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WELSH STATUTORY  
INSTRUMENTS

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**2019 Rhif 602 (Cy. 127)**

**2019 No. 602 (W. 127)**

**PYSGODFEYDD MÔR,  
CYMRU**

**SEA FISHERIES, WALES**

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

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

**NODYN ESBONIADOL**

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

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) 2019 (O.S. 2019/363 (Cy. 86)) er mwyn cywiro gwall sy'n ymwneud â chymhwyso'r offeryn hwnnw.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

**EXPLANATORY NOTE**

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

This Order amends the Sea Fishing (Penalty Notices) (Wales) Order 2019 (S.I. 2019/363 (W. 86)) so as to correct an error relating to the application of that instrument.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

**2019 Rhif 602 (Cy. 127)**

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**PYSGODFEYDD MÔR,  
CYMRU**

**SEA FISHERIES, WALES**

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

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

*Gwnaed* 18 Mawrth 2019  
*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 19 Mawrth 2019  
*Yn dod i rym* 21 Mawrth 2019

*Made* 18 March 2019  
*Laid before the National Assembly for Wales*  
19 March 2019  
*Coming into force* 21 March 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 30(2) 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) 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, cymhwyso, dehongli a chychwyn**

**Title, application, interpretation and commencement**

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

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

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

(2) This Order applies in relation to Wales and the Welsh zone.

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(1) 1981 p. 29 (“Deddf 1981”); *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 Weiniogion 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 Weiniogion 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 y 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; *gweler* adran 294(8) i gael y diffiniad o “the appropriate national authority”.

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(1) 1981 c. 29 (“the 1981 Act”); *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 1999 (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; *see* section 294(8) for the definition of “the appropriate national authority”.

(3) Yn y Gorchymyn hwn, mae i “Cymru” yr ystyr a roddir i “Wales” ac mae i “parth Cymru” yr ystyr a roddir i “Welsh zone” gan adran 158(1) o Ddeddf Llywodraeth Cymru 2006(1).

(4) Daw'r Gorchymyn hwn i rym ar 21 Mawrth 2019.

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

2.—(1) Mae Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) 2019(2) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 1 (enwi, cychwyn a chymhwys), yn lle paragraff (3) rhodder—

“(3) Mae'r Gorchymyn hwn yn gymwys o ran Cymru a pharth Cymru.”

(3) Yn erthygl 2 (dehongli), yn y manau priodol, mewnosoder—

“mae i “Cymru” yr un ystyr ag a roddir i “Wales” yn adran 158(1) o Ddeddf Llywodraeth Cymru 2006;”;

“mae i “parth Cymru” yr un ystyr ag a roddir i “the Welsh zone” yn adran 158(1) o Ddeddf Llywodraeth Cymru 2006;”.

(3) In this Order, “Wales” (“*Cymru*”) and “the Welsh zone” (“*parth Cymru*”) have the meanings given by section 158(1) of the Government of Wales Act 2006(1).

(4) This Order comes into force on 21 March 2019.

### **Amendment of the Sea Fishing (Penalty Notices) (Wales) Order 2019**

2.—(1) The Sea Fishing (Penalty Notices) (Wales) Order 2019(2) is amended as follows.

(2) In article 1 (title, commencement, and application), for paragraph (3) substitute—

“(3) This Order applies in relation to Wales and the Welsh zone.”

(3) In article 2 (interpretation), in the appropriate places, insert—

““Wales” (“*Cymru*”) has the same meaning as in section 158(1) of the Government of Wales Act 2006;”;

““the Welsh zone” (“*parth Cymru*”) has the same meaning as in section 158(1) of the Government of Wales Act 2006.”

*Lesley Griffiths*

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,  
un o Weinidogion Cymru  
18 Mawrth 2019

Minister for Environment, Energy and Rural Affairs,  
one of the Welsh Ministers  
18 March 2019

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(1) 2006 p. 32; mae diwygiadau i adran 158 nad ydynt yn berthnasol i'r diffiniad hwn. At ddibenion y diffiniad o “Wales” yn adran 158(1), y ffin rhwng y rhannau hynny o'r môr o fewn Aberoedd Hafren a Dyfrdwy sydd i'w trin fel rhai sy'n gyfagos i Gymru a'r rhai nad ydynt i'w trin felly yw, ym mhob achos, linell a dynnir rhwng y cyfesurynnau a nodir yn Atodlen 3 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006, a pharagraff 26 o Atodlen 11 iddi, mae O.S. 1999/672 yn parhau i gael effaith. Mewnosodwyd y diffiniad o “Welsh zone” yn adran 158(1) gan adran 43(2) o Ddeddf y Môr a Mynediad i'r Arfordir 2009. Pennir parth Cymru yng Ngorchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010.

(2) O.S. 2019/363 (Cy. 86).

(1) 2006 c. 32; there are amendments to section 158 which are not relevant to this definition. For the purposes of the definition of “Wales” in section 158(1), the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not are, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of, and paragraph 26 of Schedule 11 to, the Government of Wales Act 2006, S.I. 1999/672 continues to have effect. The definition of “Welsh zone” in section 158(1) was inserted by section 43(2) of the Marine and Coastal Access Act 2009. The Welsh zone is specified in the Welsh Zone (Boundaries and Transfer of Functions) Order 2010.

(2) S.I. 2019/363 (W. 86).

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