OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2021 Rhif 368 (Cy. 113)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) (Diwygio) 2021

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) ("Gorchymyn 2019") o ganlyniad i ddiwygiadau a wnaed gan Ddeddf Pysgodfeydd 2020 (p. 22) ("Deddf 2020").

Mae Gorchymyn 2019 yn creu cynllun ar gyfer dyroddi a thalu hysbysiadau cosb ynglŷn â throseddau penodol yn ymwneud â physgota môr ("troseddau cosb").

Mae Deddf 2020 yn gwneud darpariaeth ar gyfer mynediad llestrau tramor i bysgodfeydd yng Nghymru ac ym mharth Cymru, ac ar gyfer trwyddedu llestrau pysgota gan Weinidogion Cymru. Mae hefyd yn dirymu darpariaethau mewn deddfwriaeth arall a oedd yn llywodraethu'r materion hynny. Mae'r Gorchymyn hwn felly yn diweddaru'r rhestr o droseddau cosb sydd wedi ei chynnwys yng Ngorchymyn 2019 drwy ddileu cyfeiriadau at ddarpariaethau trosedd sydd wedi eu dirymu gan ddarpariaethau yn Neddf 2020 a chynnwys cyfeiriadau at y darpariaethau newydd perthnasol.

Mae Deddf 2020 hefyd yn darparu pwerau i Weinidogion Cymru i wneud gorchmynion sy'n ymwneud â manteisio ar adnoddau pysgodfeydd môr ac mae'n darparu ei bod yn drosedd torri'r gorchmynion hynny. Mae'r Gorchymyn hwn felly yn ychwanegu'r drosedd honno at y rhestr o droseddau cosb a bennir yng Ngorchymyn 2019.

2021 No. 368 (W. 113)

SEA FISHERIES, WALES

The Sea Fishing (Penalty Notices) (Wales) (Amendment) Order 2021

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) ("the 2019 Order") in consequence of amendments made by the Fisheries Act 2020 (c. 22) ("the 2020 Act").

The 2019 Order creates a scheme for the issuing and payment of penalty notices for specified offences related to sea fishing ("penalty offences").

The 2020 Act makes provision for access of foreign vessels to fisheries in Wales and the Welsh zone, and for the licensing of fishing vessels by the Welsh Ministers. It also revokes provisions in other legislation which governed those matters. This Order therefore updates the list of penalty offences contained in the 2019 Order by removing references to offence provisions which have been revoked by provisions in the 2020 Act and including references to the relevant new provisions.

The 2020 Act also provides the Welsh Ministers with powers to make orders relating to the exploitation of sea fisheries resources and provides that a breach of those orders is an offence. This Order therefore adds that offence to the list of penalty offences specified in the 2019 Order.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

The Welsh Minister's 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.

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 368 (Cy. 113)

PYSGODFEYDD MÔR, CYMRU

Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) (Diwygio) 2021

Gwnaed	*22 Mawrth 2021*
Gosodwyd gerbron Senedd Cymru	*23 Mawrth 2021*
Yn dod i rym	*14 Ebrill 2021*

Mae Gweinidogion Cymru, drwy arfer y pŵer a roddir gan adran 294(1) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(**1**), yn gwneud y Gorchymyn a ganlyn.

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgota Môr (Hysbysiadau Cosb) (Cymru) (Diwygio) 2021.

(2) Daw'r Gorchymyn hwn i rym ar 14 Ebrill 2021.

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 yr Atodlen (troseddau sy'n ymwneud â physgota môr)—

(a) ym mharagraff 2, hepgorer is-baragraff (d);

(b) hepgorer paragraff 4;

(c) yn lle paragraff 6 rhodder—

(**1**) 2009 p. 23; gweler adran 294(8) am y diffiniad o "appropriate national authority".

(**2**) O.S. 2019/363 (Cy. 86), a ddiwygiwyd gan O.S. 2019/602 (Cy. 127).

WELSH STATUTORY INSTRUMENTS

2021 No. 368 (W. 113)

SEA FISHERIES, WALES

The Sea Fishing (Penalty Notices) (Wales) (Amendment) Order 2021

Made	*22 March 2021*
Laid before Senedd Cymru	*23 March 2021*
Coming into force	*14 April 2021*

The Welsh Ministers, in exercise of the power conferred by section 294(1) of the Marine and Coastal Access Act 2009(**1**), make the following Order.

Title and commencement

1.—(1) The title of this Order is the Sea Fishing (Penalty Notices) (Wales) (Amendment) Order 2021.

(2) This Order comes into force on 14 April 2021.

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 the Schedule (offences related to sea fishing)—

(a) in paragraph 2, omit sub-paragraph (d);

(b) omit paragraph 4;

(c) for paragraph 6 substitute—

(**1**) 2009 c. 23; see section 294(8) for the definition of "appropriate national authority".

(**2**) S.I. 2019/363 (W. 86), amended by S.I. 2019/602 (W. 127).

"**6.** Yn Neddf y Môr a Mynediad i'r Arfordir 2009, trosedd o dan—

(a) adran 139(1)(b) (y drosedd o dorri is-ddeddfau neu orchmynion)(**1**), i'r graddau y mae'n ymwneud ag unrhyw orchymyn a wneir o dan—

(i) adran 134A (gorchmynion sy'n ymwneud â manteisio ar adnoddau pysgodfeydd môr: Cymru)(**2**);

(ii) adran 134B (gorchmynion sy'n ymwneud â manteisio ar adnoddau pysgodfeydd môr: rhanbarth môr mawr Cymru)(**3**);

(iii) adran 136(1A) (gorchmynion interim)(**4**);

(b) adran 190 (troseddau)(**5**).";

(d) ar ôl paragraff 8 mewnosoder—

"**8A.** Yn Neddf Pysgodfeydd 2020(**6**), trosedd o dan—

(a) adran 12(3) (mynediad i bysgodfeydd Prydain gan gychod pysgota tramor);

(b) adran 14(6) (cychod pysgota Prydeinig y mae'n ofynnol iddynt fod wedi eu trwyddedu);

(c) adran 16(6) (cychod pysgota tramor y mae'n ofynnol iddynt fod wedi eu trwyddedu os ydynt o fewn terfynau pysgodfeydd Prydain);

(d) paragraff 1(4) o Atodlen 3 (pŵer i osod amodau ynghlwm wrth drwydded pysgota môr)."

"**6.** In the Marine and Coastal Access Act 2009, an offence under—

(a) section 139(1)(b) (offence of contravening byelaws or orders)(**1**), in so far as it relates to any order made under—

(i) section 134A (orders relating to exploitation of sea fisheries resources: Wales)(**2**);

(ii) section 134B (orders relating to exploitation of sea fisheries resources: Welsh offshore region)(**3**);

(iii) section 136(1A) (interim orders)(**4**);

(b) section 190 (offences)(**5**).";

(d) after paragraph 8 insert—

"**8A.** In the Fisheries Act 2020(**6**), an offence under—

(a) section 12(3) (access to British fisheries by foreign fishing boats);

(b) section 14(6) (British fishing boats required to be licensed);

(c) section 16(6) (foreign fishing boats required to be licensed if within British fishery limits);

(d) paragraph 1(4) of Schedule 3 (power to attach conditions to sea fishing licence)."

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
22 Mawrth 2021

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
22 March 2021

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(**1**) Diwygiwyd adran 139(1)(b) gan baragraff 23(2)(b) o Atodlen 10 i Ddeddf Pysgodfeydd 2020 (p. 22) ("Deddf 2020").
(**2**) Mewnosodwyd adran 134A gan baragraff 17 o Atodlen 10 i Ddeddf 2020.
(**3**) Mewnosodwyd adran 134B gan baragraff 17 o Atodlen 10 i Ddeddf 2020.
(**4**) Mewnosodwyd adran 136(1A) gan baragraff 19(2) o Atodlen 10 i Ddeddf 2020.
(**5**) Diwygiwyd adran 190 gan O.S. 2015/664.
(**6**) 2020 p. 22.

(**1**) Section 139(1)(b) was amended by paragraph 23(2)(b) of Schedule 10 to the Fisheries Act 2020 (c. 22) ("the 2020 Act").
(**2**) Section 134A was inserted by paragraph 17 of Schedule 10 to the 2020 Act.
(**3**) Section 134B was inserted by paragraph 17 of Schedule 10 to the 2020 Act.
(**4**) Section 136(1A) was inserted by paragraph 19(2) of Schedule 10 to the 2020 Act.
(**5**) Section 190 was amended by S.I. 2015/664.
(**6**) 2020 c. 22.

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