

CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 No. 1338 (W. 84)

SEA FISHERIES, WALES

2001 Rhif 1338 (Cy. 84)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Ardal Pysgodfeydd Môr De Cymru (Amrywio) 2001

The South Wales Sea Fisheries District (Variation) 2001

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn amrywio ymhellach Orchymyn a wnaed gan y Bwrdd Amaethyddiaeth a Physgodfeydd ar 27 Mehefin 1912 (fel y'i diwygiwyd) i sefydlu Ardal Pysgodfeydd Môr De Cymru.

Mae'r Gorchymyn yn amrywio cyfansoddiad y pwyllgor pysgodfeydd lleol ar gyfer yr ardal er mwyn darparu i Gyngor Bwrdeistref Sirol Rhondda Cynon Taf dynnu'n ôl o'r pwyllgor. Er hynny, fe fydd ffiniau'r Ardal Pysgodfeydd Môr yn parhau heb ei newid.

Mae nifer y cynrychiolwyr o bob cyngor a swm cyfraniad pob cyngor at dreuliau'r pwyllgor wedi'i bennu (erthyglau 3 a 4 a'r Atodlen).

EXPLANATORY NOTE

(This note does not form part of the Order).

This Order further varies an Order made by the Board of Agriculture and Fisheries on 27th June 1912 (as amended) to establish the South Wales Sea Fisheries District.

The Order varies the constitution of the local fisheries committee for the district to provide for the withdrawal from the committee of Rhondda Cynon Taff County Borough Council. Nevertheless, the boundaries of the Sea Fisheries District remain unchanged.

The number of representatives from each council and the amount of each council's contribution to the expenses of the committee is specified (articles 3 and 4 and the Schedule).

2001 Rhif 1338 (Cy. 84)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Ardal Pysgodfeydd Môr De Cymru (Amrywio) 2001

Wedi'i wneud 29 Mawrth 2001 Yn dod i rym 31 Mawrth 2001

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd gan adrannau 1, a 2(1) a (5) o Ddeddf Rheoli Pysgodfeydd Môr 1966(a) ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b), ar gais Cyngor Sir Penfro a Chyngor Bwrdeistref Sirol Rhondda Cynon Taf, ac wedi ymgynghori â phob awdurod lleol a fyddai yn cael ei effeithio, yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a dehongli

- 1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Ardal Pysgodfeydd Môr De Cymru (Amrywio) 2001 a daw i rym ar 31 Mawrth 2001.
- (2) Yn y Gorchymyn hwn ystyr "y prif Orchymyn" yw'r gorchymyn a wnaed gan y Bwrdd Amaethyddiaeth a Physgodfeydd ar 27 Mehefin 1912(c) (a greodd Ardal Pysgodfeydd Môr De Cymru ac a sefydlodd bwyllgor pysgodfeydd lleol er mwyn rheoli'r pysgodfeydd môr o fewn yr Ardal honno).

2001 No. 1338 (W. 84)

SEA FISHERIES, WALES

The South Wales Sea Fisheries District (Variation) Order 2001

Made 29th March 2001
Coming into force 31st March 2001

The National Assembly for Wales, in exercise of the powers conferred by sections 1, and 2(1) and (5) of the Sea Fisheries Regulation Act 1966(a) and now vested in the National Assembly for Wales(b), on the applications of Pembrokeshire County Council and Rhondda Cynon Taff County Borough Council, and having consulted with every local authority that would be affected, hereby makes the following Order:

Name, commencement and interpretation

- 1.-(1) This Order is called the South Wales Sea Fisheries District (Variation) Order 2001 and shall come into force on 31st March 2001.
- (2) In this Order "the principal Order" means the order made by the Board of Agriculture and Fisheries on 27th June 1912(c) (which created the South Wales Sea Fisheries District and constituted a local fisheries committee for the regulation of the sea fisheries within that District).
- (a) 1966 p.38, a ddiwygiwyd gan Ddeddf yr Amgylchedd 1995 (p.25) adran 102; gweler adran 20(1) ar gyfer y diffiniad o "the Minister". Dylid darllen y cyfeiriadau yn Neddf 1966 at awdurdod afonydd ynghyd â Deddf Dŵr 1973 (p.37) adran 33, Deddf Dŵr 1989 (p.15) adran 141 ac Atodlen 17, paragraff 1, a Deddf yr Amgylchedd 1995 adran 105 ac Atodlen 15, paragraff 2.
- (b) Trosglwyddwyd drwy O.S. 1978/272 swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd o dan Ddeddf Rheoli Pysgodfeydd Môr 1966 i'r Ysgrifennydd Gwladol, i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru. Trosglwyddwyd swyddogaethau hynny'r Ysgrifennydd Gwladol wedyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd Deddf Dŵr 1989 adran 141 ac Atodlen 17, paragraffau 1(3) a 4(a), mae'r swyddogaethau a arferwyd ar wahân gan y Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifennydd Gwladol ynglŷn ag awdurdodau dŵr neu ardaloedd awdurdodau dŵr gwahanol i'w harfer gyda'i gilydd ganddynt
- .(c) Rh.S a G. 1926/1121 fel y'i amrywiwyd gan O.S. 1953/443, 1973/2203 a 1980/823.

- (a) 1966 c.38, amended by the Environment Act 1995 (c.25) section 102; see section 20(1) for the definition of "the Minister". References in the 1966 Act to a river authority should be read with the Water Act 1973 (c.37) section 33, the Water Act 1989 (c.15) section 141 and Schedule 17, paragraph 1, and the Environment Act 1995 section 105 and Schedule 15, paragraph 2.
- (b) By S.I. 1978/272 the functions of the Minister of Agriculture, Fisheries and Food under the Sea Fisheries Regulation Act 1966 were, so far as they were exercisable in relation to Wales, transferred to the Secretary of State. Those functions of the Secretary of State were then transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of the Water Act 1989 section 141 and Schedule 17, paragraphs 1(3) and (4)(a), functions exercised separately by the Minister of Agriculture, Fisheries and Food and the Secretary of State in respect of different water authorities or water authority areas are to be exercised concurrently by them.
- (c) S.R. and O. 1926/1121 as varied by S.I. 1953/443, 1973/2203 and 1980/823.

Diwygiadau i'r prif Orchymyn

- **2.** Diwygir y prif Orchymyn yn unol ag erthyglau 3 i 5 isod.
- **3.** Yn lle erthygl 7 (cyfansoddiad y pwyllgor) rhoddir y canlynol -
- "7. The committee shall be a joint committee of the county and county borough councils referred to in column 1 of the Schedule to this Order and shall consist of twenty one members appointed as follows-
 - (a) the number of members appointed by each constituent council shall be the number indicated in relation to the council in column 2 of the Schedule to this Order:
 - (b) nine members shall be appointed by the National Assembly for Wales;
 - (c) one member shall be appointed by the Environment Agency.".
 - 4. Yn lle erthygl 17 (treuliau) rhoddir y canlynol -

"Expenses

- 17.-(1) Subject to paragraph (2) below, the expenses of the committee, other than those which may be required to be incurred under section 17(2) of the Act, shall be chargeable jointly to the constituent councils in the respective amounts for each financial year set out in Column 3 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.
- (2) In the event of the committee being required to incur any unforseen expenses which cannot be met by the amounts charged to the constituent councils under paragraph (1) above, then those unforseen expenses shall, in addition, be referred to the constituent councils for consideration and defrayed jointly by them in the respective percentages set out in Column 4 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.

Amendments to the principal Order

- **2.** The principal Order is amended in accordance with articles 3 to 5 below.
- **3.** For article 7 (constitution of committee) there shall be substituted the following -
- "7. The committee shall be a joint committee of the county and county borough councils referred to in column 1 of the Schedule to this Order and shall consist of twenty one members appointed as follows-
 - (a) the number of members appointed by each constituent council shall be the number indicated in relation to the council in column 2 of the Schedule to this Order:
 - (b) nine members shall be appointed by the National Assembly for Wales;
 - (c) one member shall be appointed by the Environment Agency.".
- **4.** For article 17 (expenses) there shall be substituted the following -

"Expenses

- 17.-(1) Subject to paragraph (2) below, the expenses of the committee, other than those which may be required to be incurred under section 17(2) of the Act, shall be chargeable jointly to the constituent councils in the respective amounts for each financial year set out in Column 3 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.
- (2) In the event of the committee being required to incur any unforseen expenses which cannot be met by the amounts charged to the constituent councils under paragraph (1) above, then those unforseen expenses shall, in addition, be referred to the constituent councils for consideration and defrayed jointly by them in the respective percentages set out in Column 4 of the Schedule to this Order opposite the reference to each constituent council and shall be expenses for general county or county borough purposes.

- (3)" The Committee may decide that the figures set out in Column 3 of the Schedule shall be increased for budgetary years from 2002/03 onwards by a figure not exceeding the annual rate of inflation, which rate shall in the event of disagreement by any constituent council be determined by the National Assembly for Wales.
- **5.** Yn lle'r Atodlen rhoddir yr Atodlen a welir yn yr Atodlen i'r Gorchymyn hwn.

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

- (3) The Committee may decide that the figures set out in Column 3 of the Schedule shall be increased for budgetary years from 2002/03 onwards by a figure not exceeding the annual rate of inflation, which rate shall in the event of disagreement by any constituent council be determined by the National Assembly for Wales."
- **5.** For the Schedule there shall be substituted the Schedule set out in the Schedule to this Order.

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

29 Mawrth 2001 29th March 2001

D.Elis Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

ATODLEN Erthygl 5 SCHEDULE Article 5

"SCHEDULE

Articles 7 and 17

CONSTITUTION AND EXPENSES

Column 1	Column 2	Column 3	Column 4
Constituent Councils	Number of	Contribution	Percentage
	Members	towards	of unexpected
		expenses etc	expenses
		per financial	payable per
		year	financial year
		£	
Cardiff County Council	1	10,825	3%
Carmarthenshire County	2	85,000	24%
Council			
Pembrokeshire County Council	2	85,000	24%
Swansea County Council	2	85,000	24%
Bridgend County Borough	1	28,333	8%
Council			
Neath Port Talbot	2	38,958	11%
County Borough Council			
The Vale of Glamorgan County	1	21,250	6%
Borough Council		"	

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Gorchymyn Ardal Pysgodfeydd Môr De Cymru (Amrywio) 2001 2001 No. 1338 (W. 84) SEA FISHERIES, WALES

The South Wales Sea Fisheries District (Variation) 2001

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