORY IMPACT ASSESSMENT (RIA)

The following assessment offers a view on the likely impact of the Regulations on dog owners/keepers, veterinary surgeries, database operators, enforcers and on animal welfare. In the circumstances and based on the data and evidence available, the Welsh Government believe that the benefits justify the likely costs

Options

Following the analysis of the results of the public consultation in 2012, the options that were agreed for consideration were to do nothing, or to microchip all dogs before an agreed coming into force date, and all puppies born after this date by the time they were 56 days old. The latter allows a definite date upon which complete enforcement activity could commence and allows parallel working with Defra, who are also introducing compulsory microchipping in England.

Option 1: Not introduce legislation but continue to work with Local Authorities and third sector organisations to encourage owners to microchip their dogs on a voluntary basis

This is the 'Do Nothing' option and maintains the current policy position in which the microchipping of dogs is a voluntary procedure, with the decision resting entirely with the dog's owner/keeper.

In Wales, we have already benefitted from the different companion animal welfare organisations working closely together. The Animal Welfare Network Wales, Companion Animal Welfare Enhancement Scheme (CAWES) and its successor the Cross-Sector Companion Animal Welfare (C-SCAW) Forum all helped to foster a strong working link between many organisations.

The Kennel Club together with Dogs Trust and other welfare organisations have provided significant financial support to initiatives aiming to increase the voluntary uptake of microchipping over the years. These initiatives include funding microchips for lower income owners, regional microchip installation, and advertising campaigns. Veterinarians also encourage microchipping.

The Dogs Trust, in common with other re-homing/rescue organisations microchip every dog that arrives at their 17 re-homing centres in the UK that is not already microchipped. All of their centres offer £10 dog microchipping to any owner or free microchipping for owners on means tested benefits.

At the 2010 Welsh Government Microchipping Workshop it was estimated that 30-35% of dogs in the UK were already microchipped. Through campaigns by Local Authorities and third sector organisations, Dogs Trust data suggests that this figure has risen to approximately 58%. However, it is estimated that only 23% of strays received by Local Authorities are microchipped. Given the efforts made already to encourage owners to microchip their dogs, it is firmly believed that the only way to achieve a significant increase in the take-up of

microchipping is for government intervention through the introduction of compulsory microchipping.

Option 2: Microchip all dogs before the coming into force date of 1st March 2015, and all puppies born after this date by the time they are 56 days old.

Puppies born after the legislation came into force would be microchipped by the time they are 56 days old. Older dogs would be microchipped before the date the legislation came into force. This would help relieve the potential burdens on microchipping database operators and possible processing costs and delays. This Option would provide a standard approach to enforcement and would start to have a positive impact on reunification and rehoming before the legislation came into force, easing the burden on Local Authorities and dog rehoming centres.

Costs & Benefits

Costs

Option 1 – Do Nothing

This option maintains the current policy position of microchipping being a voluntary procedure; there are therefore no additional costs associated with this option.

Option 2: Microchip all dogs before the coming into force date of 1st March 2015, and all puppies born after this date by the time they are 56 days old.

Welsh Government

The Welsh Government will be responsible for communicating the change in Regulations to stakeholders and the general public; a budget of approximately £1,000 has been allocated for the Welsh Government's dog welfare communications work.

Local Authorities

This option may result in an increase in the administration and enforcement costs incurred by Local Authorities. However, we understand that Local Authorities intend to take a reactive rather than proactive approach to enforcing these Regulations. As such, it is expected that that enforcement will be restricted to irresponsible owners whose dogs have been allowed to cause a problem such as fouling, being out of control or stray, cruelty cases or cases of unlicensed breeding. The additional cost to Local Authorities for monitoring/enforcing compliance is therefore expected to be minimal.

There will be a cost to Local Authorities to purchase equipment to check dogs for microchips (i.e. a scanner, which is approximately £80); however most Local Authorities should already have this equipment to allow their dog wardens to carry out their functions. A survey of Local Authorities was carried out by the Welsh Government in October 2009: 12 Authorities responded, with all confirming that their dog wardens were issued with microchip scanners.

Dog wardens may also microchip stray dogs prior to reunification or rehoming. If not already qualified, training would cost approximately £174. However, in the 2009 survey mentioned above, all Local Authorities who responded confirmed that they already had officials trained to implant microchips. There are therefore assumed to be no additional costs incurred by Local Authorities to purchase scanners or train staff to microchip dogs.

Dog Owners/Keepers

There will be a one-off cost to some dog owners associated with having their dog microchipped or updating database records prior to the coming into force date of March 1st 2015. This cost will only apply to those owners whose dog is not already microchipped or where the microchip database records are out of date.

The Welsh Government's National Survey for Wales 2009-10 revealed that 61% of Welsh households owned at least one dog, amounting to an approximate 450,000 dogs in Wales. It is estimated by Dogs Trust that 58% of dogs are already microchipped, leaving approximately 189,000 animals to microchip. The average cost charged for the procedure is approximately £10-30; therefore the total one-off cost will range from £1.89 million to £5.67 million (assuming 100% compliance).

Since the Regulations will also require all puppies to be microchipped, the cost to dog owners in future years will relate to ensuring that the microchip database records are up-to-date when they purchase, sell or re-home a puppy or dog. There is an approximate cost of £16 per dog¹ to update the details kept on the microchip database. There is concern that owners/keepers will forget or refuse to update the database, however the Welsh Government will be carrying out a communications strategy, both in parallel to the coming into force of the Regulations and as an annual campaign, to emphasise the importance of the record being accurate. Other organisations are also carrying out work to this effect; for example, the Microchipping Alliance have already been working in partnership with the Communications Workers Union and the Post Office to ensure that this requirement is added to the list of advice given by the Post Office to persons who are moving home.

Financial constraints are not assumed in themselves to be an impediment for dog owners to microchip. Installation of a microchip is a small expense relative to the lifetime expense of a dog which is estimated by the RSPCA at between £16,000 - £31,000 depending on the breed and size of the dog. Furthermore, there are welfare organisations providing a free microchipping service to all dog owners; Dogs Trust in particular currently offer free microchipping to members of the public and have committed to offer this service until the coming into force date. In the 2009 Welsh Government survey to Local Authorities, of the 12 that responded, 75% had also offered financial assistance to dog owners to get their animals microchipped. Welfare organisations already strongly promote microchipping and a majority of vets offer a microchipping service along with organisations such as pet supermarkets and some dog groomers.

Microchipping is also already a requirement for all dogs whose tails are docked under the Docking of Working Dogs' Tails (Wales) Regulations 2007: these Regulations require docked dogs to be microchipped by the time they are 12

¹ All four databases offer a 'lifetime' service for a fee of £15 -18, with a median of £16. This fee covers the registration of the new keeper and any updates to the registered details (such as change of address) for the lifetime of the dog whilst with the keeper (or up to 8 years in one case).

weeks old, to provide a link between the animal and the certificate that was issued as proof that the procedure was carried out legally. These Regulations will amend the Docking Regulations to ensure all puppies are microchipped before they are 56 days old.

Dog Breeders

Licensed dog breeders will be expected to microchip their dogs and puppies prior to rehoming under the requirements of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014; this legislation is due to come into force in Wales prior to the microchipping Regulations. The cost to dog breeders has been considered in the RIA that accompanied those Regulations.

In addition, the requirement to microchip all puppies before they are 56 days old will impose a cost on small-scale dog breeders that will not require a license under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 (i.e. those that breed 1 or 2 litters per annum). Assuming an average of 5 puppies per litter, these breeders may have 5-10 puppies to microchip each year at a cost of £50 to £300 per annum (£10-30 per animal). It is expected that this cost would be passed to the eventual owner of the puppy.

Database operators

Demand will increase as new and existing dog owners arrange for their animals to be microchipped. This may cause a temporary human resource issue for database operators, however in a meeting with Welsh Government officials, representatives of the main databases suggested that this would not be significant due to the registrations mainly being carried out electronically. Furthermore, the long lead in time and planned communication campaign should help to ensure a steady flow of registrations and help database providers manage their workloads. In any case, the database providers will receive a fee for all new and updated registrations.

The Regulations require that a database must record a keeper's name, address and contact telephone number for the purposes of identification of the dog and its' owner. All of the existing database providers currently record this information and so there are not assumed to be any additional costs associated with changing databases, forms and/or existing records.

Suitably qualified implanters

No additional costs have been identified for existing implanters as they will already be trained and have the necessary equipment. The Regulations are expected to lead to an increase in the number of owners that have their dog microchipped, however, the implanters will be paid a fee for providing this service. For new implanters, the costs of training and equipment are set out above.

Justice System

As referenced earlier in this report, in European countries with compulsory microchipping in force, there are high levels of compliance with 80-90% of dogs estimated to be microchipped, suggesting that prosecutions would be minimal. Under the Animal Welfare Act 2006 (the 'parent' Act), enforcers will have the power to issue improvement notices before having to take any legal action, reducing the potential impact on the judicial system. In any case, it is likely that any enforcement action will be part of a wider action against an irresponsible dog-owner and actions on just failing to microchip will be very few.

In addition to this legislation, microchipping can also be imposed under the powers within the Antisocial Behaviour, Crime and Policing Act, which can be enforced by Local Authorities and Police.

Benefits

Option 1 – Do Nothing

This option maintains the current policy position of microchipping being a voluntary procedure; there are therefore no additional benefits associated with this option.

Option 2: Microchip all dogs before the coming into force date of 1st March 2015, and all puppies born after this date by the time they are 56 days old.

Welsh Government

Animal welfare is a priority for the Welsh Government. Separately, the compulsory microchipping of dogs in Wales is one aspect of a much wider policy on improving dog welfare. The Regulations tie in with a wider policy promoting responsible dog ownership, providing consistency across the board.

Local Authorities and Rescue Organisations

A microchip will assist in reuniting owners with dogs that have strayed. Dogs may suffer stress whilst accommodated in animal welfare establishments or Local Authority kennels. Reuniting dogs with their owners sooner could significantly reduce the amount of time they spend in such places. In 2010/11 over 126,000 stray dogs were collected by UK Local Authorities. Of these, over half (52%) could not be returned to their owners because they were unidentifiable. For the financial year ending April 2012, 10,230 stray dogs were collected by Welsh Local Authorities. 543 dogs were put to sleep and many others had a lengthy stay in kennels, away from their owner.

Kennelling stray dogs costs Local Authorities, on average, £21 per dog per day (Defra Impact Assessment on Compulsory Microchipping) and almost all such dogs incur seven days of costs. After this time, if a dog is not rehomed, it would normally face euthanasia or transfer to an animal shelter. Euthanasia costs an average of £45 per dog (procedure and disposal of the body) (GfK NOP Social Research 2011 op.cit.). As well as reducing or removing these costs through faster reunification of dogs with their owners, there is also the potential for Local Authorities to make additional revenue, through reunification fees and charging for microchipping services. In addition, there are possible benefits to rescue centres if more dogs are reunited with their owners by the Local Authority rather than being handed into their care.

The Dogs Trust² has previously presented an estimate of the potential annual cost savings associated with compulsory microchipping. The report estimates that the cost-savings associated with having to deal with fewer stray dogs to be between £2.39 million and £2.61 million per annum, this is based on an

² Report on the Cost Impacts of Compulsory Microchipping of Dogs in Wales, November 2011

assumption of 90% compliance with the Regulations. A breakdown of these cost-savings is presented below.

Cost-saving	£ per annum
Reduced local authority kennelling costs for keeping strays statutory 7 days	348,500
Reduced euthanasia costs	19,680
Reduced animal welfare organisation cost for kennelling unreturned dogs	1,900,000
Total cost-savings	2,268,180
Additional income from administration fee from owners of stray dogs*	124,475 - 348,530
Total	2,392,655 – 2,616,710

*This represents a cost to the relevant dog owner.

A number of Local Authorities in England and Wales already require the compulsory microchipping of dogs for tenants in social housing. The Dogs Trust has provided information on a report provided by Housing Hartlepool, which recorded a drop from 76 dog-related complaints to 26 in the space of one year (January 2011 – February 2012) when this initiative was introduced. They also identified a reduction in the issuing of Fixed Penalty Notices for dog fouling for during the same period, from 76 to 47. In addition, the number of stray dogs collected by Hartlepool Borough Council and subsequently returned to their owners rose from 23% to 41.2% (Dog Related Issues Jan 2011- Feb 2012 Report, Housing Hartlepool).

Dog owners

Dog owners will benefit from an increased probability of being reunited with a lost dog and a reduction in the associated distress. There is evidence from abroad which suggests that countries with compulsory/increased microchipping have higher levels of owner identification of strays. In Sweden where microchipping is compulsory, over 90% of stray dogs are reunited with their owners within 24 hours of being collected by the authorities.³ Furthermore, a US research study by Lord et al (2009) found that dogs with microchips were likely to be relocated with their owners; they concluded that ‘the high rate for return of microchipped dogs supported microchipping as a valuable permanent pet identification modality’.⁴

³ Tasker L (2008), Stray Animal Control Practices (Europe), WSPA/RSPCA International

⁴ Lord L K, Ingwersen W, Gray J L, Wintz D J, (2009), Characterization of animals with microchips entering animal shelters, *J Am Vet Med Assoc*, **235(2)**:160-167

Dog welfare

Increasing the traceability of breeders and owners is expected to result in a number of animal welfare benefits:

- improved traceability of dog owners may act as a deterrent to irresponsible dog ownership and may assist enforcement authorities in the prosecution of cruel and irresponsible owners;
- in cases where welfare or medical problems arise which indicate that the source of the problem was improper breeding practices or a poor breeding environment etc., it will be possible to identify the breeder and take the necessary action to ensure there is no future reoccurrence;
- a good record of dog ownership will enable veterinarians to contact owners about health schemes;

Summary of the preferred option

This Regulatory Impact Assessment makes the case for introducing compulsory microchipping for all dogs resident in Wales. Taking into consideration the results of the public consultation and the costs and benefits of each option, it is estimated that “Option 2: Microchip all dogs before the coming into force date of 1st March 2015, and all puppies born after this date by the time they are 56 days old” is the most appropriate way forward.

This option has clear welfare benefits, namely reinforcing an owner’s responsibilities under the Animal Welfare Act 2006. The clear benefit of permanent identification will assist in discovering and evidencing repeat offenders who allow their dogs to stray or cause nuisance. It would also allow vets to contact owners of stray dogs in situations where emergency treatment is required.

The preferred option also generates cost-savings for Local Authorities and animal welfare organisations by reducing the cost associated with dealing with stray dogs. As noted above, this cost-savings has been estimated to be between £2.39 million and £2.62 million per annum.

The greater traceability would assist enforcement officers greatly in situations such as dog theft, animal cruelty or if a puppy sold by a breeder has health problems as a direct result of the conditions in which it was raised. It would also assist in situations where the true ownership of a dog needed to be proven.

Owners and keepers of dogs were notified on 5th March 2014 that compulsory microchipping would come into force on 1st March 2015, allowing a year for them to get their dogs microchipped.

Competition Assessment

A competition filter can be found at Appendix A.

Post implementation review

It would be appropriate to consider starting a review of the legislation three years after the legislation is made and brought into effect.

APPENDIX A

The Competition Assessment

The competition filter test

The competition filter test is set out below, together with points raised.

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	Yes
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	Yes
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	Yes
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	Yes
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

Questions 1 to 3: the market

The market is dominated by four large database operators with an unknown quantity of smaller organisations. No data is held by the Welsh Government on number of microchip manufacturers, or Suitably Qualified Persons currently offering microchip implantation services

Question 4: substantially different effect on businesses/organisation

No significant costs identified.

Question 5: changes to market structure

As demand grows, more individuals and businesses may choose to train to become implanters, or set up a database, to provide this required service.

Questions 6 and 7: penalising new suppliers

The Regulations will not come into force until 1st March 2015, despite being debated in Plenary on 15th July. This allows sufficient time for keepers to get their dogs microchipped, and for Local Authorities and those involved in the microchipping industry to consider these Regulations further.

Whilst there are specific requirements set out for database operators, these are not thought to be any different to data recorded by current databases.

Question 8: technological change

A no answer is given. Change in technology can take some time to evolve through research and development.

Question 9: restrictions on suppliers

Whilst we do not agree that the proposals will restrict trade in any way, it is possible that introducing a compulsory requirement may cause existing prices to rise.

Adroddiad drafft y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol CLA(4)-19-14

Teitl: Rheoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014

Mae'r Rheoliadau hyn yn darparu ar gyfer gwneud microsglodynnu yn orfodol er mwyn adnabod cŵn, ac er mwyn i'r microsglodyn ac enw ceidwad y ci gael eu cofrestru ar gronfa ddata.

Gweithdrefn: Cadarnhaol

Materion technegol: craffu

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Craffu ar y Rhinweddau

O dan Reol Sefydlog 21.3, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn hwn ar y sail a ganlyn:-

1. Rheol Sefydlog 21.3 (iv) – ei fod yn codi materion polisi cyhoeddus sy'n debygol o fod o ddiddordeb i'r Cynulliad.

Mae'r Rheoliadau hyn yn darparu ar gyfer nodi'r holl gŵn yng Nghymru drwy fewnblannu microsglodyn. Bydd yn ofynnol i gŵn a anwyd ar ôl i'r ddeddfwriaeth gychwyn gael microsglodyn cyn eu bod yn 56 diwrnod oed, neu cyn iddynt gael eu trosglwyddo i geidwad newydd, pa un bynnag yw'r cynharaf. Bydd yn ofynnol i gŵn a fydd yn mynd at geidwad arall ar ôl i'r rheoliadau ddod i rym gael microsglodyn. Heblaw mewn ambell eithriad, rhaid i bob ci yng Nghymru gael microsglodyn erbyn 1 Mawrth 2015 fan hwyraf.

2. Rheol Sefydlog 21.3 (v) – nad yw'n gwireddu ei amcanion polisi yn berffaith

2.1 Mae'r Memorandwm Esboniadol (Saesneg yn unig, tudalen 3) yn nodi mai diben y Rheoliadau yw “to allow the permanent identification of dogs through the implantation and subsequent registration of a microchip (a read only passive radio frequency identification device), to increase traceability of dogs and provide a deterrent against irresponsible ownership. This is an integral part of a wider policy on raising standards of welfare for dogs”.

2.2 Mae'n mynd ymlaen i ddatgan fel a ganlyn (tudalen 14): –

Increasing the traceability of breeders and owners is expected to result in a number of animal welfare benefits:

- improved traceability of dog owners may act as a deterrent to irresponsible dog ownership and may assist enforcement authorities in the prosecution of cruel and irresponsible owners;
- in cases where welfare or medical problems arise which indicate that the source of the problem was improper breeding practices or a poor breeding environment etc., it will be possible to identify the breeder and take the necessary action to ensure there is no future reoccurrence;
- a good record of dog ownership will enable veterinarians to contact owners about health schemes.

2.3 Mae rhai pryderon na fydd y ddeddfwriaeth, fel y'i drafftwyd, yn cyflawni – a hynny am amryw resymau – yr amcanion polisi a amlinellwyd uchod sy'n ymwneud ag olrhain a lles anifeiliaid.

Safon y microsglodion

2.4 Nid oes angen i'r microsglodion gyrraedd safon benodol ac felly ni ellir sicrhau bod modd olrhain ci.

2.5 Gogledd Iwerddon yw'r unig wlad yn y Deyrnas Unedig hyd yma i'w gwneud yn orfodol i ficrosglodynnu pob ci. Mae Rheoliadau Cŵn (Trwyddedu ac Adnabod) (Gogledd Iwerddon) 2012 yn darparu bod yn rhaid i'r microsglodyn a ddefnyddir gwrdd naill ai â safon ISO 11784:1996 neu ag Atodiad A i Safon ISO 11785:1996 y Safon Ryngwladol ar gyfer Microsglodion.

2.6 Mae Llywodraeth y DU yn bwriadu cyflwyno Rheoliadau Microsglodynnu Cŵn (Lloegr) 2014 a fydd yn ei gwneud yn ofynnol bod microsglodion yn cyrraedd safonau ISO 11784:1996 neu 11785:1996 (ar wahân i Atodiad A).

2.7 Mae Rheoliadau Tocio Cynffonnau Cŵn Gwaith (Cymru) 2007 eisoes yn ei gwneud ofynnol bod rhai cŵn yng Nghymru yn cael eu microsglodynnu. Mae'r rheoliadau yn ei gwneud yn ofynnol bod y microsglodion a ddefnyddir yn cyrraedd naill ai safon ISO 11785 neu Atodiad A i Safon ISO 11785.

2.8 Er nad yw'r cynllun teithio ar gyfer anifeiliaid anwes, sy'n ei gwneud yn ofynnol i osod microsglodion ar gŵn a gludir dramor, yn nodi pa fath o ficrosglodyn i'w ddefnyddio, mae canllawiau Llywodraeth y DU yn nodi fel a ganlyn: –

Bydd cwmnïau cludiant yr UE yn darllen microsglodion sy'n bodloni safonau'r Sefydliad Rhyngwladol ar gyfer Safoni ISO 11784 ac ISO 11785 pan fyddwch yn cofrestru ar gyfer eich taith.

Mae'n rhaid i chi ddod â'ch darllenydd microsglodyn eich hun pan fyddwch yn teithio os nad yw microsglodyn eich anifail anwes yn cwrdd â safonau'r ISO.

2.9 Ymddengys bod hyn yn awgrymu bod anhawster o fewn yr UE i ddarllen microsglodion nad ydynt yn bodloni safonau'r ISO. Nid yw'n glir o'r

Memorandwm Esboniadol pa ficrosglodion y gall sganwyr Awdurdodau Lleol eu darllen.

2.10 Ar dudalen 4 o'r Memorandwm Esboniadol, mae Llywodraeth Cymru yn datgan fel a ganlyn:

The Regulations cover the basic requirements to introduce compulsory microchipping in Wales. Officials are working with counterparts in Defra on the development of Industry Standards for microchips and databases, as well as a compulsory training course for implanters. **Once this work has been completed, the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014 will be amended to include these additional requirements.** [Fy mhwyslais i]

2.11 Ni wyddys pryd y bydd Llywodraeth y DU yn gosod Rheoliadau Microsglodynnu Cŵn (Lloegr) 2014. Fodd bynnag, ni fydd y gofyniad i ficrosglodynnu yn dod i rym tan fis Ebrill 2016.

2.12 Felly, mae'n debygol y bydd y rhan fwyaf o gŵn yng Nghymru eisoes wedi cael microsglodyn cyn i'r gwaith gael ei gwblhau. Os bydd Llywodraeth Cymru yn dymuno cymhwyso safon ddiwydiant benodol o ganlyniad i'r gwaith a wnaed, nid yw'n glir sut y bydd hyn yn effeithio ar yr anifeiliaid hynny sydd eisoes wedi cael microsglodyn.

Darpariaethau gorfodi

2.13 Mae rheoliad 10 yn darparu ei bod yn drosedd, sy'n agored i ddirwy o hyd at £500, os bydd perchennog yn methu â microsglodynnu ei gi yn unol â'r rheoliadau.

2.14 Er bod y Rheoliadau yn darparu mai'r Awdurdod Lleol fydd yn gorfodi'r rheoliadau yn ei ardal, ni roddir pŵer i swyddogion gymryd unrhyw gamau

sy'n arwain at erlyn y ceidwad. Nid oes, er enghraifft, unrhyw bŵer i gymryd anifail neu i sganio anifail.

2.15 Ar dudalen 8 o'r Memorandwm Esboniadol, mae Llywodraeth Cymru yn datgan fel a ganlyn:

Local Authorities intend to take a reactive rather than a proactive approach to enforcing these Regulations. As such it is expected that enforcement will be restricted to irresponsible owners whose dogs have been allowed to cause a problem such as fouling, being out of control or stray, cruelty cases or cases of unlicensed breeding.

2.16 Nodir hefyd ar dudalen 11:

Under the Animal Welfare Act 2006 (the 'parent' Act), enforcers will have the power to issue improvement notices before having to take any legal action, reducing the potential impact on the judicial system.

2.17 Ni ellir cyflwyno hysbysiad gwelliant o dan adran 10 o Ddeddf Lles Anifeiliaid 2006 dim ond os yw arolygydd o'r farn bod person yn methu â sicrhau y diwellir anghenion anifail y mae'n gyfrifol amdano.

2.18 Ni fyddai pŵer o'r fath yn galluogi hysbysiad i gael ei gyflwyno i berchennog am fethu â microsglodynnu oni bai bod rhai pryderon lles eraill hefyd. Ni fyddai'n cynorthwyo yn achos baw cŵn, er enghraifft. Mewn enghraifft o'r fath, lle mae gan gi berchennog, a lle nad oes unrhyw bryderon lles, ni fyddai gan Awdurdod Lleol bŵer i sganio'r ci yn y lle cyntaf, sy'n ofynnol cyn y gellir rhoi hysbysiad gwelliant iddo am fethu â microsglodynnu.

2.19 Os mai dim ond pan gedwir ci yn y ddalfa, neu pan fydd y perchennog yn cydsynio, y gall Awdurdodau Lleol sganio anifail, mae'n anodd gweld sut y

bydd y rheoliadau hyn yn cynyddu'r achosion o ficrosglodynnu, ac felly'r gallu i olrhain.

Gofynion y gronfa ddata

2.20 Ar dudalen 10 o'r Memorandwm Esboniadol, mae Llywodraeth Cymru yn datgan bod y rheoliadau yn ei gwneud yn ofynnol bod cronfa ddata yn cadw gwybodaeth benodol. Yn ogystal, ar dudalen 17, cyfeirir hefyd at ofynion penodol ar gyfer gweithredwyr cronfeydd data yn y ddeddfwriaeth.

2.21 Mae'r Memorandwm Esboniadol yn anghywir yn hyn o beth. Nid yw'r rheoliadau yn gosod unrhyw ofynion ar weithredwyr cronfeydd data i gydymffurfio â safonau penodol.

2.22 Yn hytrach, maent yn gofyn i berchennog ci "gredu'n rhesymol" bod gweithredwyr y cronfeydd data yn cydymffurfio â'r gofynion yn rheoliad 9.

2.23 Yr anhawster gyda'r dull hwn yw bod gweithredwyr cronfeydd data heb eu rheoleiddio, ac felly nad oes gan Lywodraeth Cymru unrhyw ffordd o'i gwneud yn ofynnol i weithredwyr cronfeydd data gwrdd â'r gofynion yn rheoliad 9 os nad ydynt yn dymuno gwneud hynny, neu i roi i berchnogion y wybodaeth y bydd ei hangen arnynt i fodloni eu hunain bod y gronfa ddata yn cwrdd â'r gofynion. Nid oes dyletswydd ar y person sy'n gwneud y microsglodynnu i ddarparu'r wybodaeth ychwaith.

2.24 Felly, mae'n anodd gweld sut y gall perchnogion cŵn fodloni eu hunain bod gweithredwr cronfa ddata yn cydymffurfio â'r safonau gofynnol.

2.25 Mae hyn yn achosi mwy o anawsterau fyth i berchnogion dilynol cŵn sydd â microsglodyn. Er y gallai'r ceidwad gwreiddiol fod yn fodlon ynghylch y gofynion, drwy wybodaeth a roddwyd yn wirfoddol gan y person sy'n gwneud y microsglodynnu, os nad oes rheidrwydd i ddarparu rhyw fath o ddogfennaeth, heblaw enw'r gweithredwr o dan reoliad 4(2) (a), nid oes gan

y ceidwad newydd unrhyw ffordd o fod yn fodlon ynghylch y materion yn rheoliad 9 heb gysylltu â gweithredwr y gronfa ddata cyn derbyn y ci.

2.26 Yn adran 'asesiad o'r gystadleuaeth' y Memorandwm Esboniadol (tudalen 16) mae Llywodraeth Cymru yn datgan fel a ganlyn:

“The market is dominated by four large database operators with an unknown quantity of smaller organisations”

2.27 Trafodir y mater hwn hefyd o fewn Asesiad Effaith DEFRA (Mawrth 2012) ar ficrosglodynnu cŵn.

Yn yr asesiad hwnnw nodir:-

There are currently 4 databases registering microchips in England. Moving to a form of compulsory micro chipping will increase demand for microchips therefore creating market opportunities for new market entrants. This increased demand may lead to further databases being established. It is anticipated that, to ensure minimum standards of service are met and to avoid any unscrupulous operators setting up business, all databases, existing and new, will need to meet minimum standards. Whilst databases are not currently formally approved, the risk is that without minimum standards providers may set up cut price systems that do not offer a satisfactory level of service and as a result situations needing an urgent response are not resolved. To achieve this, service and data protection standards will need to be agreed, which might include meeting standards already set out in Part 2 of The Welfare of Racing Greyhounds Regulations 2010, or else the databases should achieve compliance with ISO standards. Of the databases operating in England only Petlog is currently ISO certified, so it is likely therefore that other existing databases may incur costs associated with meeting the standards established by any Defra approval scheme

if after consultation it is decided to insist on all databases being ISO compliant (also see paragraph 54)

2.28 Er bod hynny'n annhebygol, gallai Llys gael perchnogion cŵn yn euog o'r drosedd o fethu â chofrestru ar gronfa ddata sy'n cydymffurfio â rheoliad 9, er nad oedd unrhyw ffordd iddynt gydymffurfio â'r rheoliad, er enghraifft oherwydd bod pob gweithredwr cronfa ddata wedi penderfynu peidio â darparu'r wybodaeth. Nid yw rhoi'r cyfrifoldeb ar geidwad ci i wirio safonau'r gronfa ddata yn ddull priodol o sicrhau bod cronfeydd data yn cyrraedd safonau penodol, ac felly'n darparu'r gallu i olrhain.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol
Mehfin 2014

Ymateb Llywodraeth Cymru i ddilyn.

Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), ar gyfer eu cymeradwyo drwy benderfyniad y Cynulliad.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2014 Rhif (Cy.)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Lles Anifeiliaid (Bridio
Cŵn) (Cymru) 2014**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn. Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006 (p.45) ("y Ddeddf"). Canlyniad y dynodiad hwnnw, yn ddarostyngedig i feini prawf cymhwyso, yw bod rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

Mae person sy'n bridio cŵn yng Nghymru heb drwydded o dan y Rheoliadau hyn yn cyflawni trosedd o dan adran 13(6) o Ddeddf Lles Anifeiliaid 2006 ac yn agored i gael ei garcharu am gyfnod hyd at 6 mis neu gael dirwy heb fod yn fwy na lefel 5 ar y raddfa safonol neu'r ddau. O dan adran 30 o Ddeddf Lles Anifeiliaid 2006 caiff awdurdodau lleol erlyn am unrhyw drosedd o dan y Ddeddf.

Mae Rhan 3 o'r Rheoliadau yn pennu sut y gall person wneud cais i'r awdurdod lleol am drwydded ac mae'n pennu materion y mae'n rhaid i awdurdod lleol fodloni ei hunan ynglŷn â hwy wrth ystyried rhoi ac adnewyddu trwydded. Mae'n darparu y caiff awdurdod lleol godi ffioedd i ddiwallu unrhyw dreuliau rhesymol a dynnir wrth gyflawni'r swyddogaeth hon, ac wrth fonitro cydymffurfiaeth â'r Rheoliadau hyn. Mae'n ei gwneud yn ofynnol i awdurdod lleol roi sylw i

ganllawiau a ddyroddir gan Weinidogion Cymru wrth gyflawni eu swyddogaethau o dan y Rheoliadau hyn.

Mae Rhan 4 yn pennu o dan ba amgylchiadau y ceir atal dros dro, amrywio neu ddirymu trwydded. Mae Rhan 5 yn darparu ar gyfer apelau yn erbyn penderfyniadau trwyddedu gan awdurdodau lleol.

Mae Rhan 6 yn darparu bod torri amod trwydded a roddir o dan y Rheoliadau hyn yn drosedd. Mae'n darparu pwerau i arolygwyr gymryd samplau a mynd i mewn i fangreoedd ac yn cymhwysu pwerau perthnasol, yn dilyn collfarn, sydd wedi eu cynnwys yn y Ddeddf. Mae'n darparu ar gyfer gorfodi'r Rheoliadau hyn gan yr awdurdodau lleol. Mae'n darparu bod trwyddedau a roddir o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe baent yn cael eu rhoi o dan y Rheoliadau hyn.

Mae Atodlen 1 i'r Rheoliadau hyn yn pennu'r amodau trwydded gorfodol y mae'n rhaid eu gosod ar bob trwydded a roddir gan awdurdod lleol.

Mae Atodlen 2 i'r Rheoliadau hyn yn diwygio Deddf Bridio Cŵn 1973 ac yn diwygio cyfeiriadau ati mewn pedair Deddf o ganlyniad i ddiddymu adran 1(1) o'r Ddeddf honno mewn perthynas â Chymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar wneud Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, paratowyd Asesiad Effaith Rheoleiddiol o'r costau a'r buddiannau sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi ohono gan Lywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Rheoliadau drafft a osodwyd gerbron Cynulliad Cenedlaethol Cymru o dan adran 61(2) o Ddeddf Lles Anifeiliaid 2006 (a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006), ar gyfer eu cymeradwyo drwy benderfyniad y Cynulliad.

OFFERYNNAU STATUDOL
CYMRU DRAFFT

2014 Rhif (Cy.)

ANIFEILIAID, CYMRU

LLES ANIFEILIAID

**Rheoliadau Lles Anifeiliaid (Bridio
Cŵn) (Cymru) 2014**

Gwnaed

Yn dod i rym

31 Rhagfyr 2014

Mae Gweinidogion Cymru, sef yr awdurdod cenedlaethol priodol mewn perthynas â Chymru(1), yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddir gan adrannau 13(2), (7), (8)(e) a (10) o Ddeddf Lles Anifeiliaid 2006(2) a Rhannau 1 a 3 o Atodlen 1 i'r Ddeddf honno.

Yn unol ag adran 13(9) o'r Ddeddf honno, mae Gweinidogion Cymru, fel yr ystyrient yn briodol, wedi ymgynghori â'r personau hynny yr oedd yn ymddangos iddynt eu bod yn cynrychioli'r buddiannau y mae'r Rheoliadau hyn yn ymwneud â hwy.

Yn unol ag adran 61(2) o'r Ddeddf honno(3), mae drafft o'r offeryn hwn wedi ei osod gerbron Cynulliad

-
- (1) Diffinnir "appropriate national authority" yn adran 62(1) o Ddeddf Lles Anifeiliaid 2006. Mae swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru wedi eu breinio bellach yng Ngweinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraffau 30 a 32 o Atodlen 11 i'r Ddeddf honno.
- (2) 2006 p.45.
- (3) 2006 p.45. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 34 o Atodlen 11 i'r Ddeddf honno, mae'r cyfeiriad at "House of Parliament" yn adran 61(2) yn cynnwys Cynulliad Cenedlaethol Cymru.

Cenedlaethol Cymru ac wedi ei gymeradwyo drwy benderfyniad y Cynulliad.

RHAN 1

Cyflwyniad

Enwi, cymhwyso a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014.

(2) Maent yn gymwys o ran Cymru ac yn dod i rym ar 31 Rhagfyr 2014.

Diddymu adran 1(1) o Ddeddf Bridio Cŵn 1973

2. Yn adran 1 o Ddeddf Bridio Cŵn 1973 (trwyddedu sefydliadau bridio ar gyfer cŵn) ar ôl is-adran (1) mewnosoder—

“(1A) Subsection (1) does not apply in relation to Wales.”

Dehongli

3. Yn y Rheoliadau hyn—

ystyr “amodau trwydded” (“*licence conditions*”) yw'r amodau a bennir yn Atodlen 1 i'r Rheoliadau hyn ac unrhyw amodau ychwanegol a osodir ynghlwm wrth drwydded gan yr awdurdod lleol;

ystyr “arolygydd” (“*inspector*”) yw unrhyw berson sydd ag awdurdodiad ysgrifenedig gan awdurdod lleol i weithredu mewn materion sy'n codi o dan, neu mewn cysylltiad â'r Ddeddf neu'r Rheoliadau hyn;

ystyr “awdurdod lleol” (“*local authority*”) yw'r cyngor sir neu'r cyngor bwrdeistref sirol lle y mae'r ceisydd am y drwydded o dan reoliad 7 yn cynnal y gweithgaredd o fridio cŵn yn ei ardal;

ystyr “ci bach” (“*puppy*”) yw ci sy'n llai na 6 mis oed;

ystyr “ci gre” (“*stud dog*”) yw ci gwryw heb ei ysbaddu, nad yw'n llai na 6 mis oed;

ystyr “ci llawndwf” (“*adult dog*”) yw ci nad yw'n llai na 6 mis oed;

ystyr “y Ddeddf” (“*the Act*”) yw Deddf Lles Anifeiliaid 2006;

ystyr “gast fridio” (“*breeding bitch*”) yw gast heb ei hysbaddu, nad yw'n llai na 6 mis oed;

ystyr “gweinydd llawn-amser” (“*full-time attendant*”) yw person sy'n gweithio, naill ai am dâl neu'n ddi-dâl, am o leiaf 37 awr yr wythnos ym mangre'r deiliad trwydded;

ystyr “gweinydd rhan-amser” (*“part-time attendant”*) yw person sy’n gweithio rhwng 18.5 a 37 awr bob wythnos, naill ai am dâl neu’n ddi-dâl ym mangre’r deiliad trwydded;

ystyr “microsglodyn” (*“microchip”*) yw dyfais adnabod amledd radio oddefol darllen yn unig wedi ei rhaglennu â rhif unigryw y gellir ei ddarllen â sganiwr;

ystyr “microsglodynnu” (*“microchipped”*) yw rhoi microsglodyn o dan y croen;

ystyr “rhaglen gymdeithasoli” (*“socialisation programme”*) yw dogfen a gymeradwywyd mewn ysgrifen gan yr awdurdod lleol, sy’n manylu ar sut y gwneir i gŵn bach i ymgynefino â chael eu trin gan bobl, amgylcheddau domestig, chwarae, a sut y byddant yn cael eu paratoi ar gyfer eu gwahanu oddi wrth y fam;

ystyr “rhaglen gymdeithasoli ddrafft” (*“draft socialisation programme”*) yw dogfen sy’n manylu ar sut y gwneir i gŵn bach ymgynefino â chael eu trin gan bobl, amgylcheddau domestig, chwarae, a sut y byddant yn cael eu paratoi ar gyfer gwahanu oddi wrth y fam, a gyflwynir gan y ceisydd i’r awdurdod lleol o dan reoliad 7;

ystyr “rhaglen wella a chyfoethogi” (*“enhancement and enrichment programme”*) yw dogfen a gymeradwywyd mewn ysgrifen gan yr awdurdod lleol, sy’n manylu ar y modd y rhoddir cyfleoedd i gŵn fynegi eu patrymau ymddygiad normal;

ystyr “rhaglen wella a chyfoethogi ddrafft” (*“draft enhancement and enrichment programme”*) yw dogfen sy’n manylu ar sut y bydd cŵn yn cael cyfleoedd i fynegi patrymau ymddygiad normal a gyflwynwyd gan y ceisydd i’r awdurdod lleol o dan reoliad 7;

ystyr “trwydded” (*“licence”*) yw trwydded a roddir o dan reoliad 8.

RHAN 2

Gofyniad i ddal trwydded

Trwyddedu bridwyr cŵn

4. Mae bridio cŵn yn weithgaredd penodedig, at ddibenion adran 13(1) o’r Ddeddf.

Bridio cŵn: dehongli

5.—(1) Mae person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o’r Ddeddf os yw’n cadw 3 neu ragor o eist bridio mewn mangre, ac—

- (a) yn bridio, yn y fangre honno, 3 neu ragor o dorllwythi gwahanol o gŵn bach mewn unrhyw gyfnod o 12 mis;
- (b) yn hysbysebu ar werth o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach a roddwyd ar werth yn ystod unrhyw gyfnod o 12 mis;
- (c) yn cyflenwi o'r fangre honno gi neu gŵn bach, a anwyd o 3 neu ragor o dorllwythi o gŵn bach yn ystod unrhyw gyfnod o 12 mis; neu
- (d) yn hysbysebu busnes o fridio neu o werthu cŵn bach o'r fangre honno.

(2) At ddibenion paragraff (1) rhagdybir bod unrhyw gi a ganfyddir mewn mangre yn cael ei gadw gan feddiannydd y fangre honno nes profir i'r gwrthwyneb.

(3) At ddibenion paragraff (1)(a) i (c) nid yw'n berthnasol a yw'r torllwythi o gŵn bach wedi eu bridio o'r geist bridio y cyfeirir atynt ym mharagraff (1), ai peidio.

(4) Mae'r rheoliad hwn yn ddarostyngedig i reoliad 6.

Bridio cŵn: eithrio

6.—(1) Nid yw person yn cynnal y gweithgaredd o fridio cŵn at ddibenion adran 13(1) o'r Ddeddf os yw'r cŵn a grybwyllwyd yn rheoliad 5 yn cael eu bridio—

- (a) i'w defnyddio mewn gweithdrefnau a reoleiddir, a
- (b) mewn lle a bennir yn nhrwydded adran 2C yn rhinwedd adran 2B(2)(b) o Ddeddf Anifeiliaid (Gweithdrefnau Gwyddonol) 1986.

(2) Ym mharagraff (1) mae i "gweithdrefn a reoleiddir" a "trwydded adran 2C" yr ystyr a roddir i "regulated procedure" a "section 2C licence" gan adran 30 o Ddeddf Anifeiliaid (Gweithdrefnau Gwyddonol) 1986.

RHAN 3

Trwyddedau

Cais am drwydded

7.—(1) Er mwyn gwneud cais am drwydded o dan y Rheoliadau hyn, rhaid i geisydd gyflwyno—

- (a) cais ar ffurf ac mewn modd a gymeradwywyd gan yr awdurdod lleol;
- (b) rhaglen wella a chyfoethogi ddrafft;
- (c) rhaglen gymdeithasoli ddrafft;

- (d) manylion nifer disgwylidig y cŵn llawndwf a'r cŵn bach i fod yn bresennol yn y fangre ar unrhyw adeg; ac
- (e) y dogfennau ategol hynny sy'n rhesymol ofynnol gan yr awdurdod.

(2) Rhaid i'r ceisydd dalu ffi briodol yn unol â rheoliad 12.

Rhoi neu adnewyddu trwyddedau

8.—(1) Wrth gael cais sy'n cydymffurfio â rheoliad 7, rhaid i awdurdod lleol arolygu mangre'r ceisydd, ac os bydd wedi ei fodloni—

- (a) bod amodau'r drwydded naill ai wedi eu bodloni neu y byddant yn cael eu bodloni;
- (b) gyda'r rhaglen wella a chyfoethogi ddrafft;
- (c) gyda'r rhaglen gymdeithasoli ddrafft; a
- (d) gydag unrhyw faterion eraill y mae'r awdurdod lleol yn eu hystyried yn berthnasol; caiff roi trwydded i'r ceisydd.

(2) Ynglwm wrth bob trwydded a roddir, rhaid i'r awdurdod lleol roi—

- (a) yr amodau a gaiff eu cynnwys yn Atodlen 1 i'r Rheoliadau hyn;
- (b) amod sy'n pennu'r nifer uchaf o gŵn sydd i'w cadw o dan delerau'r drwydded; ac
- (c) amod sy'n pennu cymhareb nifer y staff i nifer y cŵn llawndwf a fydd yn sicrhau, fel isafswm staffio—
 - (i) 1 gweinydd llawn-amser am bob 20 ci llawndwf a gedwir; neu
 - (ii) 1 gweinydd rhan-amser am bob 10 ci llawndwf a gedwir.

(3) Yn ddarostyngedig i baragraff (2) caiff yr awdurdod lleol hefyd roi amodau pellach ar drwydded fel yr ystyria'n angenrheidiol.

(4) Caiff yr awdurdod lleol roi neu adnewyddu trwydded am unrhyw gyfnod i fyny hyd at 1 flwyddyn.

Ystyried ceisiadau am drwyddedau

9.—(1) Wrth ystyried a ddylid rhoi neu adnewyddu trwydded, rhaid i'r awdurdod lleol fod wedi ei fodloni—

- (a) bod y cŵn yn cael eu cadw bob amser mewn llety o wneuthuriad a maint priodol, gyda chyfleusterau ymarfer, tymheredd, goleuo, awyru a glanweithdra priodol;
- (b) bod cyfleusterau esgor priodol ar gael;
- (c) bod y cŵn yn cael cyflenwad addas o fwyd, diod a gwasarn; a

- (d) bod y cŵn yn cael cyfleusterau digonol i'w galluogi i arddangos patrymau ymddygiad normal.

(2) Cyn rhoi neu adnewyddu trwydded, bydd hawl gan awdurdod lleol, wrth ystyried a yw amodau'r drwydded wedi eu bodloni, i roi sylw i ymddygiad y ceisydd, neu i unrhyw amgylchiadau eraill a ystyrir yn berthnasol gan yr awdurdod lleol.

Pobl na chaniateir iddynt wneud cais am drwydded

10. Ni chaiff neb wneud cais am drwydded os yw wedi ei anghymhwysu o dan—

- (a) adran 33 o Ddeddf Lles Anifeiliaid (Gogledd Iwerddon) 2011(1);
- (b) adran 34 o'r Ddeddf;
- (c) adran 40(1) a (2) o Ddeddf Iechyd a Lles Anifeiliaid (Yr Alban) 2006(2);
- (d) adran 33A o Orchymyn Cŵn (Gogledd Iwerddon) 1983(3);
- (e) adran 3(3) o Ddeddf Bridio Cŵn 1973(4) rhag cadw sefydliad bridio;
- (f) adran 4(3) o Ddeddf Sefydliadau Marchogaeth 1964 rhag cadw sefydliad marchogaeth(5);
- (g) adran 3(3) o Ddeddf Sefydliadau Lletya Anifeiliaid 1963 rhag cadw sefydliad lletya(6);
- (h) adran 1(1) o Ddeddf Diogelu Anifeiliaid (Diwygio) 1954 rhag gwarchod anifail(7);
- (i) adran 5(3) o Ddeddf Anifeiliaid Anwes 1951 rhag cadw siop anifeiliaid anwes(8); neu
- (j) adran 6(2) o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 rhag bod yn berchen anifail(9), anifail(9),

ac y mae unrhyw drwydded a ddyroddir i berson sydd wedi ei anghymhwysu felly yn annilys.

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- (1) 2011 p. 16.
 - (2) 2006 dsa 11.
 - (3) 1983/764 (G.I. 8).
 - (4) 1973 p.60 Diwygiwyd adran 3(3) gan adran 5(1) o Ddeddf Bridio a Gwerthu Cŵn (Lles) 1999 (p.11).
 - (5) 1964 p. 70 Diwygiwyd adran 4(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 6(2) o Atodlen 3 i'r Ddeddf honno.
 - (6) 1963 p. 43 Diwygiwyd adran 3(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 5(2) o Atodlen 3 i'r Ddeddf honno.
 - (7) 1954 p.40. Diddymwyd adran 1 gan adran 65 o Ddeddf Lles Anifeiliaid 2006 ac Atodlen 4 i'r Ddeddf honno.
 - (8) 1951 p.35 Diwygiwyd adran 5(3) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 3(2) o Atodlen 3 i'r Ddeddf honno.
 - (9) 1976 p.38. Diwygiwyd adran 6(2) gan adran 64 o Ddeddf Lles Anifeiliaid 2006 a pharagraff 9 o Atodlen 3 i'r Ddeddf honno.

Marwolaeth deiliad trwydded

11.—

(1) Os bydd y deiliad trwydded yn marw, rhagdybir bod y drwydded honno wedi ei rhoi i gynrychiolwyr personol y deiliad trwydded, ar yr amod nad oes yr un o'r cynrychiolwyr personol yn destun gorchymyn anghymhwys o dan unrhyw un o'r darpariaethau a bennir yn rheoliad 10, a bydd y drwydded yn parhau mewn grym am gyfnod o 3 mis, sy'n cychwyn gyda dyddiad y farwolaeth, ond yn parhau'n ddarostyngedig i'r darpariaethau yn Rhan 3.

(2) Rhaid i'r cynrychiolwyr personol hysbysu'r awdurdod lleol a roddodd y drwydded, fod y drwydded wedi ei breinio ynddynt hwy, o fewn 4 wythnos ar ôl marwolaeth y deiliad trwydded.

(3) Yn ddarostyngedig i baragraffau (4) a (5), caiff awdurdod lleol, ar gais y cynrychiolwyr personol hynny, estyn y cyfnod o 3 mis y cyfeirir ato ym mharagraff (1) os bodlonir yr awdurdod lleol fod yr estyniad yn angenrheidiol at y diben o ddirwyn i ben ystad yr ymadawedig, ac nad oes amgylchiad arall sy'n peri y byddai'n annymunol caniatáu estyniad.

(4) Cyn estyn trwydded y tu hwnt i 1 flwyddyn o'r dyddiad pan gafodd ei dyroddi, rhaid i awdurdod lleol arolygu mangre'r deiliad trwydded, ac o leiaf unwaith y flwyddyn wedi hynny yn ystod cyfnod yr estyniad.

(5) Ni chaniateir i unrhyw drwydded gael ei hestyn o dan baragraff (3) y tu hwnt i 3 blynedd o'r dyddiad pan gafodd y drwydded ei dyroddi.

Ffioedd

12.—(1) Caiff awdurdod lleol godi'r cyfryw ffioedd a ystyria'n angenrheidiol—

- (a) am ystyried cais am drwydded; a
- (b) am roi neu adnewyddu trwydded.

(2) Ni chaiff y ffi a godir am ystyried cais am drwydded fod yn fwy na chostau rhesymol cyflawni'r ystyriaeth honno.

(3) Ni chaiff y ffi a godir am roi neu adnewyddu trwydded fod yn fwy na swm y costau am roi neu adnewyddu a'r costau disgwylidig rhesymol am fonitro cydymffurfiaeth y deiliad trwydded â'r Rheoliadau hyn ac amodau'r drwydded yn y dyfodol.

Canllawiau

13. Rhaid i'r awdurdod lleol, wrth gyflawni ei swyddogaethau o dan y Rheoliadau hyn, roi sylw i unrhyw ganllawiau a ddyroddir gan Weinidogion Cymru.

RHAN 4

Atal Dros Dro, Amrywio a Dirymu Trwydded

Seiliau ar gyfer atal dros dro ac amrywio

14. Caiff awdurdod lleol atal dros dro neu amrywio trwydded ar unrhyw adeg os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod atal dros dro neu amrywio'n angenrheidiol er mwyn diogelu lles ci.

Y weithdrefn ar gyfer atal dros dro ac amrywio

15.—(1) Bydd atal dros dro neu amrywio trwydded o dan reoliad 14 yn cael effaith ar ddiwedd y cyfnod o 7 diwrnod sy'n cychwyn gyda diwrnod cyflwyno'r hysbysiad o'r ataliad neu'r amrywiad.

(2) Os yw'n angenrheidiol er mwyn diogelu lles ci, caiff yr awdurdod lleol bennu yn yr hysbysiad fod yr ataliad dros dro neu'r amrywiad i gael effaith ar unwaith.

(3) Rhaid i hysbysiad o ataliad dros dro neu amrywiad—

- (a) datgan seiliau'r awdurdod lleol dros atal dros dro neu amrywio;
- (b) datgan pa bryd y daw'r ataliad neu'r amrywiad i rym;
- (c) pennu pa gamau, ym marn yr awdurdod lleol, y mae'n angenrheidiol eu cymryd er mwyn unioni'r seiliau; a
- (d) esbonio bod hawl gan y deiliad trwydded i wneud sylwadau ysgrifenedig o dan baragraff (4), rhoi iddo fanylion y person y dylid cyflwyno'r sylwadau hynny iddo, a datgan erbyn pa ddyddiad y mae'n rhaid eu cyflwyno.

(4) Os nad yw'r hysbysiad i gael effaith ar unwaith, caiff y deiliad trwydded gyflwyno sylwadau ysgrifenedig yn gwrthwynebu'r hysbysiad, i'r awdurdod lleol o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda dyddiad cyflwyno'r hysbysiad.

(5) Os gwneir sylwadau o dan baragraff (4), ni fydd yr ataliad dros dro neu'r amrywiad yn cael effaith hyd nes bo'r awdurdod lleol wedi ystyried y sylwadau ac wedi penderfynu arnynt yn unol â pharagraff (6).

(6) Rhaid i'r awdurdod lleol wneud penderfyniad ar y sylwadau, a hysbysu'r deiliad trwydded o'r penderfyniad hwnnw mewn ysgrifen, gan roi rhesymau, o fewn cyfnod o 7 diwrnod sy'n cychwyn gyda'r diwrnod y mae'r awdurdod yn cael y sylwadau hynny.

(7) Os yw trwydded wedi ei hatal dros dro am fwy nag 28 diwrnod, rhaid i'r awdurdod lleol—

- (a) adfer y drwydded honno a ataliwyd dros dro, neu
- (b) dirymu y drwydded honno a ataliwyd dros dro.

Adfer trwydded

16.—(1) Rhaid i awdurdod lleol, drwy hysbysiad, adfer trwydded a ataliwyd dros dro, unwaith y bodlonir yr awdurdod fod y seiliau a bennwyd yn yr hysbysiad o ataliad dros dro wedi eu hunioni, neu y byddant yn cael eu hunioni.

(2) Wrth adfer trwydded o dan baragraff (1) ceir amrywio'r cyfnod y dyroddir y drwydded ar ei gyfer, ond ni chaniateir i'r drwydded gael ei hestyn y tu hwnt i 1 flwyddyn o'r dyddiad pan gafodd ei hadfer.

Seiliau ar gyfer dirymu trwydded

17.—(1) Caiff awdurdod lleol ddirymu trwydded os bodlonir yr awdurdod lleol—

- (a) nad yw'r materion y cyfeirir atynt yn rheoliad 9(1)(a) i (d) wedi eu bodloni;
- (b) na chydymffurfir ag amodau'r drwydded;
- (c) y cyflawnwyd toriad o'r Rheoliadau hyn;
- (d) bod gwybodaeth a gyflenwyd gan y deiliad trwydded yn ffug; neu
- (e) bod dirymu'n angenrheidiol er mwyn diogelu lles ci.

(2) Os anghymhwysir deiliad trwydded o dan unrhyw un o'r deddfiadau yn rheoliad 10, di-rymir trwydded y deiliad hwnnw yn awtomatig pan fo'r cyfnod o amser a ganiateir ar gyfer unrhyw apêl yn dod i ben, neu os gwneir apêl, pan wrthodir yr apêl honno.

Hysbysiad o ddirymu

18. Rhaid i hysbysiad dirymu—

- (a) datgan seiliau'r awdurdod lleol dros ddirymu;
- (b) datgan pa bryd y daw'r dirymiad i rym; ac
- (c) nodi bod hawl i apelio i lys ynadon.

RHAN 5

Apelau

Hawl i Apelio

19.—(1) Caiff unrhyw berson a dramgwyddir oherwydd gwrthod rhoi neu adnewyddu trwydded, neu benderfyniad i ddirymu trwydded, apelio i lys ynadon.

(2) Bydd y weithdrefn mewn apêl i lys ynadon o dan baragraff (1) ar ffurf cwyn, a bydd Deddf Llysoedd Ynadon 1980(1) yn gymwys i'r achos.

(3) Y cyfnod a ganiateir ar gyfer dwyn apêl yw cyfnod o 28 diwrnod sy'n cychwyn gyda'r diwrnod sy'n dilyn y diwrnod y rhoddir hysbysiad o'r penderfyniad.

RHAN 6

Darpariaethau amrywiol

Pŵer i gymryd samplau

20. Caiff arolygydd, at y diben o sicrhau y cydymffurfir â darpariaethau'r Rheoliadau hyn, gymryd samplau o boer neu o flew unrhyw gi sydd mewn mangre a feddiennir gan y deiliad trwydded, ar gyfer cynnal profion DNA.

Dyletswydd i gynorthwyo gyda chymryd samplau

21. Rhaid i'r deiliad trwydded gydymffurfio ag unrhyw gais rhesymol gan arolygydd, i hwyluso adnabod ac archwilio ci a chymryd samplau yn unol â rheoliad 20 ac, yn benodol, trefnu i gorlannu ci os gofynnir iddo wneud hynny gan arolygydd.

Troseddau

22. Cyflawnir trosedd os yw person, heb awdurdod cyfreithiol nac esgus, yn mynd yn groes i unrhyw amod trwyddedu, ac yn dilyn collfarn ddiannod, bydd person sy'n euog o drosedd o'r fath yn atebol i ddirwy o ddim mwy na lefel 5 ar y raddfa safonol, neu gyfnod o garchar na fydd yn hwy na 6 mis, neu'r ddau.

Pwerau mynediad

23. Rhaid trin toriad o amod trwydded fel trosedd berthnasol yn yr ystyr a roddir i "relevant offence" at ddibenion adran 23 o'r Ddeddf (mynd i mewn a chwilio o dan warant mewn cysylltiad â throseddau).

(1) 1980 p. 43.

Pwerau sy'n dilyn collfarn

24. Mae'r pwerau perthnasol sy'n dilyn collfarn, a gynhwysir yn adrannau 34 a 42 o'r Ddeddf, yn gymwys mewn perthynas â chollfarn am drosedd o dorri amod trwydded a roddir o dan y Rheoliadau hyn.

Darpariaethau trosiannol

25. Bydd trwydded a roddwyd o dan Ddeddf Bridio Cŵn 1973 yn parhau i gael effaith fel pe bai'n drwydded a roddwyd o dan reoliad 5.

Diwygiadau canlyniadol

26. Mae Atodlen 2 (diwygiadau canlyniadol) yn cael effaith.

Gorfodi

27. Gorfodir y Rheoliadau hyn gan yr awdurdod lleol.

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidogion Cymru

Dyddiad

YR ATODLENNI

ATODLEN 1

Rheoliad 8(2)

RHAN 1

Amodau Trwydded

Amod 1: Gwella a Chyfoethogi

1. Rhaid i'r deiliad trwydded weithredu rhaglen wella a chyfoethogi a gymeradwywyd gan yr awdurdod lleol.

Amod 2: Cymdeithasoli

2. Rhaid i'r deiliad trwydded weithredu rhaglen gymdeithasoli a gymeradwywyd gan yr awdurdod lleol.

Amod 3: Iechyd

3. Rhaid i'r deiliad trwydded gymryd pob cam rhesymol i ddiogelu cŵn rhag poen, dioddefaint, anaf a chlefyd.

Amod 4: Paru

4. Rhaid i'r deiliad trwydded sicrhau nad yw gast fridio—

- (a) yn cael ei pharu cyn ei bod yn 12 mis oed;
- (b) yn rhoi genedigaeth i fwy nag un torllwyth o gŵn bach o fewn cyfnod o 12 mis; nac
- (c) yn rhoi genedigaeth i gyfanswm o fwy na 6 torllwyth o gŵn bach.

Amod 5: Newid perchnogaeth ci bach

5. Rhaid i'r deiliad trwydded barhau i berchen ac i feddu ar unrhyw gi bach yn y fangre hyd nes bo'r ci bach yn 56 diwrnod oed, o leiaf.

Amod 6: Adnabod geist bridio a chŵn gre

6.—(1) Oni bai bod is-baragraff (4) yn gymwys, rhaid i'r deiliad trwydded sicrhau bod pob gast fridio a chi gre nad ydynt eisoes wedi eu microsglodynnu ar yr adeg y daw'r Rheoliadau hyn i rym, yn cael eu microsglodynnu.

(2) Rhaid i'r deiliad trwydded sicrhau bod—

- (a) rhif unigryw y microsglodyn;
- (b) enw, cyfeiriad a rhif ffôn y deiliad trwydded;
- (c) enw'r ci;
- (d) brid y ci;
- (e) unrhyw nodweddion corfforol arbennig y ci;
- (f) rhyw'r ci; ac
- (g) dyddiad geni'r ci,

wedi cael eu cofrestru mewn cronfa ddata y mae'r deiliad trwydded yn credu'n rhesymol ei bod yn cydymffurfio ag is-baragraff (3).

(3) Rhaid i'r deiliad trwydded gredu'n rhesymol fod gweithredwr y gronfa ddata—

- (a) yn diweddar unrhyw newidiadau, y rhoddir gwybod amdanynt, i'r wybodaeth a restrir yn is-baragraff (2) ar y gronfa ddata;
- (b) yn cofnodi'r wybodaeth a restrir yn is-baragraff (2) mewn cronfa ddata gyfrifiadurol ddiogel; ac
- (c) yn gallu prosesu ymholiadau am yr wybodaeth honno dros y ffôn neu ar-lein ar bob adeg resymol.

(4) Nid yw is-baragraff (1) yn gymwys os yw milfeddyg yn ardystio, ar ffurf y mae Gweinidogion

Cymru wedi ei chymeradwyo, y byddai microsglodynnu'n gwanhau iechyd ci yn sylweddol.

(5) Ni chaiff ardystiad o dan is-baragraff (4) gael ei gyflwyno am gyfnod sy'n hwy na 4 wythnos oni bai bod y milfeddyg o'r farn bod y risg i iechyd y ci yn un barhaol.

Amod 7: Adnabod cŵn bach

7.—(1) Oni bai bod is-baragraff (4) yn gymwys, rhaid i'r deiliad trwydded sicrhau bod ci bach wedi ei ficrosglodynnu cyn iddo droi'n 56 diwrnod oed.

(2) Cyn i'r ci bach adael mangre y deiliad trwydded gyda golwg ar newid ei berchnogaeth, neu cyn i'r ci bach gael ei drosglwyddo i berchennog newydd, rhaid i'r deiliad trwydded gofrestru—

- (a) rhif unigryw y microsglodyn;
- (b) enw, cyfeiriad a rhif ffôn y deiliad trwydded fel perchennog cyntaf y ci bach;
- (c) enw'r ci bach;
- (d) brid y ci bach;
- (e) unrhyw nodweddion corfforol arbennig y ci bach;
- (f) rhyw'r ci bach; ac
- (g) dyddiad geni'r ci bach,

mewn cronfa ddata y mae'r deiliad trwydded yn credu'n rhesymol ei bod yn cydymffurfio â pharagraff 6(3).

(3) Wrth drosglwyddo perchnogaeth ci bach, rhaid i'r deiliad trwydded ddarparu, mewn perthynas â'r perchennog newydd, enw, cyfeiriad a rhif ffôn perchennog newydd y ci bach, i'r gronfa ddata a ddefnyddiwyd gan y deiliad trwydded i gofrestru microsglodyn y ci.

(4) Nid yw is-baragraff (1) yn gymwys os yw milfeddyg yn ardystio, ar ffurf y mae Gweinidogion Cymru wedi ei chymeradwyo, y byddai microsglodynnu'n gwanhau iechyd ci yn sylweddol.

(5) Ni chaiff ardystiad o dan is-baragraff (4) gael ei gyflwyno am gyfnod sy'n hwy na 4 wythnos oni bai bod y milfeddyg o'r farn bod y risg i iechyd y ci yn un barhaol.

Amod 8: Gofynion cofnodi geist bridio

8.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig mewn perthynas â phob gast fridio a gedwir, gan nodi—

- (a) ei henw;
- (b) ei dyddiad geni;
- (c) ei brid;
- (d) disgrifiad ffisegol ohoni, gan gynnwys ei lliw a'i nodweddion adnabod;

- (e) ei statws iechyd;
- (f) ei rhif microsglodyn unigryw;
- (g) manylion paru, gan gynnwys;
 - (i) enw, brid a rhif microsglodyn unigryw y tad; a'r
 - (ii) manylion canlynol mewn perthynas â phob ci bach a anwyd—
 - (aa) dyddiad geni;
 - (bb) rhif microsglodyn unigryw; ac
 - (cc) pa bryd y trosglwyddwyd perchnogaeth, ac enw a chyfeiriad y perchennog newydd.

(2) Pan drosglwyddir perchnogaeth gast fridio, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif ffôn y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1); rhaid i'r deiliad trwydded ddarparu copi o'r cofnod hwnnw i'r perchennog newydd, a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i edrych arno, a rhaid i'r deiliad trwydded ddal gafael ynddo drwy gydol oes yr ast fridio.

Amod 9: Gofynion cofnod cŵn bach

9.—(1) Rhaid i'r deiliad trwydded gynnal cofnod ysgrifenedig sy'n cadarnhau'r manylion canlynol mewn perthynas â phob ci bach:

- (a) rhyw;
- (b) dyddiad geni;
- (c) brid;
- (d) disgrifiad ffisegol gan gynnwys lliw a nodweddion adnabod;
- (e) statws iechyd;
- (f) rhif microsglodyn unigryw;
- (g) enw, brid a rhif microsglodyn unigryw'r fam; a
- (h) enw, brid a rhif microsglodyn unigryw'r tad.

(2) Pan drosglwyddir perchnogaeth ci bach, rhaid i'r deiliad trwydded gofnodi enw, cyfeiriad a rhif ffôn y perchennog newydd yn y cofnod y cyfeirir ato yn is-baragraff (1); rhaid i'r deiliad trwydded ddarparu copi o'r cofnod hwnnw i'r perchennog newydd, a chadw copi ohono ei hunan.

(3) Rhaid i'r cofnod y cyfeirir ato yn is-baragraff (1) fod ar gael i edrych arno gan yr awdurdod lleol ar unrhyw adeg, a rhaid i'r deiliad trwydded ddal gafael ynddo am 3 blynedd ar ôl geni'r ci bach.

ATODLEN 2

Diwygio Canlyniadol

Rheoliad 26

Deddf Bridio Cŵn 1973

1. Yn adran 5 o Ddeddf Bridio Cŵn 1973 (dehongli), yn is-adran (2), yn y diffiniad o “local authority”, hepgorer “and in Wales the council of a county or county borough”.

Deddf Llywodraeth Leol (Cymru) 1994

2. Yn Atodlen 16 o Ddeddf Llywodraeth Leol (Cymru) 1994 (diwygiadau canlyniadol eraill), hepgorer paragraff 42.

Deddf Cŵn Gwarchod 1975

3. Yn adran 3 o Ddeddf Cŵn Gwarchod 1975 (trwyddedau cwbiau cŵn gwarchod), o flaen is-adran 6, mewnosoder—

“(5B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013, subsections (4) and (5) apply as they do to convictions under this Act.”

Deddf Anifeiliaid Gwyllt Peryglus 1976

4. Ar ddiwedd adran 6 o Ddeddf Anifeiliaid Gwyllt Peryglus 1976 (cosbau) mewnosoder—

“(3B) Where a person is convicted of an offence under section 13(6) of the Animal Welfare Act 2006 arising from the contravention of section 13(1) of that Act in relation to dog breeding in Wales, or of an offence under the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013, subsections (2) and (3) apply as they do to convictions under this Act”.

Deddf Trwyddedu Sŵau 1981

5. Yn adran 4 o Ddeddf Trwyddedu Sŵau 1981 (rhoi neu wrthod trwydded) yn is-adran (5), mewnosoder ar y diwedd—

““section 13(6) of the Animal Welfare Act 2006, so far as the offence arises from the contravention of section 13(1) of that Act in relation to dog breeding in Wales;

the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2013.”

Explanatory Memorandum to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Office of the Chief Veterinary Officer and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. I am satisfied that the animal welfare benefits justify the likely costs.

Alun Davies AM
Minister for Natural Resources and Food

DATE: 19 June 2014

1. Description

These Regulations provide for the licensing of persons involved in the breeding of dogs by their local authority. This replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 (as amended) in Wales.

The Regulations set out how a person may apply to the local authority for a licence and set out matters on which a local authority must be satisfied when considering the granting and renewing of a licence. This includes the local authority's duty to have regard to guidance issued by the Welsh Ministers in carrying out their functions under these Regulations.

The Regulations:

- provide for a local authority to charge fees to cover any reasonable expenses incurred in performing this function and for monitoring compliance with these Regulations;
- set out circumstances in which a licence may be suspended, varied or revoked and provides for appeals against licensing decisions by local authorities. A breach of a condition of a licence granted under these Regulations is an offence;
- provide powers for inspectors to take samples and enter premises and applies relevant post conviction powers contained in the Animal Welfare Act 2006;
- provide for local authorities to enforce the Regulations; and
- provide that licences granted under the Breeding of Dogs Act 1973 continue to have effect as if granted under these Regulations.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

These Regulations address the comments made by the Constitutional and Legislative Affairs Committee in respect of the draft Regulations laid on 11 June 2013 and subsequently withdrawn 5 July 2013.

3. Legislative background

Section 13 of The Animal Welfare Act 2006 created the power for the National Assembly for Wales to repeal the Breeding of Dogs Act 1973 and replace it with new Regulations in relation to Wales. Those powers are now vested in the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The power to make new Regulations must be exercised for the purpose of promoting the welfare of animals. Section 13 also requires that the Welsh

Ministers consult with persons appearing to them to represent any interests concerned prior to exercising the power.

The Regulations are subject to approval of the National Assembly by affirmative resolution by virtue of section 61 of the Animal Welfare Act 2006 and section 162 of and paragraph 34 of Schedule 11 to the Government of Wales Act 2006.

The Regulations repeal section 1(1) of the Breeding of Dogs Act 1973 and makes consequential amendments to the:

- Local Government (Wales) Act 1994;
- Guard Dogs Act 1975;
- Dangerous Wild Animals Act 1976; and
- Zoo Licensing Act 1981

4. Purpose & intended effect of the legislation

The existing Breeding of Dogs Act 1973 (as amended) was made over 40 years ago and set out the requirements for licensing which are based upon a breeder producing 5 or more litters per annum.

Modern science and changes in animal welfare legislation suggests that higher animal welfare standards are required. Existing dog breeding establishments have come under intense scrutiny in recent years due to the increased number of high profile incidents where puppies were being bred in inappropriate conditions. Television programmes such as *Byd Ar Bedwar*, *The One Show*, *Week In Week Out* and *Rogue Traders* have all investigated alleged unscrupulous breeders across Wales. Campaign groups such as *Puppy Love*, *Puppy Alert*, *CARIAD* and the *Advisory Council on the Welfare Issues of Dog Breeding* have been set up amongst other things, to raise awareness of puppy breeding with the general public and UK Governments. There has also been a strong veterinary input via the *British Veterinary Association* and others to the debate.

Research carried out under the *Companion Animal Welfare Enhancement Scheme (CAWES)*¹ reported that, as of 31st March 2011, there were 251 licensed dog breeding establishments in Wales, along with 149 premises that meet the licensing criteria under the 1973 Act and should be but are not licensed and a further 1587 that do not meet the licensing threshold under the current legislative requirements (further investigation by local authorities on

¹ A Welsh Government funded programme from 2008 to 2011 aimed at establishing a baseline of data on companion animal welfare. It also included research e.g. on dogs, cats, pet shops, equines, developed a schools programme and created third sector/local authority/ Welsh Government forums on animal welfare related topics.

unlicensed premises has either placed them in the exempt category or they have become licenced).

The Animal Welfare Act 2006 came into force in Wales on 27 March 2007 and the proposed Regulations are coming forward under Section 13 of that Act. The overarching policy intent is to improve the welfare standards within establishments and facilities that breed dogs.

The main policy proposals within the new Regulations include:

- tighter licensing criteria;
- the requirement to microchip all dogs on the premises and puppies before they are 56 days old;
- a staff: adult dog ratio which has a minimum staff requirement;
- standardising the minimum age a puppy can leave the breeding premises; and
- the need for breeding establishments to introduce socialisation, and environmental enrichment and enhancement programmes.

In developing the above policy proposals from the Task and Finish Group on Dog Breeding and the responses from consultation, the Welsh Government has striven to find the right balance on introducing appropriate standards to existing and future licensed dog breeders and providing much needed provision to enhance the health and welfare of breeding bitches, stud dogs and their offspring. Another aim was to deter individuals from operating any illegal dog breeding activity and the financial details provided to the Welsh Government following the first consultation have been utilised.

A draft Regulatory Impact Assessment (RIA) formed part of the second and third consultations. The third consultation included a specific request for respondents to provide any robust evidence to support their assertions, including case studies and any relevant financial evidence which the Welsh Government could use to make its final decision. None was forthcoming.

5. Consultation

Details of consultations undertaken are included in the RIA set out in Part 2.

PART 2 – REGULATORY IMPACT ASSESSMENT (RIA)

This RIA contains a best estimate of the likely costs associated with the Regulations.

In November 2009 a Task and Finish Group was set up to examine the need to update the Breeding of Dogs Act 1973 (as amended) to reflect the “five needs” as identified in the Animal Welfare Act 2006. Since then there has been three public consultations on these Regulatory proposals which have included requests for additional data to inform the RIA. In addition, all local authorities in Wales and a number of animal welfare organisations have been contacted directly to provide information to inform this RIA.

Following this work there still remains a degree of uncertainty in some areas and a number of assumptions have had to be made when developing the cost estimates. Appendix B contains sensitivity analysis testing the impact on costs of altering some of the key assumptions.

Options

Three options have been considered, these are:

- Option 1: Do Nothing.
- Option 2: Licensing of all dog breeders in Wales.
- Option 3: Licensing of all dog breeders in Wales that operate above a determined threshold.

Option 1

This is the ‘Do Nothing’ option and maintains the current policy position in which all dog breeders producing five or more litters per annum are required to obtain a license from their local authority.

Option 2

In this option, Regulations would be introduced that required all dog breeders to be licensed. This would include those breeders with just a single breeding bitch and those owners whose bitch was mated accidentally.

This option was initially considered by the Task and Finish Group on Dog Breeding. However, this will have significant implications for enforcement officials who are already stretched and is not considered to be a proportionate approach to the problem. Whilst this option would perhaps encourage owners who do not wish to be licenced to be more responsible (for example, by neutering their animal(s)), it is not seen as a realistic option due to the difficulties that might be encountered in an enforcement action.

Option 3

Under Option 3, Regulations would be introduced that would require any person or persons who breed dogs, and who operate above a determined threshold to be licensed. This is consistent with the structure of the current legislation, the Breeding of Dogs Act 1973 (as amended), however, the threshold will be reduced from five or more litters per annum to three or more litters per annum. This option also introduces stricter licensing requirements to meet the objective of raising welfare standards.

Costs & benefits

Option 1 – Do Nothing

This option maintains the existing licensing regime and requirements, there are therefore no additional costs associated with this option.

Option 2 - Licensing of all dog breeders in Wales

The Task and Finish Group on Dog Breeding initially considered the viability of introducing Regulations that would make anybody who bred just one litter eligible for licensing. However, this would have massive implications for enforcement officials, and could result in dog owners who have breeding bitches that are mated accidentally, requiring a licence. Whilst it would perhaps encourage owners to be more responsible (for example, by neutering their animal(s)), this was not seen as a realistic option due to the difficulties that might be encountered in licensing and enforcement action.

Option 3 - Licensing of all dog breeders in Wales that operate above a determined threshold.

Welsh Government

There will be an upfront cost to Welsh Government associated with developing and disseminating guidance for local authorities on the new Regulations. The cost of these activities is estimated to be £1000.

This would include communicating the change in Regulations to stakeholders,

Local Authorities

This option is expected to result in an increase in the administration, inspection, monitoring and enforcement costs incurred by local authorities. Since over 65% of the 22 local authorities are already applying the 'Model Licensing Conditions' the additional costs will largely relate to the additional breeders that will need to be licensed in the future (i.e. those producing 3 or 4 litters each year).

Determining the increase in the number of dog breeders that will need to be licensed under the new Regulations is not straightforward. Since the breeders do not currently require a license, local authorities do not collect data on or

monitor the activities of breeders producing 3 or 4 litters each year. The best available data of the number of unlicensed dog breeders in Wales (i.e. those not captured by the existing Regulations) is from the Companion Animal Welfare Enhancement Scheme (CAWES)² and The Kennel Club.

CAWES reported that, as of 31st March 2011, there were 1587 breeders that were exempt from the current legislative requirements.

The Kennel Club (KC) has 168 members in Wales who bred three or four litters in 2013. It is estimated that membership of the Kennel Club stands at 33% of the total UK dog population. Assuming that a broadly equivalent proportion of small scale breeders are members of the Kennel Club suggests that approximately 500 additional breeders may now come within scope of the new regulations. This estimation assumes that no breeders will reduce the number of breeding bitches they own to avoid having to obtain a license.

A local authority report³ states that the average cost for inspecting and licensing a dog breeding establishment in Wales is approximately £130. For the additional 500 breeders that will need to be licensed under this option, this equates to an additional cost of approximately £65,000. The figures presented here are based on each establishment only requiring a single visit, the cost would be increased if an additional visit or subsequent further action was required.

Legislation under the current Breeding of Dogs Act 1973 already allows for a cost neutral approach to be set through the charging of licence fees which are set by individual local authorities. Similarly, under the new Regulations it will be at each local authority's discretion as to how they handle the fee level in complying with the requirements to raise standards. Any increase in the volume of licence applications caused by the tightening of breeding criteria will also result in additional licence application revenue (see below).

Existing Licensed Dog Breeders

The latest data from local authorities shows that there were 247 licensed dog breeders operating in Wales in 2013-14 with 5025 breeding bitches on their premises. The number of licenced premises per LA varies from zero up to 81. The majority of the large scale breeders are in West Wales.

² A Welsh Government funded programme from 2008 to 2011 aimed at establishing a baseline of data on companion animal welfare. It also included research e.g. on dogs, cats, pet shops, equines, developed a schools programme and created third sector/local authority/ Welsh Government forums on animal welfare related topics.

³ Animal Establishment Licensing – Creating a Shared Service, Watts, N. and Amos, T, 2011.

License fees

These breeders will currently be paying a license fee, however, the LA questionnaire responses suggest a split with some LAs expecting license fees to remain the same and some intending to review license fees. The review is part of an ongoing evaluation of charges to and is not directly linked to the new Regulations

Microchipping

Under this option, breeders would be required to microchip their dogs and all puppies before they are 56 days old. The breeders will be able to choose between microchipping their animals themselves or taking the animal to a vet or other suitably trained implanter to have them microchipped. The cost an implanter charges for microchipping varies but it is typically between £10 and £30.

Data gathered from the industry suggests that a high proportion of breeders already microchip their puppies before they are sold. For the purposes of this RIA it is assumed that 50% of breeders currently microchip their puppies. For these breeders, the requirement in the Regulations to microchip puppies presents no additional cost.

Of those licensed breeders that currently microchip puppies, the majority are trained to do the microchipping themselves. Before a breeder will be allowed to microchip puppies, they will be required to undertake a training course, the cost of which is expected to be £174, this includes the cost of the course (£130) and the value of time spent by a breeder on the course (£44⁴). Each breeder will also need to purchase a scanner to enable them to read the information on the microchip at a cost of £80. Despite these up front costs, it is assumed to be more cost effective for large scale breeders to microchip the puppies themselves rather than take them to an implanter.

The additional upfront cost for the assumed 124 (50%) licensed breeders that do not currently microchip their puppies is estimated to be approximately £31,500.

In addition to this upfront cost, there will be an ongoing cost associated with having to purchase and implant the microchips. Enquiries of microchip suppliers suggest the cost of the microchips and registering dogs to implanters is £4-£7.50 per dog depending upon the supplier and size of the order for microchips including the cost of the microchip and registration of the breeders' details. Assuming that each licensed breeder has an average of 20 breeding bitches (the average for licensed breeders in Wales as a whole) and that each bitch has a litter of 5 puppies per annum, the additional cost to each breeder for the microchips is between £400 and £750 per annum. This equates to an

⁴ The Annual Survey of Hours and Earnings, provisional results 2013, code 6131 (animal care and control service) gives £8.45 per hour. This has been increased by 30% to cover non-wage costs of labour (leave, employer NI contributions, etc.). A course will typically last 4 hours.

additional cost of between £49,600 and £93,000 per annum for the 124 licensed breeders that do not currently microchip their puppies.

Minimum staffing requirement

The Regulations will introduce a minimum staffing requirement for dog breeders, set at 1 full-time member of staff for every 20 adult dogs. Data received from local authorities across Wales suggests that there may be 30 licensed dog breeders that do not currently meet this minimum staffing requirement.

How breeders respond to this new requirement is likely to vary from one case to another. Some breeders may opt to reduce the number of adult dogs on their premises, they may enlist the help of an (unpaid) family member or they may recruit an additional employee to enable them to comply with the requirement.

Assuming that each breeder that does not meet the staffing requirement will employ one additional employee in order to comply and that a full-time employee on the National Minimum Wage earns approximately £12,000 per annum, suggests that the cost to the industry could be in the region of £360,000 per annum. For the reasons set out above, the actual cost to the industry may be significantly lower.

'Enhancement and enrichment' and 'Socialisation' programmes

The Regulations include a requirement for breeders to have 'Enhancement and enrichment' and 'Socialisation' programmes in place. This requirement is not expected to impose an additional cost on those breeders that are already operating to a high standard.

The 'Model Licensing Conditions' followed by 63% of the breeders include a requirement for the breeder to have these programmes in place. Local authorities have indicated that approximately 54% of breeders would need to improve their premises to meet this requirement.

Information provided by the Kennel Club suggests that the cost of developing acceptable 'Enhancement and enrichment' and 'socialisation' programmes is approximately £100 per average sized litter. For the 133 (54% of currently licensed breeders) breeders that would need to make these improvements and assuming an average of 20 breeding bitches each having one litter per annum, this equates to an additional cost of £2,000 per annum per breeder or a total of £266,000 per annum. As noted above, it is only those breeders that are not currently operating to high standard that would incur this additional cost.

Existing breeders who will meet the licencing threshold in the new Regulations

As noted above, there is some uncertainty surrounding the number of additional dog breeders that will require a license as a result of the Regulations now

applying to breeders producing three or more litters per annum rather than five or more litters per annum. This is because local authorities are not currently required to collect data from or interact with these smaller breeders. Furthermore, those breeders currently producing three or four litters per annum may opt to cease or reduce their breeding activities in order to avoid the need to be licensed.

It is estimated that an additional 500 dog breeders in Wales will require a license under the new Regulations.

As with the current regulations, there is a risk that only the more responsible dog breeders will apply to be licensed. There will be a clear role for local authorities to ensure that all of the dog breeders that are operating above the specified threshold of breeding 3 or more litters per annum are captured and that it is not just the more responsible dog breeders that will incur the costs associated with these Regulations.

License fees

Data obtained from local authorities shows that the license fees they charge currently range from £80 to £255 for those with several breeding bitches. For these smaller breeders it is assumed that the cost of applying for a license and the license fee will be between £80 and £150 per annum. Based on the estimate of the number of additional breeders that will require a license (500), this suggests a cost to the industry of between £40,000 and £75,000 per annum.

This fee will be paid to the relevant local authority.

Microchipping

As with the currently licensed breeders, it is assumed that 50% of these smaller scale breeders will already be microchipping their puppies and that there will be no additional cost to these breeders. The remaining breeders will have the option of having a vet or other trained implanter to microchip their puppies or undertake training to enable them to microchip the puppies themselves. This decision is less clear cut for smaller breeders than the larger scale breeders and so it is assumed that 50% will undertake the microchipping themselves and 50% will take their puppies to a vet or another trained implanter.

The costs involved are as presented above namely £174 for training, £80 for a scanner and £4-£7.50 per animal where a breeder implants the microchip themselves or £10 - £30 if the breeder takes the animal to a vet or other implanter.

For the 125 breeders that are assumed to microchip their puppies themselves, there is an upfront cost of £31,750 for the training and scanner and a cost of approximately £8,750 - £16,400 per annum for the microchips.

For the 125 breeders that are assumed to take their puppies to a vet or another implanter to be microchipped the cost is approximately £21,900 to £65,600 per annum.

As noted above, Dogs Trust are currently running a microchipping campaign that will microchip all dogs and puppies for free. This would either be at an organised event or through an arrangement with a local vet. Breeders may also be able to pass the additional cost associated with microchipping the puppies on to the customer.

Minimum staffing requirement

The minimum staffing requirement set out in the Regulations is not expected to impact on these smaller breeders who will now come within scope.

Enhancement and enrichment' and 'Socialisation' programmes

The socialisation and enhancement requirements of a license will include activities such as exercise in various environments, introduction of low level noise, a suitable amount of human contact and play with suitable toys. It is likely that many of the small breeders who will now come within scope would already fulfil these requirements and possibly be operating in a home environment; therefore it is not expected to impose an additional cost to this group. Where a breeder has to implement an enhancement or socialisation programme the cost is estimated to be £100 per litter.

Sensitivity analysis is included in Appendix B to test the impact of changing some of the above assumptions.

Wider costs

All of the local authorities in Wales reported that their officer would be accompanied by a veterinary surgeon when they inspected dog breeding premises. By requiring more breeders in Wales to be licensed, this option will increase the burden on vets, however, the vets receive a commensurate fee for this work.

In addition, the increase in the number of breeders requiring a license may result in additional costs being incurred by the UK Justice System in dealing with cases of non-compliance. Evidence provided by local authorities suggests that there have been relatively few instances in which they have had to take enforcement action against dog breeders in recent years and where action has been taken it has tended to be in the form of improvement notices. There has only been one case in which a dog breeder has been taken to court since 2010 and they were unlicensed. The impact of this option on the UK Justice System is therefore expected to be minimal.

Summary of costs

Table 1 presents a summary of the costs identified above. The majority of the costs associated with these Regulations fall on the dog breeding industry itself. The cumulative costs have the potential to have a significant impact on individual businesses, particularly those businesses that need to employ additional staff to meet the minimum staff to adult dog ratio, those breeding lower value dogs and/or those with already marginal profitability. However, there is the potential for the breeders to pass at least some of the additional costs on to their customers (this will need to be balanced against the impact on demand). It is also worth noting that the largest additional costs will be incurred by those businesses that are not currently operating to the highest animal welfare standards.

Table 1. Summary of the estimated costs of the legislation

	2014-15	2015-16	2016-17	2017-18	2018-19
Welsh Government	1,000				
Local Authorities*	65,000	65,000	65,000	65,000	65,000
Existing Dog Breeders					
Microchipping Upfront	31,500				
Microchips	49,600 - 93,000	49,600 - 93,000	49,600 - 93,000	49,600 - 93,000	49,600 - 93,000
Minimum Staffing Requirement	360,000	360,000	360,000	360,000	360,000
Enhancement and Socialisation	266,000	266,000	266,000	266,000	266,000
Total	707,100 - 750,500	675,600 - 719,000	675,600 - 719,000	675,600 - 719,000	675,600 - 719,000
Newly licensed breeders					
License Fee**	40,000 - 75,000	40,000 - 75,000	40,000 - 75,000	40,000 - 75,000	40,000 - 75,000
Microchipping Upfront	31,750				
Microchips	30,650 - 82,000	30,650 - 82,000	30,650 - 82,000	30,650 - 82,000	30,650 - 82,000
Total	102,400-188,750	70,650 - 157,000	70,650 - 157,000	70,650 - 157,000	70,650 - 157,000
Total	875,500 - 1,005,250	811,250 - 941,000	811,250 - 941,000	811,250 - 941,000	811,250 - 941,000

* local authorities will receive a fee from breeders to cover at least part of this cost.

** This is a fee paid by the dog breeders to the local authorities to cover the cost of administering license applications and inspecting premises.

Benefits

The Breeding of Dogs Act 1973 (as amended) provides basic details on the construction and operation of dog breeding establishments. However there is a lack of clarity on the requirement in the 1973 Act. The new Regulations help to address this issue through the Statutory Guidance. It is important that all breeding establishments ensure they meet the “five needs” as set out in the Animal Welfare Act 2006.

A special project under the CAWES programme “An examination of the licensing of dog breeding establishments in Wales⁵” included the following information:

5

<http://wales.gov.uk/topics/environmentcountryside/ahw/animalwelfare/pets/cawes/specialprojects/?lang=en>

‘Breeda et al (1997) considered that poor and restricted housing conditions, noise and unpredictable social environments were highly likely to create symptoms of chronic stress in dogs. Breeda also observed more subtle behavioural indicators of distress, such as increased vocalisation and increased behaviour associated with fear and appeasement – snout licking, fore-paw lifting and lowered postures. In more severely affected dogs increased salivation, panting and repetitive behaviours were recognised.’

‘The environment external to the whelping pen becomes most significant to the puppy once the puppy’s neural development allows interaction with and adaptation to the environment from about 21 days old (Scott & Fuller 1965). This is probably the single most important time in the dog’s life relative to social interaction (Beaver 2009). It is at this stage that the young puppy becomes capable of seeking non-maternal social interaction and it is most receptive to its environment and capable of learning about it.’

In addition to the animal welfare benefits, CARIAD (Care and Respect Includes All Dogs) – a coalition of dog rescue and welfare organisations in Wales – has identified a number of financial costs associated with poor breeding practices, these include:

- the veterinary costs incurred by the purchasers of puppies for treating medical conditions associated with poor standards at a breeding establishment (such as illnesses and infections);
- the veterinary costs incurred by the purchasers of puppies for treating medical conditions associated with poor practices such as failing to test breeding dogs for genetic conditions and in-breeding;
- the cost to purchasers of behaviourist advice and/or professional training arising from failure to properly socialise puppies or to breed for temperamental soundness;
- the cost to the emergency services and the general public associated with dog attacks. Serpell and Jagoe⁶ identified an association between the failure to properly socialise as a puppy and the likelihood of subsequent aggression by the dog;
- the cost to local authorities and animal welfare organisations of having to house (and in some cases destroy) dogs that have been abandoned or are unwanted due to socialisation problems.

While it is not possible to produce a quantified analysis, it is reasonable to assume that by improving standards at breeding establishments and discouraging improper breeding practices, these costs will be reduced.

⁶ Serpell, J., Jagoe, J.A. Early experience and the development of the dog. In Serpell, J. (Ed.) (1995) *The domestic dog : its evolution, behaviour and interaction with people*. Cambridge : Cambridge University Press. 82-102

Staff:Adult Dog Ratio

The 'Independent Inquiry into Dog Breeding', published by Patrick Bateson in 2010, identified the "*poor socialisation of both bitches and puppies, failure to meet both the bitches' and the puppies' needs for stimulation, play and exercise*" as a major reason for concern, suggesting the need for a suitable staff:dog ratio to be set to ensure licensed breeders dedicated sufficient time to meet the behavioural needs of their animals.

It is considered that a minimum staff to adult dog ratio of 1:20 would meet the animal health and welfare requirement set out in the Animal Welfare Act 2006 and ensure that the socialisation needs of puppies are met. However, the Regulations provide flexibility to enable local authorities to decide whether a higher staff to adult dog ratio is appropriate on particular premises (for example, based on the breed of dog involved, size of premises and potential litter sizes).

Microchipping

Microchipping has clear welfare benefits, namely reinforcing an owner's responsibilities under the Animal Welfare Act 2006. It would allow vets to contact owners of stray dogs in situations where emergency treatment is required.

The greater traceability would assist enforcement officers greatly in situations such as dog theft, animal cruelty or if a puppy sold by a breeder has health problems as a direct result of the conditions in which it was raised. It would also assist in situations where the true ownership of a dog needed to be proven.

There will also be cost savings to local authorities and animal welfare organisations through a reduction in the costs associated with kennelling and in some cases putting to sleep stray dogs. This is considered in further detail in the RIA for the Animal Welfare (Identification of Dogs) (Wales) Regulations 2014.

It is also important to recognise that the changes in the new Regulations are part of a wider set of controls relating to dogs. The Regulatory Impact Assessment for the Draft Control of Dogs Bill went into detail on the consequences of an animal becoming out of control or even dangerously out of control.⁷

That work has now been taken forward by the UK Anti-social Behaviour, Crime and Policing Bill which is due for Royal Assent in 2014 – the implications are the same.

⁷ <http://wales.gov.uk/docs/drah/consultation/121122dangerousdogsriaen.pdf>

Summary of the preferred option

Based on the information set out above the preferred option is to introduce legislation that would require any person or persons who breed dogs, and who operate above a determined threshold to be licensed.

Consultation

The first consultation on the draft Animal Welfare (Breeding of Dogs) (Wales) Regulations 2011 took place over 12 weeks between 21 October 2010 and 13 January 2011. The groups consulted were those that had an interest in the policy area and included:

- Other UK Administrations;
- All Welsh Local Authorities;
- Environment Agency;
- HMRC;
- Animal Health Veterinary Laboratories Agency;
- All member organisations of Animal Welfare Network Wales with a vested interest in the policy area;
- Wales Council for Voluntary Action;
- Representative bodies for veterinarians;
- Federation of Small Businesses;
- Police;
- Pet Industry Unions;
- All licensed breeding establishments in Wales
- Ad hoc members of the public who had written to the Welsh Government about dog breeding and had asked to be kept informed of developments;
- Welfare organisations;
- The Kennel Club;
- Agricultural organisations;
- Countryside Council for Wales;
- Animal Health & Welfare Strategy Steering Group;
- All Party Group for Animal Welfare;
- Hunt Committees; and
- Members of the Task for Finish Review Group on Dog Breeding.

The consultation pack was also available to download from the Welsh Government website.

It was clear that there were a number of key areas of concern:

- Irresponsible breeding in so called “puppy farms” should be brought to an end;
- The welfare of all breeding dogs (stud dogs and bitches) and their offspring is paramount;

- Some of the criteria for being licensed was too narrow;
- There was strong support for microchipping to become compulsory, but there were issues that needed to be clarified.

Discussions have taken place with organisations that expressed an interest in meeting to discuss the concerns they raised during the consultation process. They were split into four groups, namely:

- Welfare campaigners;
- Countryside, working dog and Hunt sector;
- Licensed breeders; and
- Hobby breeders.

We have taken the outputs of the discussions and applied them against the existing proposed Regulations. It was clear that across the board there were a number of areas where we were asked to make changes to the proposed Regulations. Key changes sought were:

- The point at which a person become qualified to be licensed in terms of the number of breeding bitches and the number of litters;
- Anybody advertising or supplying dogs for sale and has more than four breeding bitches should be caught by the licensing regime;
- A specific exemption for hunt packs affiliated to the Council for Hunting Associations and the Masters of Draghounds and Bloodhounds Associations; and
- A tighter definition of 'full time attendant'.

Major change

The inclusion of a staff:adult dog ratio was broadly accepted, however it was agreed that the proposed ratio was changed from 1:20 to a minimum of 1:30 for a second consultation on the basis that local authorities would be able to reduce this ratio if they believed that the licence applicant was unable to meet the standards required.

The second consultation took place in November 2012, with the same groups consulted as above, plus individuals who had expressed an interest in being contacted.

It was clear that the amended staff:dog ratio (1:30 instead of 1:20 for full-time workers, and 1:15 instead of 1:10 for part-time workers) was inappropriate.

Of the 137 consultation responses who answered the specific questions in the consultation, 78% did not agree with the change. Critically the British Veterinary Association (BVA) and the British Small Animal Veterinary Association (BSAVA) updated advice that now reflects our original policy and recommends a ratio of no more than 20 dogs to one full time member of staff (or 10 dogs to one part time staff).

Other welfare experts and in particular the Advisory Council on the Welfare Issues of Dog Breeding (set up following the Bateson Report), calculated that it was impossible for one person to have control of 30 dogs and all their puppies and be able to satisfy reasonably the requirements laid out in the Animal Welfare Act 2006 and indeed the Welsh Government's Code of Practice for the Welfare of Dogs.

An example of time allocation was provided by a number of respondents based on the 1:30 staff:dog ratio. The figures were based on the interpretation of a full-time worker in the Regulations as 'a person who works at least 37 hours per week', split over 7 days a week. It was suggested that this would result in approx 5.5 hours for care each day, an average of approximately 11 minutes per dog per day (assuming continuous effort and totally undivided focus on the dogs).

However, the following was provided, based on conservative estimates reflecting a respondent's personal dog care experience in rescues:

Cleaning of kennel	(say) 15 minutes
Assume 3 dogs in kennel	min. 5 minutes per dog/day
Replacement of bedding material	min.3 minutes per dog/day
<i>(note, most 'volume' breeders use shredded paper or sawdust which would require changing daily)</i>	
Cleaning of individual food and water bowls	min. 2 minutes per dog/day
Food preparation and replacement of water bowls	min. 5 minutes per dog/day
Grooming (for required breeds)	weekly 15 minute grooming session - averaging min. 2 minutes per dog/day

Routine cleaning, feeding and grooming tasks are likely, then, to take a minimum of 17 minutes per dog per day, on the above conservative analysis.

Based on the above examples it suggests that a minimum staff/dog ratio of 1:30 does not allow time even for this to be done in a thorough way.

Minor changes

Some minor changes have been made to the draft Guidance following comments on consultation:

- Adding the following sentence to the requirement for water in section 2.1: *“Where there is more than one dog in a kennel and there are no automatic drinking facilities, it is advisable to provide a number of drinking bowls and checked at least twice daily to ensure adequate access to fresh water at all times”.*
- Adding the following sentence about waste management: *“Licensee should check with Natural Resources Wales for current guidance on the appropriate means of disposal.”*
- The addition of a Schedule containing a template for breeding bitch logbooks.

A third consultation in 2013 was undertaken to clarify the original policy intent, that the minimum staff:dog ratio requirement only applied to adult dogs (defined for this purpose as a dog over 6 months of age).

However, the consultation reinforced the message that the Welsh Government is not overlooking the welfare needs of puppies on licensed breeding premises, and asked a specific question on the critical factors that local authorities should consider when determining the staff to adult dog ratio, for example, facilities on site, breed and average litter size.

The responses to the staff:adult dog ratio question did not provide a clear cut outcome. In many instances the responder’s answers to the two questions, one about ratio the other about the local authority controls, contradicted each other. Many of those who disagreed with the minimum 1:20 proposal also agreed that the local authority should have flexibility and should prescribe a higher staff ratio where necessary.

The dog breeding industry and welfare organisations are at completely different ends of the spectrum regarding this issue and it would be impossible to satisfy both parties. Taking both arguments into account, the intent of these proposed Regulations is to strengthen and raise animal welfare standards in dog breeding premises.

The ratio is provided to act as a starting point for local authorities to determine the most appropriate ratio for individual premises based on critical factors such as breed, litter size, premises and breeding programmes.

It is not suggested that this ratio is used as the ‘norm’ but as a **baseline** or as a “safety net” beyond which dog breeders *cannot* be licensed. It would certainly not be appropriate for a premise that would have 20 whelping bitches at one time, as the RSPCA campaign responses suggested. Indeed part of the statutory guidance is that each premise has to have a veterinary health plan which would clearly lay out the way that they care for each dog and their puppies.

Regulation 9 within the Regulations details that flexible approach. The statutory guidance emphasises that local authorities have the responsibility for ensuring that licensed premises are fit for purpose – as follows:

“Local authority licensing officials should have regard to factors such as the size and type of dogs kept at a dog breeding establishment when deciding the most appropriate conditions to apply. In particular, this relates to accommodation; the dogs’ health, environmental and socialisation needs; and the staff: adult dog ratio.”

The Welsh Government proposes working with local authorities on these particular and other points in the new Regulations and that the current Statutory Guidance is right. Discussion will also be held on setting ratios and establishing a process whereby the staff: adult dog ratio can be reviewed after a full 12 months operation time-line.

The consultation documents and summary of responses can be found at:
<http://wales.gov.uk/consultations/?lang=en&status=closed>

Competition Assessment

A competition filter can be found at Appendix A.

Post implementation review

It would be appropriate to consider starting a review of legislation three years after the legislation is made and brought into effect, although consideration of the staff: dog ratio will begin one year after operation.

APPENDIX A

The Competition Assessment

The competition filter test

The competition filter test is set out below, together with points raised

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	Yes
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisation?	Yes
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

Questions 1 to 3: the market

No one firm will have at least 10% of the market. At the last Companion Animal Welfare Assessment in March 2011 there were some 251 licensed premises in Wales and 1587 premises which breed animals but which are not under current Regulations eligible to be licensed.

Question 4: substantially different effect on businesses/organisation

All businesses should already be complying with the Animal Welfare Act 2006 and the duty of care. These Regulations provide for the detail to ensure animal

welfare standards are not compromised. We have had no figures supplied to us from the industry on potential infrastructure changes that might be needed, despite three consultations and meeting with them. Some local authorities have been in discussion with licensed breeders for some time on potential changes that might occur.

Question 5: changes to market structure

A yes answer is given but that is by no means a certainty. If these Regulations penalise certain firms it is because the welfare of the animals may have become compromised and investment is needed to ensure an animal's welfare is not compromised. This could result in some businesses ceasing to trade. But a different business strategy might produce far higher returns.

A by-product of these Regulations could also be an increase in activity in the microchipping sector. As demand grows, so more individuals and businesses may choose to train to become implanters to provide this required service.

Questions 6 and 7: penalising new suppliers

There will be an appropriate delay on commencement to allow local authorities and licensed breeders to consider these Regulations further. However, after that commencement, the new standards will be applied at the next licensing for new premises. If a premise is due to be renewed the day following implementation the local authority must issue a licence if they comply. Likewise premises whose licensing is not due, for example, until 9 months time will not be affected until then. New applications should be in a position to comply at the beginning of their licensing cycle regardless of when that is.

Question 8: technological change

A no answer is given. Change of animal welfare standards can take some time to evolve through research and development.

Question 9: restrictions on suppliers

Whilst we do not agree that the proposals will restrict breeders, it is possible that new standards may cause existing prices to rise. The Welsh Association of Licensed Kennels argue that the traceability of puppies to Wales, because of its reputation as 'the puppy farming capital of the UK', may deter potential buyers. However, if positive marketing is undertaken there will be an indication that Welsh breeders will be working to higher standards than are required in other parts of the UK. Responsible licensed breeders in our discussions welcomed this positively.

Appendix B - Sensitivity Analysis

As is mentioned in the main body of the RIA, there are a number of uncertainties in the analysis where assumptions have had to be made in order to provide an estimate of the likely costs of these Regulations. This annex provides some sensitivity analysis around those assumptions.

Local authority costs

The RIA estimates that administering each license application and inspecting breeder's premises will cost an average of £130. This is based on each breeding establishment requiring only a single visit. The cost associated with having to undertake a second inspection is estimated to be £50. On the basis of an additional 500 breeders requiring a license under the new Regulations, the additional cost to local authorities of all breeders requiring a second visit would be £25,000, taking the overall total to £90,000.

Microchipping

i) The RIA assumes that all currently licensed breeders (i.e. 5 or more litters per year) would choose to microchip their puppies themselves rather than pay for an implanter to do it. This assumption is based on a comparison of the relative costs of the two options as shown in the table below. The cost for implanting their own puppies includes the one-off cost of attending a training course (£174) and purchasing a scanner (£80). Having completed the training and purchased a scanner the cost of implanting the puppies in subsequent years would be £254 lower. There are assumed to be an average of 5 puppies per litter.

Comparison of the cost of implanting own puppies v. taking them to an implanter, by size of breeder (£)

		Number of litters per year						
		3	4	5	10	20	50	80
Implanter cost	£10	150	200	250	500	1,000	2,500	4,000
	£20	300	400	500	1,000	2,000	5,000	8,000
	£30	450	600	750	1,500	3,000	7,500	12,000
Cost for implanting own puppies	£4 per chip	314	334	354	454	654	1,254	1,854
	£7.5 per chip	367	404	442	629	1,004	2,129	3,254

ii) The RIA assumes that 50% of the 247 currently licensed breeders already microchip their puppies. The table below shows the impact of altering this assumption. The calculation is based on an average breeder with 20 breeding bitches each having one litter of 5 puppies per year and assumed each breeder will microchip their own puppies.

Additional cost of microchipping puppies with differing assumptions on the percentage of breeders that currently microchip their puppies.

		Percentage of breeders that currently microchip their puppies				
		0%	25%	50%	75%	100%
Training		43,000	32,200	21,500	10,700	-
Scanner		19,800	14,800	10,000	4,900	-
Ongoing cost of microchips	4	98,800	74,100	49,600	24,700	-
	7.5	185,250	138,900	93,000	46,300	-

- iii) There is some uncertainty around the proportion of smaller breeders that currently microchip their puppies and whether they will choose to implant them themselves or take them to an implanter. The RIA assumes that 50% of breeders currently microchip and that 50% will do this themselves. The tables below present the impact of changing these assumptions on the estimated upfront cost (training and scanners) and the ongoing microchip costs. All of the estimates are based on there being 500 additional breeders needing to be licensed.

Additional upfront cost of microchipping puppies with differing assumptions on i) the percentage of breeders that currently microchip their puppies ii) the percentage of breeders that will microchip their own puppies.

			Percentage of breeders that currently microchip their puppies				
			0%	25%	50%	75%	100%
Percentage of breeders that implant their own puppies	0%	Training	0	0	0	0	0
		Scanner	0	0	0	0	0
	25%	Training	21,750	16,300	10,900	5,400	0
		Scanner	10,000	7,500	5,000	2,500	0
	50%	Training	43,500	32,625	21,750	10,900	0
		Scanner	20,000	15,000	10,000	5,000	0
	75%	Training	65,250	48,900	32,600	16,300	0
		Scanner	30,000	22,500	15,000	7,500	0
	100%	Training	87,000	65,250	43,500	21,750	0
		Scanner	40,000	30,000	20,000	10,000	0

Additional cost of microchips with differing assumptions on i) the percentage of breeders that currently microchip their puppies ii) the percentage of breeders that will microchip their own puppies.

			Percentage of breeders that currently microchip their puppies				
			0%	25%	50%	75%	100%
Percentage of breeders that implant their own puppies	0%	Low cost	87,500	65,600	43,750	21,900	0
		High cost	262,500	196,900	131,250	65,600	0
	25%	Low cost	74,400	55,800	37,200	18,600	0
		High cost	213,300	160,000	106,700	53,300	0
	50%	Low cost	61,250	45,900	30,600	15,300	0
		High cost	164,100	123,000	82,000	41,000	0
	75%	Low cost	48,100	36,100	24,100	12,000	0
		High cost	114,800	86,100	57,400	28,700	0
	100%	Low cost	35,000	26,250	17,500	8,750	0
		High cost	65,625	49,200	32,800	16,400	0

Minimum staffing ratios

Local authorities have identified 30 licensed premises that may not meet the 1:20 staff to adult dog ratio. The RIA assumes that each of these premises will need to employ 1 additional member of staff paid a salary of £12,000 per annum. This equates to a total cost of £360,000.

As is mentioned in the RIA, rather than employ an additional member of staff some breeders may choose to reduce the number of dogs on their premises or use a family member (or other unpaid labour) to meet the staffing requirement. It is unclear how breeders will respond to the staffing requirement (it is likely to vary on a case by case basis) but if half of the breeders that do not currently meet the staffing requirement choose not to employ someone then the cost to the industry would be reduced to £180,000.

Number of smaller breeders that will be captured by the extended Regulations

Using data from the Kennel Club, it is assumed that there will be an additional 500 breeders that will need to be licensed as a result of reducing the licensing threshold from 5 litters per year to 3 litters per year. The fee for a license is between £80 - £150 per breeder or £40,000 - £75,000 in total. The cost to local authorities for administering each licence and inspecting each establishment is £130 or £65,000 in total.

Altering the number of additional breeders that will need to be licensed will have a proportionate impact on the total license fee and local authority costs.

Adroddiad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol CLA(4)-19-14

CLA417 – Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn. Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006. Canlyniad y dynodiad hwnnw, yn ddarostyngedig i feini prawf cymhwys, yw bod yn rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

Gweithdrefn: Cadarnhaol

Materion technegol: craffu

Ni nodwyd unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Craffu ar y Rhinweddau

O dan Reol Sefydlog 21.3, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn hwn ar y sail a ganlyn:-

1. 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debygol o fod o ddiddordeb i'r Cynulliad

1.1 Y ddeddfwriaeth bresennol ar gyfer bridio cŵn yw Deddf Bridio Cŵn 1973 (fel y'i diwygiwyd). Mae'r gofynion ar gyfer bridio yn seiliedig ar fridiwr sy'n

cynhyrchu pump neu ragor o dorllwythi y flwyddyn. Mae'r Rheoliadau hyn yn dirymu'r gyfundrefn drwyddedu bresennol ac yn pennu cyfundrefn newydd. Mae'r Memorandwm Esboniadol yn datgan bod y prif gynigion polisi o fewn y Rheoliadau newydd yn cynnwys:

- meini prawf trwyddedu mwy caeth;
- y gofyniad i ficrosglodynnu pob ci cyn ei fod yn 56 diwrnod oed;
- cymhareb staff:ci sydd yn bodloni'r isafswm staffio;
- safoni'r isafswm oedran y gall ci bach adael y man bridio; a'r
- angen i sefydliadau bridio gyflwyno rhaglen gymdeithasu a rhaglen cyfoethogi a gwella'r amgylchedd.

1.2 Mae'r Rheoliadau hyn yn mynd i'r afael â'r sylwadau a wnaed gan y Pwyllgor mewn perthynas â'r Rheoliadau drafft a osodwyd ar 11 Mehefin 2013, ac a dynnwyd yn ôl ar 5 Gorffennaf 2013. Mae copi o adroddiad blaenorol y Pwyllgor ynghlwm yn Atodiad A.

1.3 Bydd y Rheoliadau hyn yn dod i rym ar 31 Rhagfyr 2014. Yn ei adroddiad CR-LD9788 ystyriodd y Pwyllgor amseriad y diwygiadau i'r Bil Dadreoleiddio a sut y gallai hyn effeithio ar y ddeddfwriaeth hon. Mae copi o'r adroddiad ynghlwm yn Atodiad B. Os na fydd yr Ysgrifennydd Gwladol yn cychwyn y darpariaethau yn y Ddeddf (unwaith y caiff ei phasio) cyn diwedd y flwyddyn, bydd yn rhaid i fridwyr cŵn trwyddedig yng Nghymru, er enghraifft, roi coler ar gi bach ag arno dag neu fathodyn adnabod, cyn gwerthu'r ci bach i siop anifeiliaid anwes drwyddedig, er y bydd angen i'r ci bach gael ei ficrosglodynnu cyn iddo gael ei werthu, yn unol â'r Rheoliadau hyn.

2. 21.3 (v) – nad yw'n gwireddu ei amcanion polisi yn berffaith

2.1 Ar dudalen 14 o'r Memorandwm Esboniadol, mae Llywodraeth Cymru yn datgan fel a ganlyn:

Microchipping has clear welfare benefits, namely reinforcing an owner's responsibilities under the Animal Welfare Act 2006. It would allow vets to contact owners of stray dogs in situations where emergency treatment is required. The greater traceability would assist enforcement officers greatly in situations such as dog theft, animal cruelty or if a puppy sold by a breeder has health problems as a direct result of the conditions in which it was raised. It would also assist in situations where the true ownership of a dog need to be proven.

2.2 Cyfeiriwn at baragraffau 2.4 – 2.12 a 2.20 – 2.28 o CLA 416 (Rheoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru)) gan fod yr un pryderon yn codi ynghylch y diffyg safonau ar gyfer y microsglodion a'r gweithredwyr cronfeydd data a allai amharu ar olrhain, ac felly lleihau unrhyw fuddion lles.

2.3 Yn wahanol i Reoliadau Lles Anifeiliaid (Adnabod Cŵn) (Cymru) 2014, mae'r Rheoliadau hyn yn cynnwys darpariaethau ar gyfer gorfodi, ond nid mewn perthynas â microsglodion. Er bod rheoliad 20 yn darparu y caiff yr awdurdod lleol gymryd samplau poer neu wallt o unrhyw gi ar eiddo a feddiennir gan ddeiliad y drwydded, er mwyn cynnal profion DNA i sicrhau y cydymffurfir â'r darpariaethau yn y Rheoliadau, nid oes unrhyw bŵer i ganiatáu i awdurdodau lleol sganio ci am ficrosglodyn. Felly, nid oes dull o wirio bod naill ai cŵn llawndwf neu gŵn bach yn cael eu microsglodynnu oni bai bod y bridwr, neu'r perchennog newydd (yn achos ci bach sydd wedi gadael y safle) yn cydsynio, neu lle mae rhai pryderon lles.

Cynghorwyr Cyfreithiol

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

Mehefin 2014

Ymateb Llywodraeth Cymru i ddilyn.

Atodiad A

Adroddiad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

CLA276 – Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013

Mae'r Rheoliadau hyn yn darparu ar gyfer trwyddedu personau sy'n ymwneud â bridio cŵn Mae Rhan 2 o'r Rheoliadau yn diffinio bridio cŵn at ddibenion adran 13(1) o Ddeddf Lles Anifeiliaid 2006. Canlyniad y dynodiad hwnnw, yn ddarostyngedig i griteria cymhwyso, yw bod rhaid i unrhyw berson sy'n dymuno bridio cŵn yng Nghymru gael trwydded gan ei awdurdod lleol o dan y Rheoliadau hyn. Mae'r gofyniad hwn yn disodli'r gofyniad i gael trwydded o dan Ddeddf Bridio Cŵn 1973 yng Nghymru.

Gweithdrefn: Cadarnhaol

Materion craffu: technegol

O dan Reol Sefydlog 21.2, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn a ganlyn:-

1. Mae Rheoliad 24 yn cymhwyso nifer o bwerau ôl-gollfarnau perthnasol a fyddai'n gymwys mewn perthynas â cholffarn am drosedd o dorri amod trwydded. Y pwerau hyn yw gwahardd, canslo trwydded a / neu wahardd rhag dal trwydded ac atafaelu anifeiliaid. Caiff 'pŵer ôl-gollfarnau perthnasol' ei ddiffinio yn Adran 62 o Ddeddf Lles Anifeiliaid 2006 er ei fod yn cynnwys adrannau 34 (gwaharddiad) a 42 (gorchmynion o ran trwyddedau), nid yw'n cynnwys Adran 35 (atafaelu). Fodd bynnag, byddai Adran 35, er nad yw'n 'bŵer

ôl-gollfarnau perthnasol' ar gael i Lys pe bai Gorchymyn yn cael ei wneud o dan Adran 34 o Ddeddf Lles Anifeiliaid 2006 –

23 (vi) – ei bod yn ymddangos bod gwaith drafftio'r offeryn neu'r drafft yn ddiffygiol neu ei fod yn methu â bodloni gofynion statudol

Rhinweddau: craffu

O dan Reol Sefydlog 21.3, gwahoddir y Cynulliad i roi sylw arbennig i'r offeryn a ganlyn:–

1. Y ddeddfwriaeth bresennol ar gyfer bridio cŵn yw Deddf Bridio Cŵn 1973 fel y'i diwygiwyd; mae'r gofynion ar gyfer bridio yn seiliedig ar fridiwr sy'n cynhyrchu 5 neu fwy o dorllwythi y flwyddyn. Mae'r Rheoliadau hyn yn dirymu'r gyfundrefn drwydded bresennol ac yn gorfodi cyfundrefn newydd. Mae'r memorandwm esboniadol yn datgan bod y prif gynigion polisi o fewn y Rheoliadau newydd yn cynnwys:

- meini prawf trwyddedu mwy caeth;
- y gofyniad i osod microsglodyn ym mhob ci cyn ei fod yn 56 diwrnod oed neu cyn gadael y man bridio, pa un bynnag sydd hwyrach;
- cymhareb staff:ci sydd yn bodloni'r isafswm staffio;
- safoni'r isafswm oedran y gall ci bach adael y man bridio; a'r
- angen i sefydliadau bridio gyflwyno rhaglenni cymdeithasu a rhaglenni cyfoethogi a gwella'r amgylchedd.

21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debyg o fod o ddiddordeb i'r Cynulliad

1. Mae Rheoliad 8 (2) yn darparu ar gyfer cymhareb staff:ci o 1 gofalydd llawn amser ar gyfer pob 20 ci a gedwir neu un gofalydd rhan-amser ar gyfer pob 10

ci a gedwir Ni chaiff 'cŵn' eu diffinio'n benodol naill ai yn y Rheoliadau nac yn Neddf Lles Anifeiliaid 2006. Gan fod cŵn bach, geist bridio a chŵn gre i gyd yn cael eu cyfeirio atynt fel cŵn yn rheoliad 3, byddai'r gofyniad yn rheoliad 8 (2) yn golygu bod un gofalydd llawn amser yn gyfrifol am 20 ci, gan gynnwys cŵn bach. Ymddengys o [Ddatganiad y Gweinidog](#) ar 11 Mehefin 2013 bod y ffigur o 20 ci yn eithrio unrhyw gŵn bach a gaiff eu geni i'r anifeiliaid hynny. Yn ogystal, mae'r Asesiad Effaith Rheoleiddiol ar dudalen 5 o'r Memorandwm Esboniadol yn costio'r cynigion ar y sail bod 1 person yn gyfrifol am 20 ci, gan gynnwys eu cŵn bach, ond nid dyna y mae'r ddeddfwriaeth yn darparu ar ei gyfer.

Gan y bydd y gymhareb berthnasol ofynnol o ran staff:ci yn amod ar gyfer unrhyw drwydded, ac y gallai methu â chydymffurfio â hynny olygu y gallai unigolyn gael ei ddirwyo neu ei garcharu ymysg materion eraill, rhaid i'r rhai sy'n gweithredu'r cynllun, a'r rhai a gaiff eu rheoli ganddo fod yn glir o ran bwriad y Llywodraeth ac a yw'n fwriad i ffigur y gymhareb gynnwys cŵn bach ai peidio.

21.3 (v) – nad yw'n gwireddu ei amcanion polisi yn berffaith a 21.2 (v) bod angen eglurhad pellach ynglŷn â'i ffurf neu ei ystyr am unrhyw reswm penodol.

Ymateb Llywodraeth Cymru i ddilyn:

Atodiad B

Cynulliad Cenedlaethol Cymru

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

19 Mehefin 2014

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Memorandwm Cydsyniad Deddfwriaethol Atodol - Adroddiad:
Y Bil Dadreoleiddio: Gwelliannau mewn perthynas â Deddf Daliadau
Amaethyddol 1986, Deddf Bridio Cŵn 1973 a Deddf Bridio a Gwerthu Cŵn
(Lles) 1999

Cefndir

1. Ar 22 Ebrill 2014, cyflwynodd Alun Davies AC, y Gweinidog Cyfoeth Naturiol a Bwyd Femorandwm Cydsyniad Deddfwriaethol (Memorandwm) atodol ynghylch gwelliannau a gyflwynwyd i'r Bil Dadreoleiddio ("y Bil"), yn unol â Rheol Sefydlog 29.2.
2. Ar 29 Ebrill 2014, cyfeiriodd y Pwyllgor Busnes y Memorandwm at y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol i graffu arno, gan bennu 19 Mehefin 2014 fel dyddiad olaf ar gyfer adrodd yn ôl ar y Memorandwm.

Y Bil Dadreoleiddio

4. Cyflwynwyd y Bil yn Nhŷ'r Cyffredin ar 23 Ionawr 2014 a chafodd ei Ail Ddarlleniad ar 3 Chwefror 2014. Mae yn y cyfnod adrodd ar hyn o bryd, ar ôl cael ei drosglwyddo i sesiwn 2014-15.
5. Mae'r Bil yn cynnig amrywiaeth o fesurau yn unol â nod Llywodraeth y DU o leihau baich ar fusnesau ac awdurdodau cyhoeddus. Mae ei gwmpas yn cynnwys iechyd a diogelwch, cyfraith gyflogaeth, cyfraith cwmnïau ac ansolfedd, defnyddio tir, tai, trafnidiaeth, cyfathrebu, yr amgylchedd, Cronfeydd Ymddiriedolaeth Plant, adloniant, cyfiawnder troseddol a thwf economaidd.

6. Ym mis Gorffennaf 2013, cyhoeddodd Llywodraeth y DU Fil Dadreoleiddio drafft, a oedd yn destun gwaith craffu cyn deddfu, gan Gydbwyllgor dau Dŷ'r Senedd.

7. Gwnaethom drafod Memorandwm i'r Bil Dadreoleiddio ar 31 Mawrth 2014 gan nodi yn ein hadroddiad, a osodwyd gerbron y Cynulliad ar 1 Mai 2014, ein bod yn fodlon arno.

Darpariaethau y mae arnynt angen cydsyniad y Cynulliad

8. Rhoddir manylion am ddarpariaethau newydd y Bil y byddai arnynt angen cydsyniad y Cynulliad ym mharagraffau 5-18 o'r Memorandwm atodol.

Trafodaeth

9. Trafodwyd y Memorandwm yn ein cyfarfod ar 19 Mai 2014 ac mae Atodiad 1 i'r adroddiad hwn yn cynnwys y papur a oedd yn sail i'n trafodaethau.

10. Rydym yn nodi'r sylwadau a wnaed yn y Memorandwm o ran deddfwriaeth ynghylch cŵn, ac yn enwedig y ffaith y bwriedir gosod a gwneud Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014 cyn toriad yr haf.

11. Ar 2 Gorffennaf 2013, gwnaethom adrodd yn ôl ar Reoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2013, gan wahodd y Cynulliad i dalu sylw yn arbennig at yr offeryn ar faterion technegol a rhinweddau. Cafodd y rheoliadau, a oedd yn destun y weithdrefn gadarnhaol, eu tynnu yn ôl ar ôl hynny gan Lywodraeth Cymru ar 5 Gorffennaf 2013 a chyflwynwyd datganiad ysgrifenedig ar yr un diwrnod, yn egluro'r rheswm am y penderfyniad.

12. Yn ein hadroddiad ym mis Tachwedd 2013, *Ymchwiliad y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol i'r Pwerau a roddir i Weinidogion Cymru yn Neddfau'r DU: Adolygiad o'r Canlyniadau*, gwnaethom fynegi rhai pryderon bod Llywodraeth Cymru wedi atal ei Bil Rheoli Cŵn (Cymru) arfaethedig er mwyn ystyried defnyddio Bil y DU i weithredu ei hamcanion polisi yn y maes hwn. Roeddem yn pryderu'n arbennig am ymrwymiad Llywodraeth Cymru i'w gwneud yn fwy hwylus i gael gafael ar ddeddfau.

13. Yn ein barn ni, un o ganlyniadau defnyddio'r dull a nodir yn y Memorandwm yw ei fod yn arwain at fwy o gymhlethdod ac ansicrwydd ynghylch agweddau penodol ar bolisi a deddfwriaeth o ran cŵn yng Nghymru.

14. Mae paragraff 24 o'r papur yn Atodiad 1 i'n hadroddiad yn mynegi ein pryderon ynghylch gwelliannau i'r Bil Dadreoleiddio, yn enwedig o ran y pwerau cychwyn y mae'r Ysgrifennydd Gwladol yn gyfrifol amdanynt. Gall y drefn o

rannu pwerau rhwng Gweinidogion Cymru a Gweinidogion y DU, ynghyd â threfniadau cydweithio aneffeithiol rhwng y gweinyddiaethau yma ac yn San Steffan, arwain at ddryswch deddfwriaethol (ac mae'n ymddangos bod hynny wedi digwydd yn dilyn datganiad ysgrifenedig y Gweinidog ar 21 Mai 2014 ynghylch deddfwriaeth ar les anifeiliaid adeg eu lladd). Mae dryswch o'r fath yn gwneud niwed i bobl yng Nghymru y mae'r ddeddfwriaeth yn effeithio arnynt.

15. Byddem yn annog y Gweinidog i sicrhau nad yw'r peryglon posibl a nodwyd ym mharagraff 24 o'r papur yn Atodiad 1 i'n hadroddiad yn codi, a bod rhanddeiliaid, yn unol â hynny, yn cael gwybodaeth glir a chyson am gynnydd y materion y mae paragraff 24 yn eu cwmpasu.

Gwybodaeth a geir yn y Memorandwm atodol

16. Gosodwyd y Memorandwm atodol gerbron y Cynulliad ar 22 Ebrill 2014. Cyflwynwyd y gwelliannau i'r Bil y mae'r Memorandwm hwnnw'n ymdrin â hwy ar 13 Mawrth 2014.

17. Derbyniwyd y gwelliannau ym Mhwyllgor y Bil yn San Steffan ar 18 a 25 Mawrth 2014. O ystyried i'r Memorandwm gael ei osod gerbron y Cynulliad ar 22 Ebrill 2014, rydym o'r farn y byddai wedi bod yn ddefnyddiol nodi'r ffaith honno'n glir yn y Memorandwm. At hynny, byddai wedi bod yn ddefnyddiol nodi pwy gyflwynodd y gwelliannau a'r rhifau perthnasol a roddwyd i'r gwelliannau er mwyn gallu olrhain eu hynt yn ystod y trafodion yn Nhŷ'r Cyffredin.

18. Yn ein barn ni, materion arfer da yw'r hyn a godir ym mharagraff 17, a byddem yn annog Llywodraeth Cymru i weithredu'n unol â'r arfer hwnnw yn y dyfodol.

Atodiad 1

Paratowyd y ddogfen hon gan gyfreithwyr Cynulliad Cenedlaethol Cymru er mwyn rhoi gwybodaeth a chynghor i Aelodau'r Cynulliad a'u cynorthwywyr ynghylch materion dan ystyriaeth gan y Cynulliad a'i bwyllgorau ac nid at unrhyw ddiben arall. Gwnaed pob ymdrech i sicrhau bod y wybodaeth a'r cynghor a geir yn y ddogfen hon yn gywir, ond ni dderbynnir cyfrifoldeb am unrhyw ddibyniaeth a roddir arnynt gan drydydd parti.

This document has been prepared by National Assembly for Wales lawyers in order to provide information and advice to Assembly Members and their staff in relation to matters under consideration by the Assembly and its committees and for no other purpose. Gwnaed pob

ymdrech i sicrhau bod yr wybodaeth a'r cyngor a geir yn y ddogfen hon yn gywir, ond ni dderbynnir cyfrifoldeb am unrhyw ddibyniaeth a roddir arnynt gan drydydd parti.

Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

MEMORANDWM CYDSYNIAD DEDDFWRIAETHOL ATODOL

Y BIL DADREOLEIDDIO: GWELLIANNAU YNGHYLCH DEDDF DALIADAU AMAETHYDDOL 1986, DEDDF BRIDIO CŴN 1973 A DEDDF BRIDIO A GWERTHU CŴN (LLES) 1999

Nodyn Cyngor Cyfreithiol

Cyflwyniad

1. Cyflwynwyd y Bil Dadreoleiddio ("y Bil") yn Nhŷ'r Cyffredin ar 23 Ionawr 2014 ac mae yn y cyfnod adrodd ar hyn o bryd. Penderfynwyd y byddai trafodion y Bil yn cael eu trosglwyddo i'r sesiwn Seneddol nesaf.
2. Gosododd Alun Davies AC, y Gweinidog Cyfoeth Naturiol a Bwyd, Femorandwm Cydsyniad Deddfwriaethol ("Memorandwm") ynghylch y Bil ar 24 Chwefror 2014. Trafododd y Pwyllgor y Memorandwm ar 31 Mawrth 2014. Yn dilyn hynny, gosododd y Pwyllgor ei adroddiad ar y Memorandwm ar 1 Mai 2014.
3. Ar 22 Ebrill 2014, gosododd Alun Davies AM Femorandwm atodol yn sgîl gwelliannau a gyflwynwyd i'r Bil.

Cefndir

4. Amcanion polisi Llywodraeth y DU ar gyfer y Bil yw dileu neu leihau beichiau rheoleiddiol diangen sy'n rhwystro neu'n arwain at gostau i fusnesau, unigolion, gwasanaethau cyhoeddus neu drethdalwyr. Mae'n cynnwys mesurau sy'n ymwneud â meysydd busnes cyffredinol a phenodol sy'n cwmpasu meysydd amrywiol, o adloniant i weinyddu cyfiawnder.

Y Memorandwm Cydsyniad Deddfwriaethol

5. Mae'r Memorandwm atodol yn nodi gwelliannau i'r Bil, a gyflwynwyd yng nghyfnod Pwyllgor y Bil yn Nhŷ'r Cyffredin, sydd o fewn cymhwysedd deddfwriaethol y Cynulliad Cenedlaethol a cheisir ei gydsyniad mewn perthynas â hwy.

Diwygio Deddf Daliadau Amaethyddol 1986

6. Mae Deddf Daliadau Amaethyddol 1986 yn berthnasol i denantiaethau amaethyddol a drefnwyd cyn 1 Medi 1995 a rhai tenantiaethau a drefnwyd ar ôl y dyddiad hwnnw. Mae'n rheoli'r berthynas rhwng y landlord a'r tenant, yn ogystal â rhoi sicrwydd deiliadaeth a hawliau olyniaeth, gan reoleiddio telerau'r denantiaeth a darparu ar gyfer iawndal i'r tenant neu'r landlord o dan rai amgylchiadau.
7. Ar hyn o bryd, mae Deddf Daliadau Amaethyddol 1986 yn darparu tair ffordd o ddatrys anghydfodau rhwng landlordiaid a thenantiaid, gan gynnwys cymrodeddu.
8. Mae'r Memorandwm yn nodi mai cymrodeddu yw'r brif ffordd o ddatrys anghydfodau ar hyn o bryd, a gellir atgyfeirio'r rhan fwyaf o anghydfodau o dan Ddeddf Daliadau Amaethyddol 1986 yn orfodol i gam cymrodeddu.
9. Cytunwyd ar welliannau a gyflwynwyd i'r Bil sy'n ymwneud â Deddf Daliadau Amaethyddol 1986 gan Bwyllgor Biliau Cyhoeddus Tŷ'r Cyffredin ar 25 Mawrth 2014.
10. Byddai'r gwelliannau yn galluogi'r partion sy'n rhan o rai anghydfodau o dan Ddeddf Daliadau Amaethyddol 1986, i gael eu hatgyfeirio at arbenigwr annibynnol a gyfarwyddir ar y cyd, er mwyn gwneud penderfyniad arnynt drwy drydydd parti yn hytrach na thrwy gymrodeddu. Yn ôl Llywodraeth Cymru, bydd hyn yn sicrhau proses llai ffurfiol, rhatach a chyflymach o ddatrys anghydfodau.
12. Pan gynigiodd y gwelliant yn y Pwyllgor, dywedodd Oliver Heald QC AS, y Cyfreithiwr Cyffredinol, y gallai penderfyniadau o dan y broses newydd arwain at arbedion o hyd at £10,000 i'r partion ym mhob achos. Dywedodd hefyd fod ffermwyr tenant wedi gofyn am y diwygiad, a bod cefnogaeth gref i'r diwygiad o du'r Grŵp Diwydiant Diwygio Tenantiaethau, sef y grŵp cynghori sy'n cynrychioli landlordiaid a thenantiaid daliadau amaethyddol yng Nghymru a Lloegr.
13. Nid yw'r gwelliannau yn cynnwys unrhyw bwerau i Weinidogion Cymru wneud is-ddeddfwriaeth, ac maent o fewn cymhwysedd deddfwriaethol y Cynulliad i'r graddau y maent yn gymwys i faes Amaethyddiaeth a maes Tai o fewn Atodlen 7 i Ddeddf Llywodraeth Cymru 2006.

Gwelliannau i Ddeddf Bridio Cŵn 1973

13. Mae gofyniad o dan Ddeddf Bridio Cŵn 1973 ar hyn o bryd i safleoedd trwyddedig sy'n bridio cŵn gadw cofnodion ysgrifenedig o'u geist bridio ac unrhyw dorllwythi y byddant yn eu cael.
14. Byddai'r gwelliannau y cytunwyd arnynt gan y Pwyllgor Biliau Cyhoeddus ar 18 Mawrth 2014 yn dileu'r gofyniad hwn.

15. Noda Llywodraeth Cymru mai diben y gwelliant yw lleihau'r baich ar fusnesau bach, gan y bydd yn dyblygu gofynion a geir yn Rheoliadau Lles Anifeiliaid (Bridio Cŵn) (Cymru) 2014, y bwriedir eu gosod a'u gwneud cyn toriad yr haf. Ym mharagraff 15 o'r Memorandwm, noda Llywodraeth Cymru y bydd y rheoliadau'n cynnwys prosesau adnabod priodol, er enghraifft yr angen i gi gael microsglodyn cyn gadael safle bridio a'r angen i gadw cofnodion priodol ar fridio cŵn.

Gwelliannau i Ddeddf Bridio a Gwerthu Cŵn (Lles) 1999

16. O dan Ddeddf Bridio a Gwerthu Cŵn (Lles) 1999, mae'n drosedd i ddeiliad safle bridio trwyddedig werthu ci i ddeiliad siop anifeiliaid anwes drwyddedig neu safle magu trwyddedig yn yr Alban, os nad yw'n gwisgo coler ag arni dag neu fathodyn adnabod pan fo'r ci hwnnw'n cyrraedd y prynwr. Yn yr un modd, mae'n drosedd i berchennog siop anifeiliaid anwes werthu anifail o'r fath.

17. Byddai'r gwelliannau y cytunwyd arnynt gan y Pwyllgor Biliau Cyhoeddus yn dileu'r gofynion hyn.

18. Ym mharagraff 14 o'r Memorandwm, mae Llywodraeth Cymru yn cadarnhau nad yw'r gwelliannau'n dileu'r gofyniad yng Ngorchymyn Rheoli Cŵn 1992 bod unrhyw gi mewn man cyhoeddus yn gwisgo coler ag arni enw a chyfeiriad y perchennog wedi'u hysgrifennu neu'u hysgythru.

19. Yn yr un modd â'r gwelliannau i'r Ddeddf Bridio Cŵn, mae'r Llywodraeth o'r farn bod y darpariaethau'n ddiangen gan mai'r bwriad yw i'r rheoliadau bridio cŵn ei gwneud yn ofynnol i gŵn gael microsglodyn cyn gadael safle bridio beth bynnag, a byddai hynny'n fodd i adnabod y cŵn.

20. Nid oes unrhyw bwerau i Weinidogion Cymru wneud is-ddeddfwriaeth yn Neddf Bridio Cŵn 1973 na Deddf Bridio a Gwerthu Cŵn (Lles) 1999 ac mae'r gwelliannau o fewn cymhwysedd deddfwriaethol y Cynulliad i'r graddau y maent yn ymwneud ag lechyd Anifeiliaid o fewn Atodlen 7 i Ddeddf Llywodraeth Cymru 2006.

Materion i'r Pwyllgor

21. Mae paragraff 19 o'r Memorandwm yn nodi mai mantais defnyddio'r Bil hwn, yn hytrach na deddfwriaeth y Cynulliad, yw mai'r Bil yw'r dull deddfwriaethol mwyaf ymarferol a chymesur o wneud y darpariaethau hyn yn gymwys mewn perthynas â Chymru. Mae'n nodi, *"The proposed amendments are technical and non-contentious. In addition, the inter-connected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for the Bill provisions to be taken forward at the same time in the same legislative instrument."*

22. Dylid nodi mai'r Ysgrifennydd Gwladol sydd â'r pŵer i gychwyn Atodlenni'r Bil sy'n ymdrin â'r diddymiadau. Ef felly a fydd yn penderfynu pryd y bydd y darpariaethau hynny'n peidio â chael effaith.

23. Yn Lloegr, ni fydd rheoliadau ynghylch microsglodion yn dod i rym tan fis Ebrill 2016, a bydd etholiad cyffredinol cyn hynny.

24. Y drafferth, pan fo'r pŵer yn gyfan gwbl yn nwylo'r Ysgrifennydd Gwladol, yw ei bod yn debygol, o ystyried yr amserlen arfaethedig, y bydd yn dal i fod cyfnod pan fo'n rhaid i fridwyr cŵn a pherchnogion siopau anifeiliaid anwes yng Nghymru gydymffurfio â'r gofynion o dan y rheoliadau bridio cŵn newydd, yn ogystal â gofynion Deddf Bridio Cŵn 1973 a Deddf Bridio a Gwerthu Cŵn (Lles) 1999. Mae perygl hefyd, os bydd amserlen Llywodraeth Cymru ar gyfer y rheoliadau bridio cŵn yn newid, a bod yr Ysgrifennydd Gwladol yn cychwyn Atodlen berthnasol y Bil cyn y daw'r rheoliadau bridio cŵn i rym yng Nghymru, y byddai bwllch yn y gyfraith a fyddai'n galluogi bridwyr cŵn a pherchnogion siopau anifeiliaid anwes i brynu a gwerthu cŵn nad oes modd eu hadnabod nac olrhain eu hanes yn ôl i sefydliadau penodol.

Gwasanaeth Cyfreithiol

Cynulliad Cenedlaethol Cymru

Mai 2014

Eitem 3.1

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Eitem 3.2

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon