



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 1410 (Cy.125)

2010 No. 1410 (W.125)

**PYSGODFEYDD MÔR,
CYMRU**

**SEA FISHERIES,
WALES**

Gorchymyn Deddf y Môr a
Mynediad i'r Arfordir 2009
(Darpariaethau Canlyniadol)
(Cymru) 2010

The Marine and Coastal Access
Act 2009 (Consequential
Provisions) (Wales) Order 2010

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Deddf Pysgodfeydd 1981 (p.29) ("Deddf 1981") o ganlyniad i ddiddymu Deddf Rheoleiddio Pysgodfeydd Môr 1966 (p.38) ("Deddf 1966") gan adran 187 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p.23) ("Deddf 2009").

This Order amends the Fisheries Act 1981 (c.29) ("the 1981 Act") in consequence of the repeal of the Sea Fisheries Regulation Act 1966 (c.38) ("the 1966 Act") by section 187 of the Marine and Coastal Access Act 2009 (c.23) ("the 2009 Act").

Mae'r Gorchymyn yn mewnosod paragraff newydd 17C i Ran 1 o Atodlen 4 i Ddeddf 1981. Effaith y ddarpariaeth hon yw na fydd person yn euog o dramgwydd o dan adran 190 o Ddeddf 2009 (mynd yn groes i orchymyn a wnaed gan Weinidogion Cymru o ran pysgodfeydd yng Nghymru) oherwydd unrhyw beth y mae'r person hwnnw yn ei wneud wrth ffermio pysgod os yw'r peth hwnnw yn cael ei wneud neu yn cael ei hepgor o dan awdurdod esemptiad a roddwyd gan Weinidogion Cymru ac yn unol ag unrhyw amodau sydd ynghlwm wrth yr esemptiad (gweler adran 33(1) o Ddeddf 1981).

The Order inserts a new paragraph 17C into Part 1 of Schedule 4 to the 1981 Act. The effect of this provision is that a person will not be guilty of an offence under section 190 of the 2009 Act (contravention of an order made by the Welsh Ministers in relation to fisheries in Wales) by reason of anything done by that person in the course of fish farming if it is done or omitted under the authority of an exemption conferred by the Welsh Ministers and in accordance with any conditions attached to the exemption (see section 33(1) of the 1981 Act).

Diddymwyd paragraff 10 o Ran 1 o Atodlen 4 i Ddeddf 1981 gan Ran 4 o Atodlen 22 i Ddeddf 2009. Effaith y ddarpariaeth hon oedd na fuasai person yn euog o dramgwydd, sef mynd yn groes i is-ddeddf a wnaed o dan adran 5 o Ddeddf Rheoleiddio Pysgodfeydd Môr 1966 (is-ddeddfau i reoleiddio pysgota yn y môr) oherwydd unrhyw beth a wnaed gan y person hwnnw wrth ffermio pysgod, yn ddarostyngedig i'r un amodau a ddisgrifir uchod o ran paragraff newydd 17C o Ran 1 o Atodlen 4 i Ddeddf 1981.

Paragraph 10 of Part 1 of Schedule 4 to the 1981 Act was repealed by Part 4 of Schedule 22 to the 2009 Act. This provision had the effect that a person would not have been guilty of an offence consisting of a contravention of a bye-law made under section 5 of the Sea Fisheries Regulation Act 1966 (byelaws for the regulation of sea fishing) by reason of anything done by that person in the course of fish farming, subject to the same conditions described above in relation to the new paragraph 17C of Part 1 of Schedule 4 to the 1981 Act.

Mae'r tramgwydd o dan adran 190 o Ddeddf 2009 yn disodli, o ran Cymru, y tramgwydd o dan Ddeddf 1966 o fynd yn groes i is-ddeddfau o dan adran 5 o'r Ddeddf honno. Mae'r ddarpariaeth a wneir gan y Gorchymyn hwn yn cynnal effaith eang Atodlen 4 i Ddeddf 1981 o ganlyniad i ddiddymu Deddf 1966 gan Ddeddf 2009.

Nid oes asesiad effaith llawn wedi ei lunio ar gyfer yr offeryn hwn gan nad yw'n effeithio o gwbl ar y sector preifat na'r sector gwirfoddol.

The offence under section 190 of the 2009 Act replaces, in relation to Wales, the offence under the 1966 Act of contravening byelaws under section 5 of that Act. The provision made by this Order maintains the broad effect of Schedule 4 to the 1981 Act in consequence of the repeal of the 1966 Act by the 2009 Act.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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(Cymru) 2010**

**The Marine and Coastal Access
Act 2009 (Consequential
Provisions) (Wales) Order 2010**

Gwnaed 11 Mai 2010
Yn dod i rym 12 Mai 2010

Made 11 May 2010
Coming into force 12 May 2010

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn, drwy arfer y pwerau a roddwyd gan adrannau 188(1) a (2)(d) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(1).

The Welsh Ministers make this Order in exercise of the powers conferred by sections 188(1) and (2)(d) of the Marine and Coastal Access Act 2009(1).

Gosodwyd drafft o'r offeryn hwn gerbron Cynulliad Cenedlaethol Cymru ac fe'i cymeradwywyd drwy benderfyniad ganddo yn unol ag adran 316(6) o Ddeddf y Môr a Mynediad i'r Arfordir 2009.

A draft of this instrument has been laid before, and approved by resolution of, the National Assembly for Wales in accordance with section 316(6) of the Marine and Coastal Access Act 2009.

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf y Môr a Mynediad i'r Arfordir 2009 (Darpariaethau Canlyniadol) (Cymru) 2010.

1.–(1) The title of this Order is the Marine and Coastal Access Act 2009 (Consequential Provisions) (Wales) Order 2010.

(2) Daw'r Gorchymyn hwn i rym ar 12 Mai 2010.

(2) This Order comes into force on 12 May 2010.

Diwygio Deddf Pysgodfeydd 1981 (p.29)

Amendment of the Fisheries Act 1981 (c.29)

2. Yn Rhan 1 o Atodlen 4 i Ddeddf Pysgodfeydd 1981(2), ar ôl paragraff 17B mewnosoder–

2. In Part 1 of Schedule 4 to the Fisheries Act 1981(2), after paragraph 17B insert–

"17C. Any offence under section 190 of the Marine and Coastal Access Act 2009 (contravention of an order made by the Welsh Ministers in relation to fisheries in Wales)."

"17C. Any offence under section 190 of the Marine and Coastal Access Act 2009 (contravention of an order made by the Welsh Ministers in relation to fisheries in Wales)."

(1) 2009 p.23.
(2) 1981 p.29.

(1) 2009 c.23.
(2) 1981 c.29.

Elin Jones

Y Gweinidog dros Faterion Gwledig, un o
Weinidogion Cymru

Minister for Rural Affairs, one of the Welsh Ministers

11 Mai 2010

11 May 2010

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