OFFERYNNAU STATUDOL CYMRU

2012 Rhif 2571 (Cy.282)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Pysgod Môr (Ardaloedd Môr Penodedig) (Gwahardd Dull Pysgota) (Cymru) 2012

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn, sy'n gymwys o ran Cymru, yn gwahardd pysgota am bysgod môr â chychod pysgota sy'n defnyddio offer pysgota sy'n llusgo'r gwaelod o fewn yr ardaloedd môr penodedig.

Mae darpariaethau'r Gorchymyn hwn hefyd yn dirymu ac yn disodli Is-ddeddf 21 cyn Bwyllgor Pysgodfeydd Môr Gogledd-orllewin Lloegr a Gogledd Cymru ("y Pwyllgor Pysgodfeydd Môr").

Diddymwyd y Pwyllgor Pysgodfeydd Môr, o ran Cymru, ar 1 Ebrill 2010 pan ddiddymwyd Deddf Rheoleiddio Pysgodfeydd Môr 1966, o ran Cymru, gan adran 187 o Ddeddf y Môr a Mynediad i'r Arfordir 2009. Er y dyddiad hwnnw, mae Is-ddeddf 21 y Pwyllgor Pysgodfeydd Môr wedi cael effaith fel pe bai wedi ei gwneud gan Weinidogion Cymru mewn offeryn statudol yn rhinwedd erthygl 13(3) o Orchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Cychwyn Rhif 1, Darpariaethau Canlyniadol, Trosiannol a Darpariaethau Arbed) (Cymru a Lloegr) 2010 ac Atodlen 4 iddo.

Gwaharddodd Is-ddeddf 21 y Pwyllgor Pysgodfeydd Môr y defnydd o offer pysgota sy'n llusgo'r gwaelod oddi ar unrhyw gwch pysgota o fewn un o'r ardaloedd môr penodedig y rhoddir manylion amdanynt yn yr Atodlen i'r Gorchymyn hwn.

Mae erthygl 3 o'r Gorchymyn hwn yn gwahardd pysgota am bysgod môr o fewn yr ardaloedd môr penodedig gan ddefnyddio offer pysgota sy'n llusgo'r

WELSH STATUTORY INSTRUMENTS

2012 No. 2571 (W.282)

SEA FISHERIES, WALES

The Sea Fish (Specified Sea Areas) (Prohibition of Fishing Method) (Wales) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in relation to Wales, prohibits fishing for sea fish with fishing boats using bottom towed fishing gear within the specified sea areas.

The provisions of this Order also revoke and replace Byelaw 21 of the former North Western and North Wales Sea Fisheries Committee ("the Sea Fisheries Committee").

The Sea Fisheries Committee was abolished, in relation to Wales, on 1 April 2010 when the Sea Fisheries Regulation Act 1966 was repealed in relation to Wales by section 187 of the Marine and Coastal Access Act 2009. Since that date, Byelaw 21 of the Sea Fisheries Committee has had effect as though made by the Welsh Ministers in a statutory instrument by virtue of article 13(3) of and Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

Byelaw 21 of the Sea Fisheries Committee prohibited the use of bottom towed fishing gear from any fishing boat within one of the specified sea areas detailed in the Schedule to this Order.

Article 3 of this Order prohibits fishing for sea fish within the specified sea areas using bottom towed fishing gear and requires that all bottom towed fishing

gwaelod ac yn ei gwneud yn ofynnol, pan fo unrhyw gwch pysgota o fewn yr ardaloedd môr penodedig, fod rhaid i'r holl offer pysgota sy'n llusgo'r gwaelod fod wedi eu stowio a'u diogelu y tu mewn i'r cwch.

Mae erthygl 4 o'r Gorchymyn hwn yn dirymu Is-ddeddf 21 y Pwyllgor Pysgodfeydd Môr ac yn gwneud y diwygiad canlyniadol angenrheidiol i Orchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Cychwyn Rhif 1, Darpariaethau Canlyniadol, Trosiannol a Darpariaethau Arbed) (Cymru a Lloegr) 2010.

Gwnaed Asesiad Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn ac mae ar gael i'w archwilio yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

gear must be inboard, stowed and secured when any fishing boat is within the specified sea areas.

Article 4 of this Order revokes Byelaw 21 of the Sea Fisheries Committee and makes the necessary consequential amendment to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

A Regulatory Impact Assessment has been undertaken in relation to this Order and is available for inspection at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2012 Rhif 2571 (Cy.282)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Pysgod Môr (Ardaloedd Môr Penodedig) (Gwahardd Dull Pysgota) (Cymru) 2012

Gwnaed	*10 Hydref 2012*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*11 Hydref 2012*
Yn dod i rym	*1 Tachwedd 2012*

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 5(1) ac (1B), 5A(1) ac 20(1) o Ddeddf Pysgod Môr (Cadwraeth) 1967(**1**) ac sydd bellach wedi eu breinio(**2**) ynddynt.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgod Môr (Ardaloedd Môr Penodedig) (Gwahardd Dull Pysgota) (Cymru) 2012 a daw i rym ar 1 Tachwedd 2012.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "ardaloedd môr penodedig" ("*specified sea areas*") yw'r ardaloedd a ddisgrifir yn yr Atodlen i'r Gorchymyn hwn;

(**1**) 1967 p.84.

(**2**) Yn rhinwedd erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo, trosglwyddwyd y swyddogaethau a oedd yn arferadwy o dan adran 5 o Ddeddf 1967 i Gynulliad Cenedlaethol Cymru (fel y'i cyfansoddwyd o dan Ddeddf Llywodraeth Cymru 1998 (p.38)) i'r graddau yr oeddent yn arferadwy o ran Cymru. Trosglwyddwyd y swyddogaethau hynny a oedd gan Gynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2012 No. 2571 (W.282)

SEA FISHERIES, WALES

The Sea Fish (Specified Sea Areas) (Prohibition of Fishing Method) (Wales) Order 2012

Made	*10 October 2012*
Laid before the National Assembly for Wales	*11 October 2012*
Coming into force	*1 November 2012*

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 5(1) and (1B), 5A(1) and 20(1) of the Sea Fish (Conservation) Act 1967(**1**) which are now vested (**2**) in them.

Title, commencement and application

1.—(1) The title of this Order is the Sea Fish (Specified Sea Areas) (Prohibition of Fishing Method) (Wales) Order 2012 and it comes into force on 1 November 2012.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

"bottom towed fishing gear" ("*offer pysgota sy'n llusgo'r gwaelod*") means any fishing gear or equipment which is capable of being towed, dragged or moved along the seabed including, but not limited to, any fishing dredge, beam trawl or otter trawl;

(**1**) 1967 c.84.

(**2**) By virtue of article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 5 of the 1967 Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c.38)) in so far as exercisable in relation to Wales. Those functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

ystyr "cyfesuryn" ("*co-ordinate*") yw cyfesuryn lledred a hydred wedi ei roi mewn graddau, munudau a ffracsiynau degol o funud ar System Geodetig y Byd 1984;

mae i "Cymru" yr ystyr a roddir i "Wales" yn adran 158 o Ddeddf Llywodraeth Cymru 2006(**1**); ac

ystyr "offer pysgota sy'n llusgo'r gwaelod" ("*bottom towed fishing gear*") yw unrhyw offer neu gyfarpar pysgota a all gael eu llusgo, eu tynnu neu eu symud ar hyd gwely'r môr gan gynnwys unrhyw lusgrwyd bysgota, treillrwyd drawst neu dreillrwyd estyllod, ond heb fod yn gyfyngedig iddynt.

Gwaharddiad

3.—(1) Mae pysgota am bysgod môr o fewn yr ardaloedd môr penodedig gan ddefnyddio offer pysgota sy'n llusgo'r gwaelod drwy hyn wedi ei wahardd.

(2) Pan fo unrhyw gwch pysgota o fewn yr ardaloedd môr penodedig rhaid i'r holl offer pysgota sy'n llusgo'r gwaelod fod wedi eu stowio a'u diogelu y tu mewn i'r cwch.

Dirymu a Diwygiad Canlyniadol

4.—(1) Mae Is-ddeddf 21 (Gwahardd Offer Pysgota sy'n Llusgo'r Gwaelod)(**2**) cyn Bwyllgor Pysgodfeydd Môr Gogledd-orllewin Lloegr a Gogledd Cymru(**3**) wedi ei dirymu o ran Cymru.

(2) Yn y Tabl yn Atodlen 4 i Orchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Cychwyn Rhif 1, Darpariaethau Canlyniadol, Trosiannol a Darpariaethau Arbed) (Cymru a Lloegr) 2010(**4**) mae'r rhes sy'n ymwneud ag Is-ddeddf 21 wedi ei dileu.

(**1**) 2006 p.32.

(**2**) O 1 Ebrill 2010, mae Is-ddeddf 21 cyn Bwyllgor Pysgodfeydd Môr Gogledd-orllewin Lloegr a Gogledd Cymru yn cael effaith fel pe bai wedi ei gwneud gan Weinidogion Cymru mewn offeryn statudol o ran yr un ardal o Gymru â'r ardal yr oedd yr is-ddeddf honno yn gymwys iddi yn wreiddiol yn rhinwedd erthygl 13(3) o Orchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Cychwyn Rhif 1, Darpariaethau Canlyniadol, Trosiannol a Darpariaethau Arbed) (Cymru a Lloegr) 2010 (O.S. 2010/630 (C.42)) ac Atodlen 4 iddo.

(**3**) Diddymwyd Pwyllgor Pysgodfeydd Môr Gogledd-orllewin Lloegr a Gogledd Cymru, o ran Cymru, ar 1 Ebrill 2010 pan ddygwyd adran 187 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p.23) i rym gan erthygl 3 o Orchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Cychwyn Rhif 1, Darpariaethau Canlyniadol, Trosiannol a Darpariaethau Arbed) (Cymru a Lloegr) 2010 (O.S. 2010/630 (C.42)), â'r effaith o ddiddymu Deddf Rheoleiddio Pysgodfeydd Môr 1966 (p.38).

(**4**) O.S. 2010/630 (C.42).

"co-ordinate" ("*cyfesuryn*") means a co-ordinate of latitude and longitude given in degrees, minutes and decimal fractions of a minute on the World Geodetic System 1984;

"specified sea areas" ("*ardaloedd môr penodedig*") means the areas described in the Schedule to this Order; and

"Wales" ("*Cymru*") has the meaning given in section 158 of the Government of Wales Act 2006(**1**).

Prohibition

3.—(1) Fishing for sea fish within the specified sea areas using bottom towed fishing gear is hereby prohibited.

(2) All bottom towed fishing gear must be inboard, stowed and secured when any fishing boat is within the specified sea areas.

Revocation and Consequential Amendment

4.—(1) Byelaw 21 (Prohibition of Bottom Towed Fishing Gear)(**2**) of the former North Western and North Wales Sea Fisheries Committee(**3**) is revoked in relation to Wales.

(2) In the Table in Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010(**4**) the row relating to Byelaw 21 is deleted.

(**1**) 2006 c.32.

(**2**) From 1 April 2010, Byelaw 21 of the former North Western and North Wales Sea Fisheries Committee has effect as if made by the Welsh Ministers in a statutory instrument in relation to the same area of Wales as the area to which that byelaw originally applied by virtue of article 13(3) of and Schedule 4 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C.42)).

(**3**) The North Western and North Wales Sea Fisheries Committee was dissolved, in relation to Wales, on 1 April 2010 when article 3 of the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010 (S.I. 2010/630 (C.42)) brought into force section 187 of the Marine and Coastal Access Act 2009 (c.23), with the effect of repealing the Sea Fisheries Regulation Act 1966 (c.38).

(**4**) S.I. 2010/630 (C.42).

Alun Davies

Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd, o dan awdurdod y Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth, un o Weinidogion Cymru

10 Hydref 2012

Deputy Minister for Agriculture, Food, Fisheries and European Programmes, under authority of the Minister for Business, Enterprise, Technology and Science, one of the Welsh Ministers

10 October 2012

YR ATODLEN

Erthygl 2

YR ARDALOEDD MÔR PENODEDIG

Mae'r Ardaloedd Môr Penodedig fel a ganlyn:

(i) Yr ardal sydd wedi ei hamgáu rhwng y morlin adeg penllanw cymedrig y gorllanw a llinell a dynnir rhwng y cyfesurynnau a ganlyn ac y mae'r morlin hwnnw a'r llinell honno yn ffin iddi:

52º 56.909'Gog 04º 34.055'Gor
52º 59.858'Gog 04º 38.782'Gor
52º 55.455'Gog 04º 45.891'Gor
52º 52.928'Gog 04º 41.878'Gor
52º 52.155'Gog 04º 43.359'Gor
52º 51.563'Gog 04º 42.372'Gor

(ii) Yr ardal sydd wedi ei hamgáu gan linell a dynnir rhwng y cyfesurynnau a ganlyn ac y mae'r llinell honno yn ffin iddi:

52° 59.942'Gog 04° 34.198'Gor
53° 00.201'Gog 04° 34.289'Gor
53° 00.456'Gog 04° 34.243'Gor
53° 01.207'Gog 04° 34.035'Gor
53° 02.002'Gog 04° 32.774'Gor
53° 02.067'Gog 04° 32.579'Gor
53° 02.213'Gog 04° 31.998'Gor
53° 02.173'Gog 04° 31.697'Gor
53° 01.777'Gog 04° 31.294'Gor
53° 01.201'Gog 04° 31.158'Gor
53° 00.108'Gog 04° 31.104'Gor
52° 59.706'Gog 04° 31.551'Gor
52° 59.521'Gog 04° 31.806'Gor
52° 59.349'Gog 04° 32.425'Gor
52° 59.343'Gog 04° 32.637'Gor
52° 59.831'Gog 04° 34.045'Gor
52° 59.942'Gog 04° 34.198'Gor

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SCHEDULE

Article 2

SPECIFIED SEA AREAS

The Specified Sea Areas are:

(i) The area that is bounded and enclosed between the coastline at mean high water springs and a line drawn between the following co-ordinates:

52º 56.909'N 04º 34.055'W
52º 59.858'N 04º 38.782'W
52º 55.455'N 04º 45.891'W
52º 52.928'N 04º 41.878'W
52º 52.155'N 04º 43.359'W
52º 51.563'N 04º 42.372'W

(ii) The area that is bounded and enclosed by a line drawn between the following co-ordinates:

52° 59.942'N 04° 34.198'W
53° 00.201'N 04° 34.289'W
53° 00.456'N 04° 34.243'W
53° 01.207'N 04° 34.035'W
53° 02.002'N 04° 32.774'W
53° 02.067'N 04° 32.579'W
53° 02.213'N 04° 31.998'W
53° 02.173'N 04° 31.697'W
53° 01.777'N 04° 31.294'W
53° 01.201'N 04° 31.158'W
53° 00.108'N 04° 31.104'W
52° 59.706'N 04° 31.551'W
52° 59.521'N 04° 31.806'W
52° 59.349'N 04° 32.425'W
52° 59.343'N 04° 32.637'W
52° 59.831'N 04° 34.045'W
52° 59.942'N 04° 34.198'W

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PYSGODFEYDD MÔR, CYMRU

Gorchymyn Pysgod Môr (Ardaloedd Môr Penodedig) (Gwahardd Dull Pysgota) (Cymru) 2012

WELSH STATUTORY INSTRUMENTS

2012 No. 2571 (W.282)

SEA FISHERIES, WALES

The Sea Fish (Specified Sea Areas) (Prohibition of Fishing Method) (Wales) Order 2012

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