



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 3303 (Cy. 336)

2014 No. 3303 (W. 336)

AFON, CYMRU

RIVER, WALES

**PYSGODFEYDD EOGIAID A DŴR
CROYW**

**SALMON AND FRESHWATER
FISHERIES**

**Rheoliadau Cadw a Chyflwyno
Pysgod (Cymru) 2014**

**The Keeping and Introduction of
Fish (Wales) Regulations 2014**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rheoli cadw a chyflwyno pysgod mewn dyfroedd mewndirol. Maent yn gymwys o ran Cymru. Maent yn darparu ei bod yn drosedd cyflwyno unrhyw bysgod i ddyfroedd mewndirol, cadw mathau penodol o bysgod (y pysgod sy'n perthyn i'r urdd dacsonomaidd a bennir yn Rhan 1 o'r Atodlen ond nad ydynt yn rhywogaeth a bennir yn Rhan 2 o'r Atodlen) mewn dyfroedd mewndirol, neu i gadw unrhyw fath o bysgod mewn ardaloedd gwarchoddedig lle na fyddai'r pysgod hynny yno fel arall, ac eithrio yn unol â thrwydded a roddwyd o dan y Rheoliadau hyn gan Gorff Adnoddau Naturiol Cymru ("y Corff") (rheoliadau 4 a 5). Caiff y Corff atodi amodau i drwyddedau i gyflwyno pysgod neu i gadw pysgod ac mae rhestr o ddibenion y caniateir gosod amodau yn benodol mewn perthynas â hwy, neu o faterion y caniateir gosod amodau yn benodol mewn perthynas â hwy, wedi ei chynnwys yn rheoliad 6(4).

These Regulations control the keeping and introduction of fish in inland waters. They apply in relation to Wales. They provide that it is an offence to introduce any fish into inland waters, to keep certain types of fish (the fish that belong to the taxonomic order specified in Part 1 of the Schedule but are not of a species specified in Part 2 of the Schedule) in inland waters, or to keep any kind of fish in protected areas where those fish would otherwise be absent, other than in accordance with a permit granted under these Regulations by the Natural Resources Body for Wales ("the Body") (regulations 4 and 5). The Body may attach conditions to permits to introduce fish or to keep fish and a list of purposes for which, or matters in relation to which, conditions may in particular be imposed is contained in regulation 6(4).

Mae rheoliad 3 yn eithrio busnesau cynhyrchu dyframaethol rhag cwmpas y Rheoliadau hyn, gan gynnwys cludo pysgod rhwng mangreoedd un neu ragor o fusnesau cynhyrchu dyframaethol. Fodd bynnag, nid yw'n eithrio busnesau cynhyrchu dyframaethol rhag y gofyniad i gael trwydded i gadw (heblaw am yn y fangre) pysgod neu i gyflwyno pysgod i ddyfroedd mewndirol.

Regulation 3 excludes aquaculture production businesses from the scope of these Regulations, including the transportation of fish between premises of one or more aquaculture production businesses. However, it does not exclude aquaculture production businesses from the requirement to have a permit to keep (otherwise than on the premises) fish or to introduce fish into inland waters.

Mae rheoliad 7 yn pennu o dan ba amgylchiadau y caiff y Corff ddirymu, atal dros dro neu amrywio trwydded.

Regulation 7 specifies the circumstances in which the Body may revoke, suspend or vary a permit.

Mae rheoliad 8 yn galluogi'r Corff i gyflwyno hysbysiad i unrhyw berson sy'n berchennog neu'n feddiannydd dyfroedd mewndirol sy'n ei gwneud yn ofynnol i'r person hwnnw symud ymaith a gwaredu pysgod, os yw'r pysgod wedi eu cyflwyno i'r dŵr neu eu cadw yn groes i'r Rheoliadau. Mae paragraff (3) yn nodi'r amgylchiadau pan gaiff y Corff symud a gwaredu pysgod heb gyflwyno hysbysiad o dan baragraff (1). Mae paragraff (5) yn ei gwneud yn drosedd i beidio â chydymffurfio â hysbysiad o dan baragraff (1) heb esgus rhesymol.

Mae rheoliad 9 yn gwneud darpariaeth ar gyfer yr adeg y mae hysbysiad o dan reoliad 7 neu 8 yn cael effaith.

Mae rheoliad 10 yn gwneud darpariaeth mewn perthynas ag apelau gan geisydd trwydded, neu ddeiliad trwydded neu berchennog neu feddiannydd dyfroedd mewndirol, sy'n cael hysbysiad o dan reoliad 7 neu 8.

Mae rheoliad 11 yn rhoi pŵer mynediad i swyddog awdurdodedig y Corff at ddibenion gorfodi'r Rheoliadau hyn. Mae rheoliad 12 yn nodi pwerau ychwanegol swyddog awdurdodedig, gan gynnwys y pŵer i stopio a chadw'n gaeth unrhyw gerbyd, a'r pŵer i gynnal unrhyw chwiliad. Mae rheoliad 13 yn darparu ar gyfer troseddau penodol sy'n ymwneud â rhwystro person sy'n gweithredu i roi'r Rheoliadau ar waith.

Mae rheoliad 14 yn nodi bod person sy'n euog o drosedd o dan y Rheoliadau yn atebol, ar gollfarn ddiannod, i ddirwy nad yw'n fwy na £50,000, neu ei gollfarnu ar ddiad i ddirwy heb derfyn. Fodd bynnag, os yw adran 85(2) o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwy'r 2012 mewn grym ar y diwrnod y gwnaed y Rheoliadau hyn, ni fydd dirwy a osodir ar gollfarn ddiannod mewn llys barn yng Nghymru wedi ei chyfyngu i £50,000.

Mae Rheoliad 15 yn gwneud darpariaeth ar gyfer troseddau a gyflawnir gan gyrff corfforaethol. Effaith paragraff (1) yw, mewn amgylchiadau penodol, y caiff cyfarwyddwr neu berson tebyg arall o gorff corfforaethol fod yn atebol yn bersonol am drosedd yn ogystal â'r corff corfforaethol. Mae rheoliad 16 yn gwneud darpariaeth ar gyfer troseddau a gyflawnir (neu yr honnir eu bod wedi eu cyflawni) gan bartneriaethau a chymdeithasau anghorfforedig.

Mae rheoliad 17 yn darparu bod trwydded sydd eisoes mewn grym o dan adran 1 o Ddeddf Mewnforio Pysgod Byw (Cymru a Lloegr) 1980 i gael ei hystyried yn drwydded o dan y Rheoliadau.

Mae rheoliad 18 yn diddymu adran 30 o Ddeddf Pysgodfeydd Eogiaid a Dŵr Croyw 1975 o ran Cymru.

Regulation 8 enables the Body to serve a notice on any person who is the owner or occupier of inland waters requiring that person to remove and dispose of fish, if the fish have been introduced into the water or kept in contravention of the Regulations. Paragraph (3) sets out the circumstances in which the Body may remove and dispose of fish without serving notice under paragraph (1). Paragraph (5) makes it a criminal offence not to comply with a notice under paragraph (1) without reasonable excuse.

Regulation 9 makes provision for the time at which a notice under regulation 7 or 8 takes effect.

Regulation 10 makes provision in relation to appeals by an applicant for a permit, or the holder of a permit or an owner or occupier of inland waters, who is the recipient of a notice under regulation 7 or 8.

Regulation 11 confers powers of entry on an authorised officer of the Body for the purposes of enforcing the Regulations. Regulation 12 sets out additional powers of an authorised officer, including the power to stop and detain any vehicle, and the power to carry out any search. Regulation 13 provides for certain offences relating to obstruction of a person acting in the execution of the Regulations.

Regulation 14 states that a person who is guilty of an offence under the Regulations is liable, on summary conviction, to a fine not exceeding £50,000, or on conviction on indictment to a fine which is unlimited. However, if section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is in force on the day on which these Regulations are made, a fine imposed on summary conviction in a court in Wales will not be limited to £50,000.

Regulation 15 makes provision for offences by bodies corporate. The effect of paragraph (1) is that, in certain circumstances, a director or other similar person of a body corporate may be personally liable for an offence as well as the body corporate. Regulation 16 makes provision for offences committed (or alleged to have been committed) by partnerships and unincorporated associations.

Regulation 17 provides that an existing licence in force under section 1 of the Import of Live Fish (England and Wales) Act 1980 is to be taken to be a permit under the Regulations.

Regulation 18 repeals section 30 of the Salmon and Freshwater Fisheries Act 1975 in relation to Wales.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Môr a Physgodfeydd, Llywodraeth 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 these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Marine and Fisheries Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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Gwnaed 9 Rhagfyr 2014
Yn dod i rym 20 Ionawr 2015

Made 9 December 2014
Coming into force 20 January 2015

Mae drafft o'r offeryn hwn wedi ei gymeradwyo gan Gynulliad Cenedlaethol Cymru drwy benderfyniad yn unol ag adran 316(6) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(1).

A draft of this instrument has been approved by a resolution of the National Assembly for Wales in accordance with section 316(6) of the Marine and Coastal Access Act 2009(1).

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 232(1), (5)(a), (d), (e), (h), (i) a (j) a (7) a 316(1) a (2) o Ddeddf y Môr a Mynediad i'r Arfordir 2009(2), yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 232(1), (5)(a), (d), (e), (h), (i) and (j) and (7) and 316(1) and (2) of the Marine and Coastal Access Act 2009(2), make the following Regulations.

**RHAN 1
CYFLWYNIAD**

**PART 1
INTRODUCTION**

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cadw a Chyflwyno Pysgod (Cymru) 2014.

(2) Daw'r Rheoliadau hyn i rym ar 20 Ionawr 2015.

Title, commencement and application

1.—(1) The title of these Regulations is the Keeping and Introduction of Fish (Wales) Regulations 2014.

(2) These Regulations come into force on 20 January 2015.

(1) 2009 p.23. Mae adran 316(10)(a) yn diffinio "gweithdrefn gadarnhaol ddrafft" ("draft affirmative procedure") at ddibenion adran 316(6).

(2) Diwygiwyd adran 232 gan O.S. 2013/755 (Cy. 90). Diffinnir y term "awdurdod cenedlaethol priodol" ("appropriate national authority") yn adran 232(8).

(1) 2009 c.23. Section 316(10)(a) defines "draft affirmative procedure" ("gweithdrefn gadarnhaol ddrafft") for the purposes of section 316(6).

(2) Section 232 was amended by S.I. 2013/755 (W. 90). The term "appropriate national authority" ("awdurdod cenedlaethol priodol") is defined in section 232(8).

(3) Yn ddarostyngedig i baragraffau (4) a (5), mae'r Rheoliadau hyn yn gymwys mewn perthynas â physgod byw yng Nghymru.

(4) Mae rheoliad 17 yn gymwys mewn perthynas â physgod byw ac wyau byw o bysgod yng Nghymru.

(5) Mae rheoliad 18 yn gymwys o ran Cymru.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “cadw” (“*keeping*”), mewn perthynas â physgod, yw bod â physgod, bod yn berchen arnynt neu eu rheoli mewn dyfroedd mewndirol;

mae “cerbyd” (“*vehicle*”) yn cynnwys ôl-gerbyd;

ystyr “y Corff” (“*the Body*”) yw Corff Adnoddau Naturiol Cymru;

ystyr “dyfroedd mewndirol” (“*inland waters*”) yw unrhyw ddŵr o fath a bennir yn adran 221 o Ddeddf Adnoddau Dŵr 1991(1) ac eithrio nad yw'n cynnwys pyllau gardd sy'n llai na 0.4 hectar o faint, nad ydynt yn cael eu defnyddio ar gyfer pysgota, nad oes ganddynt gysylltiadau i ddyfroedd eraill ac sydd wedi eu lleoli o fewn cwrtil eiddo preswyl;

ystyr “mangre” (“*premises*”), ac eithrio yn rheoliad 3, yw—

- (a) unrhyw dir, ynys artiffisial, gosodiad neu adeilad morol,
- (b) unrhyw gerbyd, neu
- (c) unrhyw lestr;

mae “llestr” (“*vessel*”) yn cynnwys unrhyw long neu gwch neu lestr arall a ddefnyddir ar gyfer mordwyo, ac unrhyw hofrenfad, llong ymsuddol neu fad arnofiol arall, ond nid yw'n cynnwys unrhyw beth sy'n gorwedd yn barhaol ar wely'r môr, neu sydd wedi ei atodi'n barhaol iddo;

ystyr “pysgod” (“*fish*”) yw pysgod neu silod pysgod ac mae'n cynnwys molysgiaid a chramenogion;

ystyr “trwydded” (“*permit*”) yw trwydded a roddir neu sydd i'w rhoi o dan reoliad 6(1).

Eithriadau

3. Nid yw'r Rheoliadau hyn yn gymwys mewn perthynas â gweithgareddau sy'n digwydd—

(3) Subject to paragraphs (4) and (5), these Regulations apply in relation to live fish in Wales.

(4) Regulation 17 applies in relation to live fish and live eggs of fish in Wales.

(5) Regulation 18 applies in relation to Wales.

Interpretation

2. In these Regulations—

“the Body” (“*y Corff*”) means the Natural Resources Body for Wales;

“fish” (“*pysgod*”) means fish or the spawn of fish and includes molluscs and crustaceans;

“inland waters” (“*dyfroedd mewndirol*”) means any water of a kind specified in section 221 of the Water Resources Act 1991(1) except that it does not include garden ponds less than 0.4 hectares in area, which are not fished, have no links to other waters and are located within the curtilage of a residential property;

“keeping” (“*cadw*”), in relation to fish, means having, owning or controlling fish in inland waters;

“permit” (“*trwydded*”) means a permit granted or to be granted under regulation 6(1);

“premises” (“*mangre*”), except in regulation 3, means—

- (a) any land, artificial island, marine installation or structure,
- (b) any vehicle, or
- (c) any vessel;

“vehicle” (“*cerbyd*”) includes a trailer;

“vessel” (“*llestr*”) includes any ship or boat or other vessel used in navigation, and any hovercraft, submersible craft or other floating craft, but does not include anything that permanently rests on, or is permanently attached to, the sea bed.

Exclusions

3. These Regulations do not apply in relation to activities which take place—

(1) 1991 p. 57.

(1) 1991 c.57.

- (a) ar fangre busnes cynhyrchu dyframaethol a awdurdodir o dan reoliad 6 o Reoliadau Iechyd Anifeiliaid Dyfrol (Cymru a Lloegr) 2009(1); neu
- (b) yn ystod y broses o gludo rhwng—
 - (i) mangreoedd unrhyw fusnes o'r fath; neu
 - (ii) mangre un busnes o'r fath a mangre busnes arall o'r fath.

- (a) on the premises of an aquaculture production business authorised under regulation 6 of the Aquatic Animal Health (England and Wales) Regulations 2009(1); or
- (b) during transportation between—
 - (i) the premises of any such business; or
 - (ii) the premises of one such business and the premises of another such business.

RHAN 2

TROSEDDAU SY'N YMWNEUD Â CHYFLWYNO A CHADW PYSGOD

Cyflwyno pysgod

4. Mae person sydd, ac eithrio o dan delerau trwydded a roddir o dan reoliad 6 y mae'r person hwnnw'n ei dal, ac yn unol â hi—

- (a) yn cyflwyno pysgod i ddyfroedd mewndirol,
- (b) a chanddo yn ei feddiant bysgod at ddiben cyflwyno unrhyw un neu ragor o'r pysgod hynny i ddyfroedd mewndirol, neu
- (c) yn achosi neu'n galluogi unrhyw berson arall i gyflwyno pysgod i ddyfroedd mewndirol

yn cyflawni trosedd.

Cadw pysgod

5.—(1) Mae person sy'n cadw mewn dyfroedd mewndirol, ac eithrio o dan drwydded a roddir o dan reoliad 6 ac yn unol â hi, unrhyw bysgod o fath y mae'r rheoliad hwn yn gymwys iddo, yn cyflawni trosedd.

(2) Mae'r rheoliad hwn yn gymwys i unrhyw bysgod sy'n perthyn i urdd dacsonomaidd a bennir yn Rhan 1 o'r Atodlen ac nad yw'n perthyn i rywogaeth a bennir yn Rhan 2 o'r Atodlen.

(3) Mewn perthynas ag ardal warchoddedig, mae'r rheoliad hwn hefyd yn gymwys i bysgod o unrhyw rywogaeth a fyddai fel arall yn absennol o'r ardal honno.

(4) Ym mharagraff (3) ystyr "ardal warchoddedig" ("*protected area*") yw—

PART 2

OFFENCES RELATING TO THE INTRODUCTION AND KEEPING OF FISH

Introduction of fish

4. A person who, otherwise than under and in accordance with the terms of a permit granted under regulation 6 held by that person—

- (a) introduces fish into inland waters,
- (b) has in their possession fish for the purpose of introducing any of those fish into inland waters, or
- (c) causes or allows any other person to introduce fish into inland waters

commits an offence.

Keeping fish

5.—(1) A person who keeps in inland waters, otherwise than under and in accordance with a permit granted under regulation 6, any fish of a kind to which this regulation applies commits an offence.

(2) This regulation applies to any fish which belongs to a taxonomic order specified in Part 1 of the Schedule and is not of a species specified in Part 2 of the Schedule.

(3) In relation to a protected area, this regulation also applies to fish of any species which would otherwise be absent from that area.

(4) In paragraph (3) a "protected area" ("*ardal warchoddedig*") is—

(1) O.S. 2009/463.

(1) S.I. 2009/463.

- (i) safle o ddiddordeb gwyddonol arbennig, fel y'i diffinnir gan adran 52(1) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1);
- (ii) safle Ewropeaidd neu safle morol Ewropeaidd fel y'u diffinnir gan reoliad 8 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(2);
- (iii) gwlyptir a ddynodir o dan baragraff 1 o erthygl 2 o Gonfensiwn Ramsar, fel y'i diffinnir gan adran 37A(4) a (5) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981 (3).

- (i) a site of special scientific interest, as defined by section 52(1) of the Wildlife and Countryside Act 1981(1);
- (ii) a European site or European marine site as defined by regulation 8 of the Conservation of Habitats and Species Regulations 2010(2);
- (iii) a wetland designated under paragraph 1 of article 2 of the Ramsar Convention, as defined by section 37A(4) and (5) of the Wildlife and Countryside Act 1981(3).

RHAN 3 TRWYDDEDAU

PART 3 PERMITS

Rhoi trwydded

6.—(1) Wrth gael cais am drwydded sy'n awdurdodi cyflawni unrhyw un neu ragor o'r gweithgareddau a grybwyllir ym mharagraff (2), caiff y Corff roi'r gyfryw drwydded.

(2) Y gweithgareddau y mae paragraff (1) yn cyfeirio atynt yw—

- (a) cadw pysgod o fath y mae rheoliad 5 yn gymwys iddynt mewn dyfroedd mewndirol;
- (b) cyflwyno pysgod i ddyfroedd mewndirol.

(3) Caniateir rhoi trwydded yn ddarostyngedig i'r amodau hynny sy'n briodol ym marn y Corff.

(4) Yn benodol, caniateir gosod amodau—

- (a) i gyfyngu ar nifer y pysgod a gyflwynir i unrhyw ddyfroedd mewndirol, neu a gedwir ynddynt;
- (b) i leihau'r risg o bysgod yn dianc o unrhyw ddyfroedd mewndirol;
- (c) i sicrhau nad yw cadw neu symud pysgod yn niweidiol i'r amgylchedd neu i unrhyw bysgodfa mewn dyfroedd sy'n gysylltiedig â'i gilydd (gan gynnwys dyfroedd sy'n gysylltiedig drwy orlifdir);
- (d) mewn perthynas â chadw cofnodion ar gyfer unrhyw weithgaredd a awdurdodir gan y drwydded, a dal gafael arnynt;
- (e) mewn perthynas â gwaredu pysgod;

Grant of permit

6.—(1) On receipt of an application for a permit authorising the carrying on of any of the activities mentioned in paragraph (2), the Body may grant such a permit.

(2) The activities to which paragraph (1) refers are—

- (a) the keeping of fish of a kind to which regulation 5 applies in inland waters;
- (b) the introduction of fish into inland waters.

(3) A permit may be granted subject to such conditions as the Body may see fit.

(4) In particular, conditions may be imposed—

- (a) to limit the number of fish introduced into, or kept in, any inland waters;
- (b) to minimise the risk of fish escaping from any inland waters;
- (c) to ensure that the keeping or movement of fish is not harmful to the environment or to any fishery in waters that are connected to each other (including waters connected by a floodplain);
- (d) in relation to the keeping and retention of records for any activity authorised by the permit;
- (e) in relation to the disposal of fish;

(1) 1981 p.69. Gwnaed diwygiadau perthnasol i adran 52(1) gan adran 75(1) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37) a pharagraffau 5(1) a (2) o Atodlen 9 iddi.

(2) O.S. 2010/490. Diwygiwyd rheoliad 8 gan O.S. 2012/1927.

(3) Mewnosodwyd adran 37A gan adran 77 o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000 (p. 37).

(1) 1981 c.69. Relevant amendments to section 52(1) were made by section 75(1) of, and paragraphs 5(1) and, (2) of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37).

(2) S.I. 2010/490. Regulation 8 was amended by S.I. 2012/1927.

(3) Section 37A was inserted by section 77 of the Countryside and Rights of Way Act 2000 (c.37).

- (f) sy'n nodi'r amgylchiadau pan fo'n rhaid i ddeiliad trwydded hysbysu'r Corff; ac
- (g) sy'n cyfyngu ar yr amser y mae'r drwydded yn ddilys, fel bod cadw pysgod penodedig mewn dyfroedd mewndirol wedi ei ganiatáu dros dro yn unig.

(5) Yn y rheoliad hwn, ystyr "symud pysgod" ("*movement of fish*") yw symud ymaith bysgod o ddyfroedd mewndirol neu gyflwyno pysgod iddynt.

- (f) setting out the circumstances in which a permit holder must notify the Body; and
- (g) limiting the time for which the permit is valid, so that the keeping of specified fish in inland waters is only allowed as a temporary measure.

(5) In this regulation, "movement of fish" ("*symud pysgod*") means removal of fish from, or introduction of fish into, inland waters.

RHAN 4

GORFODI A GWEINYDDU

Dirymu etc. trwydded

7.—(1) Caiff y Corff, drwy hysbysiad a gyflwynir i ddeiliad trwydded, atal dros dro neu ddirymu'r drwydded—

- (a) os caiff unrhyw amod ei thorri, neu
- (b) os yw amodau amgylcheddol y dyfroedd mewndirol y mae'r drwydded yn ymwneud â hwy wedi newid ers y dyddiad y rhoddwyd y drwydded, i'r graddau y mae'r Corff yn ystyried bod atal y drwydded dros dro neu ei dirymu yn angenrheidiol.

(2) Caiff y Corff, drwy roi hysbysiad i ddeiliad y drwydded, amrywio'r drwydded os yw'r Corff o'r farn bod angen ei diwygio.

(3) Caiff y Corff atal dros dro, amrywio neu ddirymu trwydded ar gais deiliad y drwydded honno.

Hysbysiad i symud ymaith a gwaredu pysgod

8.—(1) Os caiff pysgod eu cyflwyno i ddyfroedd mewndirol neu eu cadw'n groes i'r Rheoliadau hyn, caiff y Corff gyflwyno hysbysiad i ddeiliad y drwydded, neu os nad oes trwydded, berchennog neu feddiannydd y dyfroedd hynny, yn ei gwneud yn ofynnol i ddeiliad y drwydded neu'r perchennog neu'r meddiannydd (yn ôl fel y digwydd)—

- (a) symud ymaith a gwaredu'r pysgod—
 - (i) mewn modd a bennir yn yr hysbysiad, a
 - (ii) ar draul deiliad y drwydded neu'r perchennog neu'r meddiannydd; a
- (b) cymryd camau i sicrhau bod y sefyllfa yn cael ei hadfer, i'r graddau y mae hynny'n bosibl, i'r hyn a fuasai pe na bai'r Rheoliadau hyn wedi eu torri.

(2) Os na chydymffurfir â hysbysiad o dan baragraff (1), caiff y Corff drefnu—

PART 4

ENFORCEMENT AND ADMINISTRATION

Revocation etc. of a permit

7.—(1) The Body may, by notice served on the holder of a permit, suspend or revoke the permit—

- (a) if any condition is breached, or
- (b) if the environmental conditions of the inland waters to which the permit relates have changed since the date on which the permit was granted, such that the Body considers that a suspension or revocation of the permit is necessary.

(2) The Body may, by notice served on the holder of a permit, vary the permit if in the Body's opinion the permit requires revision.

(3) The Body may suspend, vary or revoke a permit at the request of the holder of that permit.

Notice to remove and dispose of fish

8.—(1) If fish are introduced into inland waters or kept in contravention of these Regulations, the Body may serve a notice on the holder of a permit or, if there is none, the owner or occupier of those waters requiring the holder of the permit or the owner or occupier (as the case may be)—

- (a) to remove and dispose of fish—
 - (i) in a manner specified in the notice, and
 - (ii) at the expense of the holder of the permit or the owner or occupier; and
- (b) to take steps to ensure that the position is, as far as possible, restored to what it would have been had the Regulations not been contravened.

(2) If a notice under paragraph (1) is not complied with, the Body may arrange for—

- (a) i bysgod gael eu symud ymaith a'u gwaredu; a
- (b) cymryd camau i sicrhau bod y sefyllfa yn cael ei hadfer, i'r graddau y mae hynny'n bosibl, i'r hyn a fuasai pe na bai'r Rheoliadau hyn wedi eu torri.

(3) Caiff y Corff symud ymaith a gwaredu pysgod heb gyflwyno hysbysiad o dan baragraff (1)—

- (a) mewn argyfwng; neu
- (b) os na ellir darganfod deiliad y drwydded neu'r perchennog neu'r meddiannydd.

(4) Pan fo'r Corff yn gweithredu o dan baragraff (2) neu (3)(a), caiff wneud hynny ar draul deiliad y drwydded neu berchennog neu feddiannydd y dyfroedd mewndirol a chaiff y Corff adennill unrhyw swm sydd i'w ad-dalu fel dyled sifil.

(5) Mae methu â chydymffurfio â hysbysiad o dan baragraff (1) heb esgus rhesymol yn drosedd.

Amser y mae hysbysiad yn cael effaith

9.—(1) Yn ddarostyngedig i baragraff (2) a (3), mae hysbysiad a gyflwynir o dan reoliad 7(1) neu (2) neu reoliad 8(1) yn cael effaith 28 o ddiwrnodau ar ôl y dyddiad y cyflwynwyd yr hysbysiad.

(2) Pan fo hysbysiad yn pennu cyfnod, mae'r hysbysiad yn cael effaith pan ddaw'r cyfnod hwnnw i ben.

(3) Pan fo apêl o dan reoliad 10 yn cael ei ddwyn, nid yw'r hysbysiad yn cael effaith hyd nes bod yr apêl wedi ei benderfynu neu ei dynnu yn ôl, oni bai bod y person penodedig sy'n penderfynu'r apêl yn cyfarwyddo hynny.

Apelau

10.—(1) Caiff ceisydd am roi trwydded apelio yn erbyn—

- (a) gwrthod ei rhoi, neu
- (b) gosod unrhyw amod.

(2) Caiff deiliad trwydded neu berchennog neu feddiannydd dyfroedd mewndirol y cyflwynwyd hysbysiad iddynt o dan reoliad 7(1) neu (2) neu reoliad 8(1), apelio yn erbyn yr hysbysiad hwnnw.

(3) Rhaid i'r apelydd gyflwyno hysbysiad ysgrifenedig o'r apêl i'r Corff o fewn 28 o ddiwrnodau i'r dyddiad y rhoddwyd hysbysiad o'r penderfyniad yr apelir yn ei erbyn.

(4) Wrth gael hysbysiad am apêl, rhaid i'r Corff benodi person annibynnol i benderfynu'r apêl.

(5) Mae'r apêl ar ffurf sylwadau ysgrifenedig gan y Corff a'r apelydd, ac mae'n ddarostyngedig i unrhyw gyfyngiadau amser a bennir gan y person annibynnol.

(a) the removal and disposal of fish; and

(b) the taking of steps to ensure that the position is, as far as possible, restored to what it would have been had these Regulations not been contravened.

(3) The Body may remove and dispose of fish without serving notice under paragraph (1)—

- (a) in an emergency; or
- (b) if the holder of the permit or the owner or occupier cannot be ascertained.

(4) Where the Body acts under paragraph (2) or (3)(a), it may do so at the expense of the holder of the permit or the owner or occupier of inland waters and any amount that falls to be repaid may be recovered by the Body as a civil debt.

(5) Failure to comply with a notice under paragraph (1) without reasonable excuse is an offence.

Time in which a notice takes effect

9.—(1) Subject to paragraph (2) and (3), a notice served under regulation 7(1) or (2) or regulation 8(1) takes effect 28 days after the date on which it was served.

(2) Where the notice specifies a period, the notice takes effect on the expiry of that period.

(3) Where an appeal under regulation 10 is brought, the notice does not take effect until the appeal has been determined or withdrawn, unless the appointed person determining the appeal so directs.

Appeals

10.—(1) An applicant for the grant of a permit may appeal against—

- (a) a refusal to grant it, or
- (b) the imposition of any condition.

(2) The holder of a permit or an owner or occupier of inland waters served with a notice under regulation 7(1) or (2) or regulation 8(1) may appeal against that notice.

(3) The appellant must serve written notice of appeal on the Body within 28 days from the date on which notification of the decision being appealed against was given.

(4) On receipt of a notice of appeal, the Body must appoint an independent person to determine the appeal.

(5) The appeal is by way of written representations from the Body and the appellant, and is subject to any time limits determined by the independent person.

(6) Y person annibynnol sy'n penderfynu pa un ai i ganiatáu'r apêl (a chaiff gyfarwyddo'r Corff i roi trwydded neu i amrywio unrhyw amod).

Pwerau mynediad

11.—(1) Caiff swyddog o'r Corff, drwy ddangos awdurdodiad wedi ei ddilysu os yw'n angenrheidiol, fynd i mewn i unrhyw fangre (ac eithrio unrhyw fangre a ddefnyddir yn gyfan gwbl fel tŷ annedd preifat) ar unrhyw amser rhesymol—

- (a) pan fo gan y swyddog reswm i amau bod trosedd o dan y Rheoliadau hyn wedi ei gyflawni, neu ar fin cael ei gyflawni; neu
- (b) at ddibenion arfer y pwerau a roddir gan reoliad 7(1)(b) neu reoliad 8(3), neu i ymchwilio i weld pa un a yw unrhyw un neu ragor o'r pwerau hynny yn arferadwy.

(2) Caniateir i'r personau hynny y mae'r swyddog yn barnu eu bod yn angenrheidiol fynd gyda'r swyddog a chaniateir iddo ddefnyddio unrhyw gerbydau, llestrau neu gyfarpar y mae'r swyddog yn barnu eu bod yn angenrheidiol.

(3) Ni chaiff swyddog fynd i mewn i unrhyw fangre (neu unrhyw ran o fangre) sy'n dŷ annedd preifat ond os yw ynad heddwch wedi dyroddi gwarant sy'n awdurdodi swyddog i wneud hynny.

(4) Os yw ynad heddwch, ar sail gwybodaeth ysgrifenedig ar lw, wedi ei fodloni fod seiliau rhesymol dros fynd i mewn i unrhyw fangre at y dibenion a ddisgrifir ym mharagraff (1), ac naill ai—

- (a) bod mynediad i'r fangre wedi ei wrthod, neu y disgwylir iddo gael ei wrthod, ac (yn y naill achos neu'r llall) fod hysbysiad o'r bwriad i wneud cais am warant wedi ei roi i'r meddiannydd,
- (b) y byddai gofyn am gael mynediad, neu roi hysbysiad o'r fath, yn mynd yn groes i'r amcan o fynd i mewn,
- (c) bod yr achos yn achos brys, neu
- (d) bod y fangre heb ei meddiannu neu fod y meddiannydd yn absennol dros dro,

caiff yr ynad roi awdurdodiad, drwy warant a lofnodwyd, i'r swyddog fynd i mewn i'r fangre, â grym rhesymol os bydd angen hynny.

(5) Mae gwarant o dan y rheoliad hwn yn ddilys am un mis.

(6) Rhaid i swyddog sy'n mynd i mewn i fangre nad yw wedi ei meddiannu, ei gadael wedi ei diogelu mor effeithiol rhag mynediad diawdurdod ag yr oedd cyn iddo fynd i mewn.

(6) The independent person decides whether to allow the appeal (and may direct the Body to grant a permit or to vary any condition).

Powers of entry

11.—(1) An officer of the Body may, on producing a duly authenticated authorisation if required, enter any premises (except any premises used wholly as a private dwelling house) at any reasonable hour—

- (a) where the officer has reason to suspect that an offence under these Regulations has been, or is about to be, committed; or
- (b) for the purposes of exercising the powers conferred by regulation 7(1)(b) or regulation 8(3), or for investigating whether any of those powers are exercisable.

(2) The officer may be accompanied by such other persons, and may use any such vehicles, vessels or equipment as the officer considers necessary.

(3) An officer may enter any premises (or any part of premises) which are a private dwelling house only if a justice of the peace has issued a warrant authorising the officer to do so.

(4) If a justice of the peace, on sworn information in writing, is satisfied that there are reasonable grounds for entry into any premises for the purposes described in paragraph (1), and either—

- (a) admission has been refused, or a refusal is expected, and (in either case) notice to apply for a warrant has been given to the occupier,
- (b) asking for admission for giving such notice would defeat the object of the entry,
- (c) the case is one of urgency, or
- (d) the premises are unoccupied or the occupier is temporarily absent,

the justice may by signed warrant authorise the officer to enter the premises, if need be by reasonable force.

(5) A warrant under this regulation is valid for one month.

(6) An officer who enters any unoccupied premises must leave them as effectively secured against unauthorised entry as they were before entry.

Pwerau swyddog awdurdodedig

12.—(1) Caiff swyddog sy'n mynd i mewn i fangre o dan reoliad 11—

- (a) atal a chadw unrhyw gerbyd neu lestr;
- (b) archwilio'r fangre, ac unrhyw rwyd, trap, peirianwaith, cyfarpar neu bysgod yn y fangre;
- (c) cymryd samplau (gan gynnwys samplau o bysgod) o unrhyw beth yn y fangre;
- (d) ymafael yn unrhyw bysgod, rhwyd, trap, peirianwaith neu gyfarpar arall yn y fangre i'r graddau y mae'n angenrheidiol at y dibenion a ddisgrifir yn rheoliad 11(1);
- (e) cyflawni unrhyw chwiliadau, ymchwiliadau, archwiliadau neu brofion;
- (f) ymafael mewn samplau o bysgod a'u lladd mewn modd trugarog at ddibenion tystiolaethol;
- (g) cael mynediad i unrhyw ddogfen neu gofnod (ym mha bynnag ffurf y'u cedwir), y mae'n eu hystyried yn berthnasol i'r dibenion a ddisgrifir yn rheoliad 11(1), eu harchwilio, eu copïo neu ymafael ynddynt; ac
- (h) cael gafael ar, archwilio a gwirio gweithrediad unrhyw gyfrifiadur ac unrhyw gyfarpar neu ddeunydd cysylltiedig sy'n cael ei ddefnyddio neu sydd wedi ei ddefnyddio mewn cysylltiad â chofnod o fath y cyfeirir ato yn is-baragraff (g).

(2) At ddiben paragraff (1)(h), caiff y swyddog ei gwneud yn ofynnol i unrhyw berson sydd â gofal am y cyfrifiadur, y cyfarpar neu'r deunydd, neu'n ymwneud fel arall â'u gweithrediad—

- (a) roi cynhorthwy o'r fath a all fod yn rhesymol ofynnol; a
- (b) pan fo cofnod yn cael ei gadw ar gyfrifiadur, ei gwneud yn ofynnol i'r cofnod fod ar gael mewn ffurf y gellir ei gymryd ymaith.

(3) Os nad yw'r cofnod yn cael ei gynhyrchu yn y ffurf sy'n ofynnol gan baragraff (2)(b), caiff y swyddog ymafael yn y cyfrifiadur neu'r ddyfais storio electronig.

(4) Pan fo gan swyddog reswm i amau bod person wedi cyflawni trosedd o dan y Rheoliadau hyn, caiff y swyddog ei gwneud yn ofynnol i'r person ddarparu enw a chyfeiriad y person.

Powers of an authorised officer

12.—(1) An officer entering premises under regulation 11 may—

- (a) stop and detain any vehicle or vessel;
- (b) inspect the premises, and any net, trap, machinery, equipment or fish on the premises;
- (c) take samples (including samples of fish) from anything on the premises;
- (d) seize any fish, net, trap, machinery or other equipment on the premises so far as it is necessary for the purposes described in regulation 11(1);
- (e) carry out any search, investigation, examinations or tests;
- (f) seize and humanely kill samples of fish for evidential purposes;
- (g) have access to, and inspect, copy or seize any document or record (in whatever form it is held) that he considers may be relevant to the purposes described in regulation 11(1); and
- (h) have access to, inspect and check the operation of any computer and any associated apparatus or material that is or has been in use in connection with a record of a kind referred to in sub-paragraph (g).

(2) For the purpose of paragraph (1)(h), the officer may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material—

- (a) to afford such assistance as may be reasonably required; and
- (b) where a record is kept by means of a computer, to produce the record in a form in which it may be taken away.

(3) If the record is not produced in the form required by paragraph (2)(b), the officer may seize the computer or electronic storage device.

(4) Where an officer has reason to suspect that a person has committed an offence under these Regulations, the officer may require the person to provide the person's name and address.

(5) Pan fo swyddog wedi mynd i mewn i unrhyw fangre, ac nad yw'n rhesymol ymarferol i benderfynu ar y pryd pa un a yw unrhyw ddogfen neu ffeil electronig, pysgod, rhwyd, trap, peirianwaith neu gyfarpar arall yn y fangre honno yn berthnasol i'r dibenion a ddisgrifir yn rheoliad 11(1), caiff yr arolygydd ymafael ynddynt er mwyn penderfynu pa un a yw'n berthnasol ai peidio.

(6) Caniateir i unrhyw bysgod yr ymafaelir ynddynt gael eu gwaredu mewn modd sy'n briodol ym marn y swyddog awdurdodedig.

Rhwystro

13. Bydd unrhyw berson—

- (a) sy'n rhwystro swyddog yn fwriadol rhag arfer ei bwerau o dan y Rhan hon,
- (b) heb reswm rhesymol, yn methu â rhoi i unrhyw swyddog sy'n arfer ei bwerau o dan y Rhan hon, unrhyw gynhorthwy neu wybodaeth y gall fod yn rhesymol ofynnol i'r swyddog eu cael o dan y Rheoliadau hyn,
- (c) sy'n rhoi unrhyw wybodaeth gan wybod ei bod yn anwir neu'n gamarweiniol i unrhyw swyddog sy'n arfer ei bwerau o dan y Rhan hon, neu
- (d) sy'n methu â dangos cofnod, pan ofynnir iddo wneud hynny, i unrhyw swyddog sy'n arfer ei bwerau o dan y Rhan hon,

yn cyflawni trosedd.

Cosbau

14.—(1) Mae person sy'n euog o drosedd o dan reoliad 4 (cyflwyno pysgod), rheoliad 5 (cadw pysgod), rheoliad 8(5) (methu â chydymffurfio â hysbysiad) neu reoliad 13 (rhwystro) yn atebol—

- (a) ar gollfarn ddiannod, i ddirwy nad yw'n fwy na £50,000, neu
- (b) ar gollfarnu ar ddiad, i ddirwy.

(2) Os yw adran 85(2) o Ddeddf Cymorth Cyfreithiol, Dedfrydu a Chosbi Troseddwyd 2012 mewn grym ar y diwrnod y gwnaed y Rheoliadau hyn, mae paragraff (1)(a) yn gymwys mewn perthynas â cholffarn gan lys yng Nghymru gan hepgor y geiriau "nad yw'n fwy na £50,000".

Troseddau gan gyrff corfforaethol

15. Pan fo corff corfforaethol yn euog o drosedd o dan y Rheoliadau hyn, ac y profir bod y drosedd wedi ei chyflawni gyda chydysniad neu ymoddefiad, neu os gellir ei briodoli i unrhyw esgeulustod ar ran—

(5) Where an officer has entered any premises, and it is not reasonably practicable to determine at the time whether any document or electronic file, fish, net, trap, machinery or other equipment on those premises is relevant to the purposes described in regulation 11(1), the inspector may seize it to ascertain whether or not it is relevant.

(6) Any fish seized may be disposed of as the authorised officer sees fit.

Obstruction

13. Any person who—

- (a) intentionally obstructs an officer from exercising that officer's powers under this Part,
- (b) without reasonable cause, fails to give any officer exercising that officer's powers under this Part any assistance or information that that officer may reasonably require under these Regulations,
- (c) furnishes to any officer exercising that officer's powers under this Part any information knowing it to be false or misleading, or
- (d) fails to produce a record when required to do so to any officer exercising that officer's powers under this Part,

commits an offence.

Penalties

14.—(1) A person guilty of an offence under regulation 4 (introduction of fish), regulation 5 (keeping of fish), regulation 8(5) (failure to comply with a notice) or regulation 13 (obstruction) is liable—

- (a) on summary conviction, to a fine not exceeding £50,000, or
- (b) on conviction on indictment, to a fine.

(2) If section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is in force on the day on which these Regulations are made, paragraph (1)(a) applies in relation to a conviction by a court in Wales with the omission of the words "not exceeding £50,000".

Offences by bodies corporate

15. Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent of, or connivance of, or to be attributable to any neglect on the part of—

- (a) unrhyw gyfarwyddwr, rheolwr, ysgrifennydd neu berson arall tebyg yn y corff corfforaethol, neu
- (b) unrhyw berson a oedd yn honni ei fod yn gweithredu yn rhinwedd unrhyw swydd o'r fath,

mae'r person hwnnw, yn ogystal â'r corff corfforaethol, yn euog o drosedd.

Troseddau gan bartneriaethau a chymdeithasau anghorfforedig

16.—(1) Caniateir dwyn achos o drosedd o dan y Rheoliadau hyn yr honnir ei fod wedi ei chyflawni gan bartneriaeth neu gymdeithas anghorfforedig yn erbyn y bartneriaeth neu'r gymdeithas yn enw'r bartneriaeth neu'r gymdeithas.

(2) At ddibenion y cyfryw achosion—

- (a) mae rheolau llys sy'n ymwneud â chyflwyno dogfennau i gael effaith fel pe bai'r bartneriaeth neu'r gymdeithas yn gorff corfforaethol;
- (b) mae adran 33 o Ddeddf Cyfiawnder Troseddol 1925(1) ac Atodlen 3 i Ddeddf Llysoedd Ynadon 1980(2) yn gymwys mewn perthynas â'r bartneriaeth neu'r gymdeithas fel y maent yn gymwys mewn perthynas â chorff corfforaethol.

(3) Mae dirwy a osodir ar bartneriaeth neu gymdeithas wrth eu collfarnu o drosedd o dan y Rheoliadau hyn i'w thalu allan o gronfeydd y bartneriaeth neu'r gymdeithas.

(4) Pan brofir bod trosedd o dan y Rheoliadau hyn, a gyflawnwyd gan bartneriaeth, wedi ei chyflawni gyda chydysniad neu ymoddefiad partner, neu os gellir priodoli unrhyw esgeulustod ar ran partner, bernir bod y person hwnnw (yn ogystal â'r bartneriaeth) yn euog o'r drosedd honno ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of an offence.

Offences by partnerships and unincorporated associations

16.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association by its name.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents are to have effect as if the partnership or association were a body corporate;
- (b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Courts Act 1980(2) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction for an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner (as well as the partnership) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(1) 1925 p. 86. Diddymwyd is-adrannau (1) a (2) o adran 33 gan adran 132 o Ddeddf Llysoedd Ynadon 1952 (p. 55) ac Atodlen 6 iddi; diwygiwyd is-adran (3) gan adran 56(1) o Ddeddf y Llysoedd 1971 (p. 23) a pharagraff 19 o Ran 2 o Atodlen 8 iddi; diwygiwyd is-adran (4) gan adran 109(1) a (3) o Ddeddf y Llysoedd 2003 (p. 39) a pharagraff 71 o Atodlen 8 ac Atodlen 10 iddi; diddymwyd is-adran (5) gan adran 132 o Ddeddf Llysoedd Ynadon 1952 ac Atodlen 6 iddi.

(2) 1980 p. 43. Diddymwyd paragraff 2(a) gan adrannau 41 a 332 o Ddeddf Cyfiawnder Troseddol 2003 (p. 44) a pharagraffau 51(1) a 13(a) o Atodlen 3 a Rhan 4 o Atodlen 37 iddi; diddymwyd paragraff 5 gan adrannau 25(2) a 101(2) o Ddeddf Cyfiawnder Troseddol 1991 (p. 53) ac Atodlen 13 iddi; diwygiwyd paragraff 6 gan adran 41 o Ddeddf Cyfiawnder Troseddol 2003 a pharagraff 51(1) a 13(b) o Atodlen 3 iddi.

(1) 1925 c.86. Subsections (1) and (2) of section 33 were repealed by section 132 of, and Schedule 6 to, the Magistrates' Courts Act 1952 (c. 55); subsection (3) was amended by section 56(1) of, and paragraph 19 of Part 2 of Schedule 8 to, the Courts Act 1971 (c. 23); subsection (4) was amended by section 109(1) and (3) of, and paragraph 71 of Schedule 8 and Schedule 10 to, the Courts Act 2003 (c. 39); subsection (5) was repealed by section 132 of, and Schedule 6 to, the Magistrates' Courts Act 1952.

(2) 1980 c.43. Paragraph 2(a) was repealed by sections 41 and 332 of, and paragraphs 51(1) and 13(a) of Schedule 3 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44); paragraph 5 was repealed by sections 25(2) and 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53); paragraph 6 was amended by section 41 of, and paragraph 51(1) and 13(b) of Schedule 3 to, the Criminal Justice Act 2003.

(5) Pan brofir bod trosedd o dan y Rheoliadau hyn, a gyflawnwyd gan gymdeithas anghorfforedig, wedi ei chyflawni gyda chydysyniad neu ymoddefiad unrhyw swyddog o'r gymdeithas, neu os gellir priodoli unrhyw esgeulustod ar ran unrhyw swyddog o'r gymdeithas, mae'r swyddog hwnnw (yn ogystal â'r gymdeithas) yn euog o'r drosedd ac yn agored i gael ei erlyn a'i gosbi yn unol â hynny.

(6) Ym mharagraff (4), mae "partner" ("*partner*") yn cynnwys person sy'n honni gweithredu fel partner.

(7) Ym mharagraff (5), ystyr "swyddog" ("*officer*") yw swyddog o'r gymdeithas neu aelod o'i gorff llywodraethu, neu berson sy'n honni gweithredu yn rhinwedd swyddogaeth o'r fath.

RHAN 5 AMRYWIOL

Trosiannol

17. Mae trwydded o dan adran 1 o Ddeddf Mewnforio Pysgod Byw (Cymru a Lloegr) 1980(1) sy'n awdurdodi person i gadw neu ryddhau pysgod byw, neu wyau byw o bysgod, sydd mewn grym yn union cyn i'r Rheoliadau hyn ddod i rym, i'w hystyried fel trwydded o dan y Rheoliadau hyn sy'n awdurdodi cadw pysgod neu gyflwyno pysgod i ddyfroedd mewndirol.

(5) Where an offence under these Regulations committed by an unincorporated association is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association, that officer (as well as the association) is guilty of the offence and is liable to be proceeded against and punished accordingly.

(6) In paragraph (4), "partner" ("*partner*") includes a person purporting to act as a partner.

(7) In paragraph (5), "officer" ("*swyddog*") means an officer of the association or a member of its governing body, or a person purporting to act in such a capacity.

PART 5 MISCELLANEOUS

Transitional

17. A licence under section 1 of the Import of Live Fish (England and Wales) Act 1980(1) authorising a person to keep or release live fish, or the live eggs of fish, which is in force immediately before the coming into force of these Regulations, is to be taken to be a permit under these Regulations authorising the keeping of fish or the introduction of fish into inland waters.

(1) 1980 p. 27. Diwygiwyd is-adran (1) gan reoliad 45 o Reoliadau Iechyd Anifeiliaid Dyfrol (Cymru a Lloegr) 2009 (O.S. 2009/463) a pharagraff 5 o Atodlen 2 iddi; diwygiwyd is-adran (2) gan adran 105(1) o Deddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) a pharagraff 62 o Atodlen 11 iddi; adran 132 o Ddeddf Diogelu'r Amgylchedd 1990 (p. 43) a pharagraff 8 o Atodlen 9 iddi; ac erthygl 4(1) o Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755) (Cy. 90) a pharagraff 158 o Atodlen 2 iddo; diwygiwyd is-adran 3 gan adran 37(2) o Ddeddf Pysgodfeydd 1981 (p. 29).

(1) 1980 c.27. Subsection (1) was amended by regulation 45 of, and paragraph 5 of Schedule 2 to, the Aquatic Animal Health (England and Wales) Regulations 2009 (S.I. 2009/463); subsection (2) was amended by section 105(1) of, and paragraph 62 of Schedule 11 to, the Natural Environment and Rural Communities Act 2006 (c. 16); section 132 of, and paragraph 8 of Schedule 9 to, the Environmental Protection Act 1990 (c. 43); and article 4(1) of, and paragraph 158 of Schedule 2 to, Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) (W.90); subsection 3 was amended by section 37(2) of the Fisheries Act 1981 (c. 29).

Diddymu adran 30 o Ddeddf Pysgodfeydd Eogiaid a Dŵr Croyw 1975

18. Mae adran 30 o Ddeddf Pysgodfeydd Eogiaid a Dŵr Croyw 1975(1) wedi ei diddymu.

Repeal of section 30 of the Salmon and Freshwater Fisheries Act 1975

18. Section 30 of the Salmon and Freshwater Fisheries Act 1975(1) is repealed.

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru

9 Rhagfyr 2014

Minister for Natural Resources, one of the Welsh Ministers

9 December 2014

(1) 1975 p. 51. Diwygiwyd adran 30 gan erthygl 4(1) o Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755) (Cy. 90) a pharagraff 127 a 142 o Atodlen 2 iddo; adrannau 105 a 120 o Ddeddf yr Amgylchedd 1995 (p. 25), a pharagraff 17 o Atodlen 15 ac Atodlen 24 iddi; ac adran 190 o Ddeddf Dŵr 1989 (p. 15) a Rhan 1 o Atodlen 27 iddi; adran 34 o Ddeddf Eogiaid 1986 (p. 62).

(1) 1975 c.51. Section 30 was amended by article 4(1) of, and paragraph 127 and 142 of Schedule 2 to, Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755) (W.90); sections 105 and 120 of, and paragraph 17 of Schedule 15 and Schedule 24 to, the Environment Act 1995 (c. 25); and section 190 of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15); section 34 of the Salmon Act 1986 (c. 62).

YR ATODLEN

THE SCHEDULE

Rheoliad 5(2)

Regulation 5(2)

RHAN 1

PART 1

Pysgod na chaniateir eu cadw heb drwydded

Fish that may not be kept without a permit

<i>Urdd Dacsonomaidd</i>	<i>Enw cyffredin</i>
Acipenseriformes	Styrsiwn, Pysgod Sbodol
Amiiformes	Morgwn
Anguilliformes	Llysywod
Atheriniformes	Pysgod Ystlys Arian
Batrachoidiformes	Môr-lyffaint
Beloniformes	Môr-nodwydd, Pysgodyn hedegog
Ceratodontiformes	Pysgod ysgyfeiniog
Characiformes	Tetrâu, Characinaid, Pensafwyr
Clupeiformes	Penwaig, Brwyniaid, Gwangod
Cypriniformes	Carp, Gwrachod, Pilcod
Cyprinodontiformes	Pysgod abwyd
Esociformes	Penhwyaid
Gasterosteiformes	Crethyll
Gonorynchiformes	Kneriidae
Gymnotiformes	Llafnbysg
Lepidosireniformes	Pysgod ysgyfeiniog De Americanaidd ac Affricanaidd
Lepisosteiformes	Môr-nodwyddau neu Gornbigau
Myliobatiformes	Morgathod duon
Osmeriformes	Brwyniaid Conwy
Osteoglossiformes	Arapaimaod
Perciformes	Draenogiaid, Glöynnod y môr, Ciclidau, Tiwnaod
Percopsiformes	Draenogiaid brithion, Pysgod ogof
Petromyzontiformes	Llysywod pendoll
Pleuronectiformes	Lledod mwd a Lledod chwithig
Polypteriformes	Cyrsbysg
Salmoniformes	Eogiaid, Brithyllod, Powaniaid
Scorpaeniformes	Pysgod dreiniog, Sgorpioniaid

<i>Taxonomic Order</i>	<i>Common name</i>
Acipenseriformes	Sturgeons, Paddlefish
Amiiformes	Bowfin
Anguilliformes	Eels
Atheriniformes	Silversides
Batrachoidiformes	Toadfish
Beloniformes	Needlefish, Flyingfish
Ceratodontiformes	Lungfish
Characiformes	Tetras, Characins, Headstanders
Clupeiformes	Herrings, Anchovies, Shads
Cypriniformes	Carps, Loaches, Minnows
Cyprinodontiformes	Killifish, Pupfish
Esociformes	Pike
Gasterosteiformes	Sticklebacks
Gonorynchiformes	Shellears
Gymnotiformes	Knifefish
Lepidosireniformes	South American and African Lungfish
Lepisosteiformes	Gar or Garpike
Myliobatiformes	Stingrays
Osmeriformes	Smelt, Noodlefish
Osteoglossiformes	Arapaima, Bonytongues
Perciformes	Perches, Butterflyfish, Cichlids, Tunas
Percopsiformes	Trout-Perch, Cavefish
Petromyzontiformes	Lampreys
Pleuronectiformes	Flounders and Sole
Polypteriformes	Bichirs
Salmoniformes	Salmon, Trout, Whitefish
Scorpaeniformes	Scorpionfish, Sculpins

Siluriformes	Morfleiddiaid
Synbranchiformes	Llysywod pigog
Syngnathiformes	Pibellau môr, Morfeirch
Tetraodontiformes	Chwyddbysgod

Siluriformes	Catfish
Synbranchiformes	Spiny Eels
Syngnathiformes	Pipefish, Seahorses
Tetraodontiformes	Pufferfish

RHAN 2

Rhywogaethau o bysgod y caniateir eu cadw heb drwydded

PART 2

Species of fish that may be kept without a permit

<i>Urdd Dacsonomaidd</i>	<i>Rhywogaeth</i>	
	<i>Enw cyffredin</i>	<i>Enw'r rhywogaeth</i>
Anguilliformes	Llysywod Ewropeaidd	Anguilla anguilla
Clupeiformes	Herlynod	Alosa alosa
	Gwangod	Alosa fallax
Cypriniformes	Barfogiaid	Barbus barbus
	Gorwyniaid	Alburnus alburnus
	Merfogiaid	Abramis brama
	Merfogiaid gwynion	Blicca bjoerkna
	Tybiau'r dail	Leuciscus cephalus
	Carp ⁽¹⁾	Cyprinus carpio
	Byrbysgod	Carassius carassius
	Dars	Leuciscus leuciscus
	Pysgod aur ⁽²⁾	Carassius auratus
	Llyfrothod dŵr croyw	Gobio gobio
	Orffod ⁽³⁾	Leuciscus idus
	Gwrachod pigog	Cobitis taenia
	Gwrachod barfog	Barbatula barbatula
	Pilcod Ewropeaidd	Phoxinus phoxinus
	Rhufelliaid	Rutilus rutilus
	Pysgod rhuddion	Scardinius erythro-phthalmus
	Sgretenod	Tinca tinca
Esociformes	Penhwyaid	Esox lucius
Gasterosteiformes	Crethyll tri phigyn	Gasterosteus aculeatus

<i>Taxonomic Order</i>	<i>Species</i>	
	<i>Common name</i>	<i>Species name</i>
Anguilliformes	European eel	Anguilla anguilla
Clupeiformes	Allis shad	Alosa alosa
	Twaite shad	Alosa fallax
Cypriniformes	European barbel	Barbus barbus
	Bleak	Alburnus alburnus
	Common bream	Abramis brama
	Silver bream	Blicca bjoerkna
	Chub	Leuciscus cephalus
	Common carp ⁽¹⁾	Cyprinus carpio
	Crucian carp	Carassius carassius
	Dace	Leuciscus leuciscus
	Goldfish ⁽²⁾	Carassius auratus
	Gudgeon	Gobio gobio
	Ide ⁽³⁾	Leuciscus idus
	Spined loach	Cobitis taenia
	Stone loach	Barbatula barbatula
	European minnow	Phoxinus phoxinus
	Roach	Rutilus rutilus
	Rudd	Scardinius erythro-phthalmus
	Tench	Tinca tinca
Esociformes	Northern Pike	Esox lucius
Gasterosteiformes	Three-spined stickleback	Gasterosteus aculeatus

	Crethyll naw pigyn	Pungitius pungitius
Osmeriformes	Brwyniaid Conwy	Osmerus eperlanus
Perciformes	Draenogiaid dŵr croyw Ewrasiaidd	Perca fluviatilis
	Crychion	Gymnocephalus cernuus
Petromyzonti-formes	Llysywod pendoll y môr	Petromyzon marinus
	Llysywod pendoll y nant	Lampetra planeri
	Llysywod pendoll yr afon	Lampetra fluviatilis
Salmoniformes	Brithyllod neu siwin	Salmo trutta
	Brithyllod seithliw, ac eithrio'r brithyllod arian esgynnol	Oncorhynchus mykiss
	Eogiaid	Salmo salar
	Canghennau gleision	Thymallus thymallus
	Torgochiaid afon yr Arctig	Salvelinus alpinus
	Fendeisiaid	Coregonus albula
	Powaniaid neu Wyniaid Llyn Tegid	Coregonus lavaretus
Scorpaeniformes	Pennau lletwad	Cottus gobio

⁽¹⁾ Gan gynnwys pob amrywiaeth o'r un rhywogaeth (ee Carp Llyfn, Carp Euraid).

⁽²⁾ Gan gynnwys pob amrywiaeth o'r un rhywogaeth (ee Brown, Euraid, Shubunkin Llundain).

⁽³⁾ Gan gynnwys pob amrywiaeth addurniadol o'r un rhywogaeth (ee Orffod Aur, Orffod Glas).

	Nine-spined stickleback	Pungitius pungitius
Osmeriformes	Smelt	Osmerus eperlanus
Perciformes	Eurasian perch	Perca fluviatilis
	Ruffe	Gymnocephalus cernuus
Petromyzonti-formes	Sea lamprey	Petromyzon marinus
	Brook lamprey	Lampetra planeri
	River lamprey	Lampetra fluviatilis
Salmoniformes	Brown trout or sea trout	Salmo trutta
	Rainbow trout, except the anadromous steelhead	Oncorhynchus mykiss
	Salmon	Salmo salar
	Grayling	Thymallus thymallus
	Arctic char	Salvelinus alpinus
	Vendace	Coregonus albula
	Powan, Schelly or Gwyniad	Coregonus lavaretus
Scorpaeniformes	Bullhead	Cottus gobio

⁽¹⁾ Includes all varieties of the same species (e.g. Ghost Carp, Leather Carp, Koi Carp, Ogen Carp).

⁽²⁾ Includes all varieties of the same species (e.g. Brown, Golden, Lion's Head, London Shubunkin).

⁽³⁾ Includes all ornamental varieties of the same species (e.g. Golden Orfe, Blue Orfe).

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