OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2019 Rhif 1498 (Cy. 274)

2019 No. 1498 (W. 274)

PYSGODFEYDD MÔR, CYMRU

SEA FISHERIES, WALES

CADWRAETH PYSGOD MÔR

CONSERVATION OF SEA FISH

Gorchymyn Pysgota am Gregyn Moch (Cymru) (Diwygio) 2019

The Whelk Fishing (Wales) (Amendment) Order 2019

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Pysgota am Gregyn Moch (Cymru) 2019 (O.S. 2019/1042 (Cy. 184)) ("y Prif Orchymyn").

Mae erthygl 5 o'r Prif Orchymyn ar hyn o bryd yn gwahardd cludo cregyn moch sy'n llai na'r maint lleiaf penodedig gan gychod pysgota Prydeinig ym mharth Cymru. Mae'r "maint lleiaf penodedig" ar gyfer cregyn moch wedi ei ddiffinio yn erthygl 2 o'r Prif Orchymyn.

Mae erthygl 2(2) o'r Gorchymyn hwn yn rhoi "purpose" yn lle "purposes" yn nhestun Saesneg erthygl 4 o'r Prif Orchymyn.

Mae erthygl 2(3) yn rhoi erthygl 5 newydd yn lle'r un sydd yn y Prif Orchymyn. Effaith yr amnewid hwn yw y caiff cwch pysgota Prydeinig gludo cregyn moch sy'n llai na'r maint lleiaf penodedig ym mharth Cymru os nad yw wedi pysgota ym mharth Cymru yn ystod y daith bysgota benodol honno.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Whelk Fishing (Wales) Order 2019 (S.I. 2019/1042 (W. 184)) ("the Principal Order").

Article 5 of the Principal Order currently prohibits the carriage of whelk with a size of less than the specified minimum size by British fishing boats within the Welsh zone. The "specified minimum size" for whelk is defined in article 2 of the Principal Order.

Article 2(2) of this Order replaces "purpose" with "purposes" in the English language text of article 4 of the Principal Order.

Article 2(3) substitutes a new article 5 in the Principal Order. The effect of this substitution is that a British fishing boat may carry whelks with a size of less than the specified minimum size within the Welsh zone if it has not fished in the Welsh zone during that particular fishing trip.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

2019 Rhif 1498 (Cy. 274)

PYSGODFEYDD MÔR, CYMRU

CADWRAETH PYSGOD MÔR

Gorchymyn Pysgota am Gregyn Moch (Cymru) (Diwygio) 2019

Gwnaed	*10 Rhagfyr 2019*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*12 Rhagfyr 2019*
Yn dod i rym	*15 Ionawr 2020*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adran 1(3) a (6) o Ddeddf Pysgod Môr (Cadwraeth) 1967(**1**), sydd bellach wedi eu breinio ynddynt hwy(**2**).

(**1**) 1967 p. 84 ("Deddf 1967"). Amnewidiwyd adran 1 o Ddeddf 1967 gan adran 19(1) o Ddeddf Pysgodfeydd 1981 (p. 29). Amnewidiwyd adran 1(3) o Ddeddf 1967 gan adran 194(1) a (4) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) ("Deddf 2009"). Gweler adran 1(9) o Ddeddf 1967 am ddiffiniad o "appropriate national authority". Mewnosodwyd adran 1(9) gan adran 194(1) a (5) o Ddeddf 2009 ac fe'i diwygiwyd gan O.S. 2010/760. Diwygiwyd adran 22(2) o Ddeddf 1967, sy'n cynnwys diffiniad o "the Ministers", gan adrannau 19(2)(d) a (3), a 45 a 46 o Ddeddf Pysgodfeydd 1981 (p. 29), a Rhan 2 o Atodlen 5 iddi ac erthygl 4 o O.S. 1999/1820, a pharagraff 43(1) a (12) o Ran 1, a Rhan 4, o Atodlen 2 iddi.

(**2**) Trosglwyddwyd swyddogaethau'r Gweinidogion o dan adran 1(3) a (6) i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru (fel y'i cyfansoddir o dan Ddeddf Llywodraeth Cymru 1998 (p. 38)): gweler erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi. I'r graddau yr oeddent yn arferadwy o ran parth Cymru, trosglwyddwyd swyddogaethau'r Gweinidogion o dan adran 1(3) a (6) o Ddeddf 1967 i Weinidogion Cymru gan erthygl 4(1)(b) o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760).

2019 No. 1498 (W. 274)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Whelk Fishing (Wales) (Amendment) Order 2019

Made	*10 December 2019*
Laid before the National Assembly for Wales	*12 December 2019*
Coming into force	*15 January 2020*

The Welsh Ministers make the following Order in exercise of the powers conferred by section 1(3) and (6) of the Sea Fish (Conservation) Act 1967(**1**), now vested in them(**2**).

(**1**) 1967 c .84 ("the 1967 Act"). Section 1 of the 1967 Act was substituted by the Fisheries Act 1981 (c. 29), section 19(1). Section 1(3) of the 1967 Act was substituted by the Marine and Coastal Access Act 2009 (c. 23) ("the 2009 Act"), section 194(1) and (4). See section 1(9) of the 1967 Act for a definition of the "appropriate national authority". Section 1(9) was inserted by the 2009 Act, section 194(1) and (5) and amended by S.I. 2010/760. Section 22(2) of the 1967 Act, which contains a definition of "the Ministers", was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and (3), and 45 and 46, Schedule 5, Part 2 and S.I.1999/1820, article 4, Schedule 2, Part 1, paragraph 43(1) and (12)), Part 4.

(**2**) The functions of the Ministers under section 1(3) and (6) so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)): see article 2(a) of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then further transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). So far as exercisable in relation to the Welsh zone, the functions of the Ministers under section 1(3) and (6) of the 1967 Act, were transferred to the Welsh Ministers by article 4(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760).

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Pysgota am Gregyn Moch (Cymru) (Diwygio) 2019 a daw i rym ar 15 Ionawr 2020.

Diwygio Gorchymyn Pysgota am Gregyn Moch (Cymru) 2019

2.—(1) Mae Gorchymyn Pysgota am Gregyn Moch (Cymru) 2019(**1**) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 4, yn y testun Saesneg, yn lle "purpose" rhodder "purposes".

(3) Yn lle erthygl 5 rhodder—

"**Gwahardd cludo cregyn moch penodedig**

5.—(1) At ddibenion adran 1(3) o'r Ddeddf (sy'n gwahardd cludo ar gychod pysgota penodedig unrhyw bysgodyn môr o unrhyw ddisgrifiad nad yw'n bodloni'r gofynion o ran maint a ragnodir mewn perthynas â physgod môr o'r disgrifiad hwnnw), ni chaniateir i gregyn moch sy'n llai na'r maint lleiaf penodedig gael eu cludo gan gwch pysgota Prydeinig sydd wedi pysgota ym mharth Cymru yn ystod taith bysgota gyfredol y cwch hwnnw.

(2) Yn yr erthygl hon, ystyr "taith bysgota gyfredol" yw'r cyfnod o'r adeg y mae'r cwch pysgota yn gadael porthladd hyd at yr adeg y mae'n dychwelyd i borthladd."

Title and commencement

1. The title of this Order is the Whelk Fishing (Wales) (Amendment) Order 2019 and it comes into force on 15 January 2020.

Amendment of the Whelk Fishing (Wales) Order 2019

2.—(1) The Whelk Fishing (Wales) Order 2019(**1**) is amended as follows.

(2) In article 4, in the English language text, for "purpose" substitute "purposes".

(3) For article 5 substitute—

"**Prohibition on carriage of specified whelk**

5.—(1) For the purposes of section 1(3) of the Act (which prohibits the carriage on specified fishing boats of any sea fish of any description which does not meet the requirements as to size prescribed in relation to sea fish of that description), whelk with a size of less than the specified minimum size may not be carried by a British fishing boat that has fished in the Welsh zone during that boat's current fishing trip.

(2) In this article, "current fishing trip" means the time from when the fishing boat departed from a port to the time when it returns to a port. "

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
10 Rhagfyr 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
10 December 2019

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(**1**) O.S. 2019/1042 (Cy. 184).

(**1**) S.I. 2019/1042 (W. 184).

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