



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2019 Rhif 363 (Cy. 86)**

**2019 No. 363 (W. 86)**

**PYSGODFEYDD MÔR,  
CYMRU**

**SEA FISHERIES, WALES**

**Gorchymyn Pysgota Môr  
(Hysbysiadau Cosb) (Cymru) 2019**

**The Sea Fishing (Penalty Notices)  
(Wales) Order 2019**

**NODYN ESBONIADOL**

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

Mae'r Gorchymyn hwn yn creu cynllun ar gyfer dyroddi a thalu hysbysiadau cosb ynglŷn â throeddau penodol yn ymwneud â physgota môr. Mae'n dirymu Gorchymyn Pysgota Môr (Gorfodi Mesurau'r Gymuned) (Hysbysiadau Cosb) 2008 gan ddisodli hwnnw â chynllun sy'n gymwys i droseddau a grëir o dan ddeddfwriaeth ddomestig yn ogystal â'r rhai sy'n codi o ganlyniad i dorri cyfyngiad cymunedol gorfodadwy neu rywmedigaeth arall.

Mae'r Gorchymyn hwn yn darparu ar gyfer dyroddi hysbysiad cosb (erthygl 3), cynnwys hysbysiad o'r fath (erthygl 4), ac effaith a dull talu cosb (erthyglau 5 a 6). Mae'n gwneud darpariaeth hefyd ynglŷn â dyroddi hysbysiadau cosb i bersonau gwahanol am yr un drosedd sy'n codi o'r un set o amgylchiadau lle trinnir taliad gan un person fel pe bai'n daliad gan berson arall, os nad yw'r llall yn gwrthwynebu (erthygl 7). Darperir hefyd ar gyfer tynnu hysbysiad cosb yn ôl (erthygl 9).

Caiff meistr, perchennog neu siartrwr cwch pysgota sydd o'r tu allan i'r Deyrnas Unedig ac sydd wedi talu cosb wneud cais am gael ei roi ar brawf am y drosedd (erthygl 10), ac os felly trinnir yr hysbysiad cosb fel pe na bai wedi ei ddyroddi erioed ac ad-delir y gosb os ceir rhyddfarniad neu os rhoddir y gorau i'r achos llys perthynol. Os ceir collfarniad, trinnir yr hysbysiad cosb fel pe bai heb ei ddyroddi erioed hefyd, ond mae'n rhaid i'r gosb gael ei gosod tuag at dalu unrhyw ddirwy a roddir.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order creates a scheme for the issuing and payment of penalty notices for certain offences relating to sea fishing. It revokes the Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008 and replaces it with a scheme that applies to offences created under domestic legislation as well as those arising as a result of a breach of an enforceable community restriction or other obligation.

This Order provides for the issuing of a penalty notice (article 3), the content of such a notice (article 4), and the effect and method of paying a penalty (articles 5 and 6). It also makes provision for penalty notices to be issued to different persons for the same offence arising out of the same set of circumstances whereby payment by one person is treated as being payment by another, in the absence of objection from the other (article 7). Provision is also made for the withdrawal of a penalty notice (article 9).

A master, owner or charterer of a fishing boat that is from outside the United Kingdom and who has paid a penalty may request to be tried for the offence (article 10), in which case the penalty notice will be treated as never having been issued and the penalty will be repaid in the event of acquittal or discontinuance of the related court proceedings. In the event of conviction, the penalty notice will also be treated as never having been issued, but the penalty must be applied towards paying any fine imposed.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau 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 Lywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

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.

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**SEA FISHERIES, WALES**

**Gorchymyn Pysgota Môr  
(Hysbysiadau Cosb) (Cymru) 2019**

**The Sea Fishing (Penalty Notices)  
(Wales) Order 2019**

*Gwnaed* 20 Chwefror 2019

*Made* 20 February 2019

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 26 Chwefror 2019

*Laid before the National Assembly for Wales*  
26 February 2019

*Yn dod i rym* 22 Mawrth 2019

*Coming into force* 22 March 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 30(2) a (2ZA) o Ddeddf Pysgodfeydd 1981(1) a freiniwyd bellach ynddynt hwy(2) ac adrannau 294 a 316(1)(b) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(3), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by section 30(2) and (2ZA) of the Fisheries Act 1981(1) now vested in them(2) and sections 294 and 316(1)(b) of the Marine and Coastal Access Act 2009(3), make the following Order.

**Enwi, cychwyn a chymhwysu**

**Title, commencement and application**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) 2019.

1.—(1) The title of this Order is the Sea Fishing (Penalty Notices) (Wales) Order 2019.

(2) Daw'r Gorchymyn hwn i rym ar 22 Mawrth 2019.

(2) This Order comes into force on 22 March 2019.

(1) 1981 p. 29 ("Deddf 1981"); mewnosodwyd adran 30(2ZA) gan adran 293(3) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23). Gweler adran 30(3) i gael y diffiniad o "the Ministers".

(2) Cafodd swyddogaethau'r Gweinidogion o dan adran 30 o Ddeddf 1981, i'r graddau yr oeddent yn arferadwy o ran Cymru, eu trosglwyddo i Gynulliad Cenedlaethol Cymru a'u trosglwyddo wedyn o'r corff hwnnw i Weinidogion Cymru: gweler erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo a pharagraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32). Cafodd swyddogaethau'r Gweinidogion o dan adran 30 o Ddeddf 1981, i'r graddau yr oeddent yn arferadwy o ran parth Cymru, eu trosglwyddo i Weinidogion Cymru gan erthygl 4(1)(e) o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760). Cafodd y swyddogaethau hynny eu trosglwyddo ymhellach, ar sail gydredol, o ran cychod pysgota Cymru i tu hwnt i derfyn parth Cymru tua'r môr gan adran 59A o Ddeddf Llywodraeth Cymru 2006 a pharagraff 2(1) o Atodlen 3A iddi.

(3) 2009 p. 23.

(1) 1981 c. 29 ("the 1981 Act"); section 30(2ZA) was inserted by section 293(3) of the Marine and Coastal Access Act 2009 (c. 23). See section 30(3) for the definition of "the Ministers".

(2) The functions of the Ministers under section 30 of the 1981 Act, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and then transferred from that body to the Welsh Ministers: see article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order (S.I. 1999/672) and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). The functions of the Ministers under section 30 of the 1981 Act, so far as exercisable in relation to the Welsh zone, were transferred to the Welsh Ministers by article 4(1)(e) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760). Those functions were further transferred, on a concurrent basis, in relation to Welsh fishing boats beyond the seaward limit of the Welsh zone by section 59A of and paragraph 2(1) of Schedule 3A to the Government of Wales Act 2006.

(3) 2009 c. 23.

(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru, parth Cymru, a chychod pysgota Cymru ym mha le bynnag y bônt.

## Dehongli

### 2. Yn y Gorchymyn hwn—

ystyr “cosb” (“*penalty*”) yw'r swm a bennir mewn hysbysiad cosb;

ystyr “hysbysiad cosb” (“*penalty notice*”) yw hysbysiad sy'n cynnig y cyfle, drwy dalu swm penodedig yn unol â'r Gorchymyn hwn, i ymryddhau o fod yn agored i gollfarn am y drosedd cosb y mae'r hysbysiad yn ymwneud â hi;

ystyr “swyddog” (“*officer*”) yw swyddog gorfodi morol o fewn ystyr adran 235(1)(b) o Ddeddf y Môr a Mynediad i'r Arfordir 2009;

ystyr “trosedd cosb” (“*penalty offence*”) yw trosedd (heblaw trosedd sy'n ymwneud ag ymosod, rhwystro neu fethu cydymffurfio â gofyniad a osodwyd gan berson) a restrir yn yr Atodlen.

## Dyrodidi hysbysiad cosb

3.—(1) Pan fo gan swyddog reswm dros gredu bod person wedi cyflawni trosedd cosb, caiff y swyddog ddyrodidi hysbysiad cosb i'r person hwnnw am swm heb fod yn fwy na £10,000.

(2) Wrth benderfynu ar y gosb, rhaid i swyddog roi sylw i unrhyw ganllawiau a roddir gan Weinidogion Cymru ynghylch materion sydd i'w cymryd i ystyriaeth wrth wneud penderfyniad o'r fath.

(3) Mae hysbysiad cosb wedi ei ddyrodidi ar yr adeg yr anfonir ef drwy'r post neu y traddodir ef â llaw i'r person y mae'n ymwneud ag ef.

## Cynnwys hysbysiad cosb

4.—(1) Rhaid i hysbysiad cosb a ddyroddir o dan erthygl 3—

- (a) rhoi manylion y drosedd cosb;
- (b) datgan swm y gosb;
- (c) datgan yn ystod pa gyfnod, yn rhinwedd erthygl 5, na chychwynnir achos ynglŷn â'r drosedd;
- (d) datgan i ba berson ac ym mha gyfeiriad y gellir talu'r gosb; ac
- (e) datgan bod rhaid peidio â thalu ag arian parod.

(3) This Order applies in relation to Wales, the Welsh zone and Welsh fishing boats wherever they may be.

## Interpretation

### 2. In this Order—

“officer” (“*swyddog*”) means a marine enforcement officer within the meaning of section 235(1)(b) of the Marine and Coastal Access Act 2009;

“penalty” (“*cosb*”) means the amount specified in a penalty notice;

“penalty notice” (“*hysbysiad cosb*”) means a notice offering the opportunity, by payment of a specified amount in accordance with this Order, to discharge any liability to be convicted of the penalty offence to which the notice relates;

“penalty offence” (“*trosedd cosb*”) means an offence (other than one involving assault, obstruction or failure to comply with a requirement imposed by a person) listed in the Schedule.

## Issue of penalty notice

3.—(1) Where an officer has reason to believe that a person has committed a penalty offence, the officer may issue that person with a penalty notice for an amount not exceeding £10,000.

(2) In determining the penalty, an officer must have regard to any guidance given by the Welsh Ministers on matters to be taken into account when making such a determination.

(3) A penalty notice is issued at the time when it is sent by post or delivered by hand to the person to whom it relates.

## Content of penalty notice

4.—(1) A penalty notice issued under article 3 must—

- (a) give particulars of the penalty offence;
- (b) state the amount of the penalty;
- (c) state the period during which, by virtue of article 5, proceedings will not be taken for the offence;
- (d) state the person to whom, and the address at which, the penalty may be paid; and
- (e) state that payment must not be in cash.

## Cyfyngiad ar ddwyn achos am drosedd cosb

5.—(1) Pan fo hysbysiad cosb wedi ei roi i berson—

- (a) ni chaniateir dwyn achos yn erbyn y person hwnnw am y drosedd cosb y mae'r hysbysiad hwnnw'n ymwneud â hi cyn diwedd y cyfnod o 28 niwrnod sy'n dechrau ar y dyddiad y dyroddwyd yr hysbysiad; a
- (b) ni chaniateir collfarnu'r person hwnnw am y drosedd os telir y gosb cyn diwedd y cyfnod hwnnw.

(2) O ran paragraff (1)—

- (a) mae'n ddarostyngedig i erthygl 10; a
- (b) nid yw'n gymwys os tynnir yr hysbysiad cosb yn ôl yn unol ag erthygl 9.

## Talu'r gosb

6.—(1) Rhaid talu cosb i'r person a bennir yn yr hysbysiad cosb drwy ei hanfon drwy'r post neu drwy unrhyw ddull a bennir yn yr hysbysiad cosb.

(2) Ni chaniateir ei thalu ag arian parod.

## Trin taliad am un gosb fel taliad am gosbau cysylltiedig

7.—(1) Pan fo person ("A") yn talu'r gosb yn unol ag erthygl 6, rhaid i swyddog roi hysbysiad ("hysbysiad taliad tybiedig") ("*notice of deemed payment*") i bob person arall y dyroddwyd hysbysiad cosb gysylltiedig iddo.

(2) Mae hysbysiad cosb yn "hysbysiad cosb cysylltiedig" ("*connected penalty notice*") os yw'r drosedd cosb y mae'r hysbysiad hwnnw'n ymwneud â hi yr un fath â'r drosedd cosb y mae'r hysbysiad cosb a ddyroddwyd i A ac a dalwyd ganddo yn ymwneud ag ef, ac yn codi o'r un set o amgylchiadau â hi.

(3) Rhaid i hysbysiad taliad tybiedig—

- (a) cael ei anfon drwy'r post neu ei draddodi â llaw;
- (b) dangos bod A wedi talu'r gosb am hysbysiad cosb cysylltiedig A;
- (c) dangos y trinnir yr hysbysiad cosb a ddyroddwyd i dderbynnydd yr hysbysiad taliad tybiedig fel pe bai wedi ei dalu oni bai bod y person hwnnw'n rhoi hysbysiad ysgrifenedig yn dangos na ddylai gael ei drin felly ("hysbysiad gwrthwynebu" ("*notice of objection*")); a
- (d) datgan enw a chyfeiriad y person y mae'n rhaid rhoi unrhyw hysbysiad gwrthwynebu iddo.

## Restriction on proceedings for penalty offence

5.—(1) Where a person is issued with a penalty notice—

- (a) no proceedings may be brought against that person for the penalty offence to which that notice relates before the end of the period of 28 days beginning with the date on which that notice was issued; and
- (b) that person may not be convicted of the offence if the penalty is paid before the end of that period.

(2) Paragraph (1)—

- (a) is subject to article 10; and
- (b) does not apply if the penalty notice is withdrawn in accordance with article 9.

## Payment of penalty

6.—(1) Payment of a penalty must be made to the person specified in the penalty notice by sending it by post or by such method as may be specified in the notice.

(2) It may not be made in cash.

## Payment of one penalty treated as payment of connected penalties

7.—(1) Where a person ("A") pays the penalty in accordance with article 6, an officer must give a notice (a "notice of deemed payment" ("*hysbysiad taliad tybiedig*")) to all other persons who have been issued with a connected penalty notice.

(2) A penalty notice is a "connected penalty notice" ("*hysbysiad cosb cysylltiedig*") if the penalty offence to which that notice relates is the same as, and arises out of the same set of circumstances as, the penalty offence to which the penalty notice issued to, and paid by, A relates.

(3) A notice of deemed payment must—

- (a) be sent by post or delivered by hand;
- (b) indicate that A has paid the penalty for A's connected penalty notice;
- (c) indicate that the penalty notice issued to the recipient of the notice of deemed payment will be treated as having been paid unless that person gives written notice indicating that it should not be so treated (a "notice of objection" ("*hysbysiad gwrthwynebu*")); and
- (d) state the name and address of the person to whom any notice of objection must be given.

(4) Rhaid i hysbysiad gwrthwynebu gael ei anfon drwy'r post neu ei draddodi â llaw i'r person a ddatgenir ym mharagraff (3)(d) o fewn—

- (a) 28 niwrnod yn dechrau â'r dyddiad y dyroddwyd yr hysbysiad cosb; neu
- (b) os yw'n hwyrach, 5 niwrnod yn dechrau â'r dyddiad y rhoddwyd yr hysbysiad taliad tybiedig.

(5) Os na roddir hysbysiad gwrthwynebu yn unol â'r erthygl hon, mae'r hysbysiad cosb a ddyroddwyd i berson y rhoddwyd hysbysiad taliad tybiedig iddo i'w drin fel pe bai wedi ei dalu.

### **Tystysgrif bod hysbysiad cosb wedi ei dalu neu heb ei dalu**

8. Mewn unrhyw achos mae tystysgrif yr honnir ei bod wedi ei llofnodi gan Weinidogion Cymru neu ar eu rhan ac sy'n dweud bod taliad ar gyfer hysbysiad cosb wedi dod i law neu heb ddod i law ar neu cyn dyddiad a bennir yn y dystysgrif yn dystiolaeth o'r ffeithiau a ddatgenir.

### **Tynnu hysbysiad cosb yn ôl**

9.—(1) Caniateir i hysbysiad cosb gael ei dynnu'n ôl gan swyddog y mae ganddo reswm dros gredu na ddylai fod wedi ei ddyroddi (ynteu i'r person a enwyd yn yr hysbysiad cosb neu fel arall).

(2) Caniateir i hysbysiad cosb gael ei dynnu'n ôl cyn i'r gosb gael ei thalu neu ar ôl i'r gosb gael ei thalu.

(3) Os tynnir hysbysiad cosb yn ôl rhaid i unrhyw gosb a dalwyd gael ei had-dalu.

### **Cychwyn achos ar ôl i gosb gael ei thalu mewn perthynas â chychod pysgota o'r tu allan i'r Deyrnas Unedig**

10.—(1) Mae'r erthygl hon yn gymwys o ran hysbysiad cosb a ddyroddir i feistr, perchennog neu siartrwr cwch pysgota heblaw cwch pysgota o'r Alban, Cymru, Gogledd Iwerddon neu Loegr.

(2) Pan fo person sydd wedi cael hysbysiad cosb wedi talu'r gosb, caiff y person hwnnw roi hysbysiad ysgrifenedig yn gofyn i achos gael ei ddwyn ynglŷn â'r drosedd cosb y mae'r hysbysiad cosb yn ymwneud â hi.

(3) Rhaid i'r hysbysiad hwn—

- (a) nodi bod y person sy'n rhoi'r hysbysiad yn dymuno i achos gael ei ddwyn ynglŷn â'r drosedd cosb y mae'r hysbysiad cosb yn ymwneud â hi; a

(4) A notice of objection must be sent by post or delivered by hand to the person stated in paragraph (3)(d) within—

- (a) 28 days beginning with the date on which the penalty notice was issued; or
- (b) if later, 5 days beginning with the date on which the notice of deemed payment was given.

(5) If no notice of objection is given in accordance with this article, the penalty notice issued to a person who has been given a notice of deemed payment is to be treated as having been paid.

### **Certificate of payment or non-payment of penalty notice**

8. In any proceedings a certificate purporting to be signed by or on behalf of the Welsh Ministers stating that payment in respect of a penalty notice was or was not received on or before a date specified in the certificate is evidence of the facts stated.

### **Withdrawal of penalty notices**

9.—(1) A penalty notice may be withdrawn by an officer who has reason to believe that it ought not to have been issued (whether to the person named in the penalty notice or otherwise).

(2) A penalty notice may be withdrawn before or after payment of the penalty.

(3) If a penalty notice is withdrawn any penalty paid must be repaid.

### **Commencement of proceedings after payment of penalty in relation to fishing boats from outside the United Kingdom**

10.—(1) This article applies in relation to a penalty notice issued to the master, owner or charterer of a fishing boat other than an English, Northern Ireland, Scottish or Welsh fishing boat.

(2) Where a person in receipt of a penalty notice has paid the penalty, that person may give written notice requesting that proceedings be brought for the penalty offence to which the penalty notice relates.

(3) Such notice must—

- (a) indicate that the person giving the notice wishes proceedings to be brought for the penalty offence to which the penalty notice relates; and



(b) cael ei roi heb fod yn hwyrach na diwedd y cyfnod o 28 niwrnod yn dechrau â'r dyddiad y dyroddwyd yr hysbysiad cosb.

(4) Pan fo hysbysiad o'r fath wedi ei roi gan berson, caniateir i achos gael ei ddwyn yn erbyn y person hwnnw.

(5) Pan roddir y gorau i achos o'r fath neu pan ryddfennir y person o'r drosedd, mae'r hysbysiad cosb i'w drin fel pe bai heb gael ei ddyroddi erioed a rhaid i unrhyw gosb a dalwyd gael ei had-dalu.

(6) Pan gollfennir person o'r drosedd, mae'r hysbysiad cosb i'w drin fel pe bai heb gael ei ddyroddi erioed ac mae paragraff (7) neu (8) yn gymwys fel y bo'n briodol.

(7) Os gosodir dirwy ar y person ynglŷn â'r drosedd cosb, rhaid i swyddog—

(a) gymhwyso hynny o'r gosb nad yw'n fwy na swm y ddirwy i dalu'r ddirwy neu tuag at dalu'r ddirwy; a

(b) ad-dalu hynny o'r gosb sy'n fwy na swm y ddirwy.

(8) Os na osodir dirwy ar y person ynglŷn â'r drosedd cosb, rhaid i unrhyw gosb a dalwyd gael ei had-dalu.

### **Darpariaeth drosiannol**

**11.**—(1) Mae'r erthygl hon yn gymwys—

(a) pan fo hysbysiad cosb wedi ei ddyroddi i berson o dan Orchymyn Pysgota Môr (Gorfodi Mesurau'r Gymuned) (Hysbysiadau Cosb) 2008(1); a

(b) pan nad yw'r gosb wedi ei thalu yn unol ag erthygl 6, ac nad yw'r hysbysiad cosb wedi ei dynnu'n ôl o dan erthygl 9 o'r Gorchymyn hwnnw.

(2) Bernir bod yr hysbysiad cosb wedi ei ddyroddi o dan y Gorchymyn hwn.

### **Dirymu**

**12.** Dirymir Gorchymyn Pysgota Môr (Gorfodi Mesurau'r Gymuned) (Hysbysiadau Cosb) 2008.

(b) be given no later than the end of the period of 28 days beginning with the date on which the penalty notice was issued.

(4) Where a person has given such notice, proceedings may be brought against that person.

(5) Where such proceedings are discontinued or the person is acquitted of the offence, the penalty notice is to be treated as never having been issued and any penalty paid must be repaid.

(6) Where a person is convicted of the offence, the penalty notice is to be treated as never having been issued and paragraph (7) or (8) applies as appropriate.

(7) If a fine is imposed on the person in respect of the penalty offence an officer must—

(a) apply so much of the penalty as does not exceed the amount of the fine in or towards payment of the fine; and

(b) repay any amount of the penalty in excess of the amount of the fine.

(8) If no fine is imposed on the person in respect of the penalty offence, any penalty paid must be repaid.

### **Transitional provision**

**11.**—(1) This article applies where—

(a) a person has been issued with a penalty notice under the Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008(1); and

(b) the penalty has not been paid in accordance with article 6, nor has the penalty notice been withdrawn under article 9 of that Order.

(2) The penalty notice is deemed to have been issued under this Order.

### **Revocation**

**12.** The Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008 is revoked.

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,  
un o Weinidogion Cymru  
20 Chwefror 2019

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
20 February 2019

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(1) O.S. 2008/984.

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(1) S.I. 2008/984.

## Troseddau sy'n ymwneud â physgota môr

## Offences relating to sea fishing

1. Yn Neddf Pysgodfeydd Môr (Pysgod Cregyn) 1967(1), trosedd o dan—

- (a) adran 3 (effaith rhoi hawl i reoleiddio pysgodfa);
- (b) adran 7 (amddiffyn pysgodfeydd);
- (c) adran 14 (darpariaethau atodol o ran gorchmynion o dan adrannau 12 a 13);
- (d) adran 16 (peidio â gwerthu wystrys rhwng dyddiadau penodol);
- (e) adran 17 (gwahardd cymryd a gwerthu crancod a chimychiaid penodol).

2. Yn Neddf Pysgod Môr (Cadwraeth) 1967(2), trosedd o dan—

- (a) adran 1 (cyfyngiadau maint, etc i bysgod);
- (b) adran 2 (cyfyngiadau maint i bysgod i'w defnyddio yng nghwrs unrhyw fusnes);

1. In the Sea Fisheries (Shellfish) Act 1967(1), an offence under—

- (a) section 3 (effect of grant of right of regulating a fishery);
- (b) section 7 (protection of fisheries);
- (c) section 14 (supplementary provisions as to orders under sections 12 and 13);
- (d) section 16 (oysters not to be sold between certain dates);
- (e) section 17 (taking and sale of certain crabs and lobsters prohibited).

2. In the Sea Fish (Conservation) Act 1967(2), an offence under—

- (a) section 1 (size limits, etc for fish);
- (b) section 2 (size limits for fish for use in course of any business);

(1) 1967 p. 83; diwygiwyd adran 3 gan adrannau 204, 206 a 207 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, adran 72 o Ddeddf yr Amgylchedd (Cymru) 2016 (dccc 3) ac O.S. 2015/664. Diwygiwyd adran 7 gan adrannau 210 a 211 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, adran 2 o Ddeddf Gwerthu Nwyddau (Diwygio) 1994 (p. 32), ac O.S. 2015/664. Diwygiwyd adran 14 gan adrannau 35, 37, 38 a 46 o Ddeddf Cyfiawnder Troseddol 1982 (p. 48), Atodlen 8 i Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 (p. 33), ac adran 6 o Ddeddf Clefydau Pysgod 1983 (p. 30). Diwygiwyd adran 16 gan adrannau 35, 37, 38 a 46 o Ddeddf Cyfiawnder Troseddol 1982, Atodlen 8 i Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994 ac adran 1 o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1973 (p. 30). Diwygiwyd adran 17 gan adrannau 212 a 213 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, adrannau 35, 37, 38 a 46 o Ddeddf Cyfiawnder Troseddol 1982, ac Atodlen 8 i Ddeddf Cyfiawnder Troseddol a Threfn Gyhoeddus 1994.

(2) 1967 p. 84; amnewidiwyd adran 1 gan adran 19 o Ddeddf Pysgodfeydd 1981 (p. 29) a'i diwygio gan adran 314 o Ddeddf Llongau Masnach 1995 (p. 21) a pharagraff 38 o Atodlen 13 iddi, adran 194 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, O.S. 1999/1820 ac O.S. 2010/760. Diwygiwyd adran 2 gan adran 19 o Ddeddf Pysgodfeydd 1981 ac O.S. 1999/1820. Diwygiwyd adran 3 gan adran 195 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, paragraff 7 o Atodlen 14 iddi, paragraff 2 o Atodlen 15 a Rhan 4 o Atodlen 22 iddi, Atodlen 2 i Ddeddf Terfynau Pysgodfeydd 1976 (p. 83) ac O.S. 1999/1820. Amnewidiwyd adran 4 gan adran 3 o Ddeddf Terfynau Pysgodfeydd 1976 a'i diwygio gan adran 20 o Ddeddf Pysgodfeydd 1981, adran 1 o Ddeddf Pysgod Môr (Cadwraeth) 1992 (p. 60), adrannau 4, 196 a 197 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 ac O.S. 1999/1820. Mewnosodwyd adran 4A gan adran 21 o Ddeddf Pysgodfeydd 1981 a'i diwygio gan adran 3 o Ddeddf Pysgod Môr (Cadwraeth) 1992, adran 6 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 ac O.S. 1999/1820. Diwygiwyd adran 5 gan adran 22 o Ddeddf Pysgodfeydd 1981, adran 198 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 a pharagraff 3 o Atodlen 15 iddi, paragraff 38 o Atodlen 13 i Ddeddf Llongau Masnach 1995, O.S. 1999/1820 ac O.S. 2010/760. Diwygiwyd adran 6 gan adran 23 o Ddeddf Pysgodfeydd 1981 ac O.S. 1999/1820. Diwygiwyd adran 8 gan O.S. 1999/1820.

(1) 1967 c. 83; Section 3 was amended by sections 204, 206 and 207 of the Marine and Coastal Access Act 2009, section 72 of the Environment (Wales) Act 2016 (anaw 3) and S.I. 2015/664. Section 7 was amended by sections 210 and 211 of the Marine and Coastal Access Act 2009, section 2 of the Sale of Goods (Amendment) Act 1994 (c. 32), and S.I. 2015/664. Section 14 was amended by section 35, 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), Schedule 8 to the Criminal Justice and Public Order Act 1994 (c. 33), and section 6 of the Diseases of Fish Act 1983 (c. 30). Section 16 was amended by sections 35, 37, 38 and 46 of the Criminal Justice Act 1982, Schedule 8 to the Criminal Justice and Public Order Act 1994 and section 1 of the Sea Fisheries (Shellfish) Act 1973 (c. 30). Section 17 was amended by section 212 and 213 of the Marine and Coastal Access Act 2009, sections 35, 37, 38 and 46 of the Criminal Justice Act 1982, and Schedule 8 to the Criminal Justice and Public Order Act 1994.

(2) 1967 c. 84; Section 1 was substituted by section 19 of the Fisheries Act 1981 (c. 29) and amended by section 314 and paragraph 38 of Schedule 13 to the Merchant Shipping Act 1995 (c. 21), section 194 of the Marine and Coastal Access Act 2009, S.I. 1999/1820 and S.I. 2010/760. Section 2 was amended by section 19 of the Fisheries Act 1981 and S.I. 1999/1820. Section 3 was amended by section 195, paragraph 7 of Schedule 14, paragraph 2 of Schedule 15 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009, Schedule 2 to the Fishery Limits Act 1976 (c. 83) and S. I. 1999/1820. Section 4 was substituted by section 3 of the Fishery Limits Act 1976 and amended by section 20 of the Fisheries Act 1981, section 1 of the Sea Fish (Conservation) Act 1992 (c.60), sections 4, 196 and 197 of the Marine and Coastal Access Act 2009 and S.I. 1999/1820. Section 4A was inserted by section 21 of the Fisheries Act 1981 and amended by section 3 of the Sea Fish (Conservation) Act 1992, section 6 of the Marine and Coastal Access Act 2009 and S.I. 1999/1820. Section 5 was amended by section 22 of the Fisheries Act 1981, section 198 and paragraph 3 of Schedule 15 to the Marine and Coastal Access Act 2009, paragraph 38 of Schedule 13 to the Merchant Shipping Act 1995, S.I. 1999/1820 and S.I. 2010/760. Section 6 was amended by section 23 of the Fisheries Act 1981 and S.I. 1999/1820. Section 8 was amended by S.I. 1999/1820.



- (c) adran 3 (rheoleiddio rhwydi ac offer pysgota arall);
- (d) adran 4 (trwyddedu cychod pysgota);
- (e) adran 4A (trwyddedu llestri sy'n derbyn pysgod wedi'u trawslwytho);
- (f) adran 5 (pŵer i gyfyngu pysgota am bysgod môr);
- (g) adran 6 (gwahardd glanio pysgod môr a ddaliwyd mewn mannau penodol);
- (h) adran 8 (rheoleiddio glanio pysgod môr wedi'u dal gan gychod tramor).

3. Trosedd o dan adran 5 o Ddeddf Pysgodfeydd Môr 1968(1) (rheoleiddio cynnal gweithrediadau pysgota).

4. Trosedd o dan adran 2 o Ddeddf Terfynau Pysgodfeydd 1976(2) (mynediad i bysgodfeydd Prydain).

5. Trosedd o dan adran 30 o Ddeddf Pysgodfeydd 1981(3) (gorfodi rheolau'r Gymuned).

6. Trosedd o dan adran 190 o Ddeddf y Môr a Mynediad i'r Arfordir 2009(4) (troseddau).

7. Trosedd o dan reoliadau 3 i 11 o Reoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006(5).

8. Trosedd o dan erthygl 9 o Orchymyn Pysgota Môr (Pysgota Anghyfreithlon, Heb Roi Gwybod Amdano a Heb ei Reoleiddio) 2009(6).

9. Yn yr Atodlen hon, mae cyfeiriad at adran yn cynnwys is-ddeddfwriaeth a wneir o dan yr adran honno.

- (c) section 3 (regulation of nets and other fishing gear);
- (d) section 4 (licensing of fishing boats);
- (e) section 4A (licensing of vessels receiving trans-shipped fish);
- (f) section 5 (power to restrict fishing for sea fish);
- (g) section 6 (prohibition on landing of sea fish caught in certain areas);
- (h) section 8 (regulation of landing of foreign-caught sea fish).

3. An offence under section 5 of the Sea Fisheries Act 1968(1) (regulation of conduct of fishing operations).

4. An offence under section 2 of the Fishery Limits Act 1976(2) (access to British fisheries).

5. An offence under section 30 of the Fisheries Act 1981(3) (enforcement of Community rules).

6. An offence under section 190 of the Marine and Coastal Access Act 2009(4) (offences).

7. An offence under regulations 3 to 11 of the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006(5).

8. An offence under article 9 of the Sea Fishing (Illegal, Unreported and Unregulated Fishing) Order 2009(6).

9. In this Schedule, reference to a section includes subordinate legislation made under that section.

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- (1) 1968 p.77; diwygiwyd adran 5 gan adran 4 o Ddeddf Terfynau Pysgodfeydd 1976, a pharagraff 3 o Atodlen 1 a pharagraff 17 o Atodlen 2 iddi, adran 24 o Ddeddf Pysgodfeydd 1981 ac O.S. 1999/1820.
- (2) Diwygiwyd adran 2 gan O.S. 1999/1820 ac O.S. 2015/664.
- (3) Diwygiwyd adran 30 gan adran 293 o Ddeddf y Môr a Mynediad i'r Arfordir 2009, O.S. 2011/1043 ac O.S. 1999/1820.
- (4) Diwygiwyd adran 190 gan O.S. 2015/664.
- (5) O.S. 2006/1495.
- (6) O.S. 2009/3391.

- (1) 1968 c.77; section 5 was amended by section 4 of, and paragraph 3 of Schedule 1 and paragraph 17 of Schedule 2 to the Fishery Limits Act 1976, section 24 of the Fisheries Act 1981 and S.I. 1999/1820.
- (2) Section 2 was amended by S.I. 1999/1820 and S.I. 2015/664.
- (3) Section 30 was amended by section 293 of the Marine and Coastal Access Act 2009, S.I. 2011/1043 and S.I. 1999/1820.
- (4) Section 190 was amended by S.I. 2015/664.
- (5) S. I. 2006/1495.
- (6) S. I. 2009/3391.





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