CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2003 Rhif 416 (Cy.60)

AFON, CYMRU

PYSGODFEYDD EOGIAID A PHYSGOD DŴR CROYW

Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) (Diwygio) (Cymru) 2003

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) 1998 ("Gorchymyn 1998"), mewn perthynas â Chymru -

(1) drwy ddarparu mai Cynulliad Cenedlaethol Cymru fydd yr awdurdod trwyddedu mewn perthynas â'r gwaharddiad yng Ngorchymyn 1998 ar gadw neu ollwng pysgod penodedig ac eithrio o dan drwydded (erthygl 2(a)); a

(2) drwy roi Atodlen newydd yn lle'r un a gynhwysir yng Ngorchymyn 1998 sy'n pennu'r rhywogaethau o bysgod y bydd y Gorchymyn hwnnw yn gymwys iddynt (erthygl 2(b)). Mae'r Atodlen newydd yn ychwanegu at y rhywogaethau a bennwyd yn yr Atodlen wreiddiol.

Mae arfarniad rheoliadol wedi'i baratoi mewn perthynas â'r Gorchymyn hwn a'i adneuo yn llyfrgell y Cynulliad Cenedlaethol. Gellir cael copïau oddi wrth y canlynol:

Y Gangen Bysgodfeydd

Llywodraeth Cynulliad Cymru

Parc Cathays

Caerdydd CF10 3NQ

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2003 No. 416 (W.60)

RIVER, WALES

SALMON AND FRESHWATER FISHERIES

The Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998 ("the 1998 Order"), in relation to Wales, by -

(1) providing that the National Assembly for Wales is to be the licensing authority in respect of the prohibition in the 1998 Order on the keeping or release of specified fish except under licence (article 2(a)); and

(2) substituting a new Schedule for that contained in the 1998 Order specifying the species of fish to which that Order will apply (article 2(b)). The new Schedule adds to the species contained in the original Schedule.

A regulatory appraisal has been prepared in relation to this Order and deposited in the library of the National Assembly. Copies may be obtained from:

The Fisheries Branch,

Welsh Assembly Government,

Cathays Park,

Cardiff CF10 3NQ

OFFERYNNAU STATUDOL

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PYSGODFEYDD EOGIAID A PHYSGOD DŴR CROYW

Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) (Diwygio) (Cymru) 2003

Wedi'i wneud 26 Chwefror 2003

Yn dod i rym 1 Mawrth 2003

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd gan adran 1(1) o Ddeddf Pysgod Byw (Cymru a Lloegr) 1980(**a**) a phob pŵer arall sy'n ei alluogi yn y cyswllt hwnnw; ac, yn unol ag adran 1(2) o'r Ddeddf honno, ar ôl ymgynghori â Chyngor Cefn Gwlad Cymru ac English Nature ac unrhyw bersonau eraill y mae'n barnu eu bod yn briodol; ac am ei fod o'r farn y gallai'r rhywogaethau o bysgod byw y mae'r Gorchymyn hwn yn gymwys iddynt gystadlu ag unrhyw bysgod dŵr croyw, pysgod cregyn neu eogiaid yng Nghymru, neu eu disodli, eu hysglyfaethu neu niweidio eu cynefin, drwy hyn yn gwneud y Gorchymyn canlynol:

Teitl, cychwyn a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) (Diwygio) (Cymru) 2003 a daw i rym ar 1 Mawrth 2003.

(2) Mae'r gorchymyn hwn yn gymwys i Gymru yn unig.

Diwygio

2. Diwygir Gorchymyn Gwahardd Cadw neu Ollwng Pysgod Byw (Rhywogaethau Penodedig) 1998(**b**) fel a ganlyn -

(a) 1980 p.27. Trosglwyddwyd pwerau'r Gweinidog o dan adran 1 o'r Ddeddf i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 ac Atodlen 2 iddo (O.S. 1999/672).

(b) O.S. 1998/2409.

STATUTORY INSTRUMENTS

2003 No. 416 (W.60)

RIVER, WALES

SALMON AND FRESHWATER FISHERIES

The Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order 2003

Made 26th February 2003

Coming into force 1st March 2003

The National Assembly for Wales, in exercise of the powers conferred on it by section 1(1) of the Import of Live Fish (England and Wales) Act 1980(**a**) and of all other powers enabling it in that behalf; and, in accordance with section 1(2) of that Act, after consultation with the Countryside Council for Wales and English Nature and such other persons as it considers appropriate; and being of the opinion that the species of live fish to which this Order applies might compete with, displace, prey or harm the habitat of any freshwater fish, shellfish or salmon in Wales, hereby makes the following Order:

Title, commencement and application

1.-(1) This Order is called the Prohibition of Keeping or Release of Live Fish (Specified Species) (Amendment) (Wales) Order 2003 and comes into force on 1st March 2003.

(2) This Order applies in relation to Wales only.

Amendment

2. The Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998(**b**) shall be amended as follows -

(a) 1980 c.27. The powers of the Minister under section 1 of the Act were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 and Schedule 2 to it (S.I. 1999/672).

(b) S.I. 1998/2409.

(a) yn Erthygl 2 (sy'n gwahardd cadw neu ollwng pysgod penodedig ac eithrio o dan drwydded) yn lle'r geiriau "the Minister" rhoddir y geiriau "the National Assembly for Wales"; a

(b) yn lle'r Atodlen (sy'n pennu'r rhywogaethau o bysgod y gwaherddir eu cadw neu eu gollwng ac eithrio o dan drwydded) rhoddir yr Atodlen a nodir yn yr Atodlen i'r Gorchymyn hwn.

(a) in Article 2 (which prohibits the keeping or release of specified fish except under licence) for the words "the Minister" there is substituted the words "the National Assembly for Wales"; and

(b) for the Schedule (which specifies the species of fish whose keeping or release is prohibited except under licence) there is substituted the Schedule set out in the Schedule to this Order.

Llofnodwyd ar ran y Cynulliad o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

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

26 Chwefror 2003

26th February 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN **THE SCHEDULE**

Erthygl 2(b) Article 2(b)

"SCHEDULE

SPECIES OF FISH WHOSE KEEPING OR RELEASE IN ANY PART OF WALES IS PROHIBITED EXCEPT UNDER AUTHORITY OF A LICENCE GRANTED BY THE NATIONAL ASSEMBLY FOR WALES

COMMON NAME	SCIENTIFIC NAME
Asp	Aspius aspius
Barbel species	species of the genus Barbus (excluding The native Barbus barbus)
Bass species (including striped bass, white bass and their crosses e.g. hybrid striped bass)	species of the genus Morone
Big-head carp	Aristicthys nobilis
Bitterling	Rhodeus sericeus/Rhodeus amarus
Blacknose Dace	Rhinichthys atratulus
Blageon	Leuciscus souffia
Blue Sucker	Cycleptus elongatus
Blue bream	Abramis ballerus
Burbot	Lota lota
Catfish	species of the genera Ictalurus, Amerius and Silurus
Charr species (including American Brook Trout)	species of the genus Salvelinus (excluding the native alvelinusalpinus)
Chinese black or snail-eating carp	Mylopharyngodon piceus
Chinese Sucker (also known as Zebra Hi Fin, banded shark/sucker)	Myxocyprinus asiaticus
Common White Sucker	Catostomus commersoni
Danubian bleak	Chalcalburnus chalcoides
Danubian Salmon & Taimen	species of the genus Hucho
Eastern Mudminnow	Umbra pygmaea
European Mudminnow	Umbra krameri
Fathead minnow (or Roseyreds)	Pimephales promelas

Freshwater minnow, Dragon fish or Pale chub	Zaacco platypus
Grass carp	Ctenopharyngodon idella
Landlocked salmon	non-anadromous varieties of the species Salmo salar
Large-mouthed black bass	Micropterus salmoides
Marbled trout	Salmo marmoratus
Nase	Chondrostoma nasus
Northern Redbelly Dace (common minnow)	Phoxinus/Chrosomus eos
Pacific salmon and trout (excluding rainbow trout but including steelheads)	Species of the genus Oncorhynchus
Paddlefish	species of the genera Polyodon and Psepherus
Perch species	species of the genus Perca (excluding the native Perca fluviatilis)
Pike-perch (including zander)	species of the genus Stizostedion
Pike species	species of the genus Esox (excluding the native Esox lucius)
Red shiner	Cyprinella/Notropis lutrensis
Rock bass	Ambloplites rupestris
Schneider	Alburnoides bipunctatus
Silver carp	Hypophthalmichthys molitrix
Snakeheads, Northern or Chinese	Channa argus
Small mouth bass	Micropterus dolomieu
Southern Redbelly Dace (common minnow)	Phoxinus/Chrosomus ertythrogaster
Sturgeon or sterlet	species of the genera Acipenser, Huso, Pseudoscaphirhynchus and Scaphirhynchus
Sunbleak (Sundace), also known as Belica or Motherless Minnow	Leucaspius delineatus
Sunfish, including Pumpkinseed, (also basses crappies & bluegills)	Species of the genus Lepomis
Topmouth gudgeon	Pseudorasbora parva
Toxostome (or French nase)	Chondrostoma toxostoma
Vimba	Vimba vimba
Weather fish	Misgurnus fossilis
Whitefish species	species of the genus Coregonus (excluding the native Coregonus lavaretus and Coregonus albula)"

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