



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2002 Rhif 1897 (Cy.198)**

**2002 No. 1897 (W.198)**

**PYSGODFEYDD MÔR,  
CYMRU**

**SEA FISHERIES,  
WALES**

**CADWRAETH PYSGOD MÔR**

**CONSERVATION OF SEA FISH**

**Gorchymyn Crancod Heglog Rhy  
Fach (Cymru) 2002**

**The Undersized Spider Crabs  
(Wales) Order 2002**

**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 rhagnodi isafswm maint ar gyfer glanio crancod heglog gwryw (*Maia squinado*) yng Nghymru (erthygl 3 (1)). Mae cychod pysgota tramor yn cael eu heithrio o'r isafswm maint hwn ar gyfer glanio crancod heglog yng Nghymru o ychod pysgota tramor (erthygl 3(2)). Mae cymeryd mesurau ar gyfer cadw a rheoli stociau o dan Erthygl 46 o Reoliad y Cyngor 850/98 yn ddarostyngedig i amod fod y mesurau yn gymwys i bysgotwyr yr Aelod-wladwriaeth berthnasol yn unig.

This Order prescribes a minimum size for the landing of male spider crabs (*Maia squinado*) in Wales (article 3(1)). There is an exemption from the minimum landing size for the landing of spider crabs from foreign fishing boats (article 3(2)). The taking of measures for the conservation and management of stocks under Article 46 of Council Regulation 850/98 is subject to a condition that the measures apply solely to the fishermen of the Member State concerned.

Mae'r Gorchymyn hefyd yn rhoi pwerau gorfodi pellach i swyddogion pysgodfeydd môr Prydeinig mewn perthynas â chychod pysgota Prydeinig yn y môr tiriogaethol cyfagos at Gymru (erthygl 4).

The Order also gives British sea-fishery officers further enforcement powers in relation to British fishing boats in the territorial sea adjacent to Wales (article 4).

Rhagnodir tramgwyddau a chosbau yn y drefn honno gan adran 1(7) ac (8) ac adran 11 o Ddeddf Pysgod Môr (Cadwraeth) 1967, fel y'i diwygiwyd gan Ddeddf Cyfiawnder Troseddol 1991 (p. 53).

Offences and penalties are prescribed respectively by section 1(7) and (8) and section 11 of the Sea Fish (Conservation) Act 1967, as amended by the Criminal Justice Act 1991 (c.53).

Gwneir y Gorchymyn hwn gan ddibynnu ar Erthygl 46.1 o Reoliadau'r Cyngor (EC) Rhif 850/98 (OJ Rhif L125, 27.04.98, p.1), ar gyfer cadwraeth adnoddau pysgodfeydd drwy fesurau technegol er mwyn amddiffyn organebau morol bychan, sy'n awdurdodi Aelod-wladwriaethau i ddilyn rhai mesurau cenedlaethol penodol er mwyn cadw a rheoli stociau.

This Order is made in reliance on Article 46.1 of Council Regulation (EC) No. 850/98 (OJ No. L125, 27.04.98, p.1), for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, which authorises Member States to take certain national measures for the conservation and management of stocks.

Paratowyd Asesiad Effaith Rheoliadol ar sail y D.U. gyfan. Gellir cael copïau oddi wrth y Gangen Pysgodfeydd, Cynulliad Cenedlaethol Cymru, Parc Cathays, Caerdydd.

A Regulatory Impact Assessment was prepared on a U.K. basis. Copies can be obtained from the Fisheries Branch, National Assembly for Wales, Cathays Park, Cardiff.

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CYMRU****SEA FISHERIES,  
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Fach (Cymru) 2002****The Undersized Spider Crabs  
(Wales) Order 2002**

*Wedi'i wneud* 18 Gorffennaf 2002  
*Yn dod i rym* 5 Awst 2002

*Made* 18th July 2002  
*Coming into force* 5th August 2002

Mae Cynulliad Cenedlaethol Cymru drwy arfer y pwerau a roddwyd iddo gan adrannau 1(1), (4) a (6) a 15(3) o Ddeddf Pysgod Môr (Cadwraeth) 1967(a) a phob pŵer arall sy'n ei alluogi yn hynny o beth, drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 1(1) and (6) and 15(3) of the Sea Fish (Conservation) Act 1967(a) and of all other powers enabling it in that behalf, hereby make the following Order:

**Enwi, cychwyn a chymhwyso**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Crancod Heglog Rhy Fach (Cymru) 2002 a daw i rym ar 5 Awst 2002.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru fel y'i diffiniwyd yn adran 155(1) o Ddeddf Llywodraeth Cymru 1998.(b).

**Title, commencement and application**

1.-(1) This Order is called the Undersized Spider Crabs (Wales) Order 2002 and comes into force on 5th August 2002.

(2) This Order applies to Wales as defined in section 155(1) of the Government of Wales Act 1998(b).

(a) 1967 p.84. Amnewidiwyd adran 1 gan Ddeddf Pysgodfeydd 1981 (p.29) adran 19(1), a chafodd ei diwygio gan baragraff 38(a) o Atodlen 13 i Ddeddf Llongau Masnachol 1995 (p.21) a pharagraff 43(2) a (3) o Atodlen 2 i Orchymyn Deddf yr Alban 1998 (Newidiadau Canlyniadol) (Rhif 2) 1999 (O.S. 1999/1820). Amnewidiwyd adran 15(3) gan Ddeddf Pysgodfeydd Môr 1978 (p.77) Atodlen 1, paragraff 38(3) a chafodd ei diwygio gan Ddeddf Terfynau Pysgodfeydd 1976 (p.86) Atodlen 2, paragraff 16(1) ac O.S. 1999/1820, paragraff 43(2)(b). *Gweler* adran 22(2) am ddiffiniad o "y Gweinidogion" at ddibenion adran 1 a 15(3); cafodd adran 22(2) ei diwygio gan Ddeddf Pysgodfeydd 1981, adrannau 19(2)(d) a 45(b) ac (c) a chan O.S. 1999/1820, paragraff 43(12) o Atodlen 2. Yn rhinwedd erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) trosglwyddwyd y swyddogaethau sy'n arferadwy o dan adran 1 a 15(3) o Ddeddf 1967 i Gynulliad Cenedlaethol Cymru i'r graddau y bônt yn arferadwy yng Nghymru (cânt eu diffinio yn adran 155(1) o Ddeddf Llywodraeth Cymru 1998 (p.38) fel eu bod yn cynnwys "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea"); mewn perthynas â dyfroedd y tu hwnt i Gymru mae'r swyddogaethau hyn yn parhau i gael eu harfer gan y Gweinidogion.

(b) 1998 p.38.

(a) 1967 c.84. Section 1 was substituted by the Fisheries Act 1981 (c.29) section 19(1), and was amended by paragraph 38(a) of Schedule 13 to the Merchant Shipping Act 1995 (c.21) and paragraph 43(2) and (3) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820). Section 15(3) was substituted by the Sea Fisheries Act 1978 (c.77) Schedule 1, paragraph 38(3) and amended by the Fishery Limits Act 1976 (c.86) Schedule 2, paragraph 16(1) and S.I. 1999/1820, paragraph 43(2)(b). *See* section 22(2) for definitions of "the Ministers" for the purposes of section 1 and 15(3); section 22(2) was amended by the Fisheries Act 1981, sections 19(2)(d) and 45(b) and (c) and by S.I. 1999/1820, paragraph 43(12) of Schedule 2. By virtue of article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the functions exercisable under section 1 and 15(3) of the 1967 Act were transferred to the National Assembly in so far as exercisable in relation to Wales (defined in section 155(1) of the Government of Wales Act 1998 (c.38) as including "the sea adjacent to Wales out as far as the seaward boundary of the territorial sea"); in respect of waters beyond Wales these functions remain exercisable by the Ministers.

(b) 1998 c.38.

## Dehongli

### 2.-Yn y Gorchymyn hwn-

ystyr "cranc heglog" ("*spider crab*") yw cranc o'r rhywogaeth *Maia squinado*;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Pysgod Môr (Cadwraeth) 1967;

ystyr "maint" ("*size*") mewn perthynas â chranc heglog, yw hyd y gragen, ar hyd y llinell ganol, o ymyl y gragen rhwng y gylfin hyd at ymyl cefn y gragen a chaiff ei fesur fel y dangosir yn yr Atodlen i'r Gorchymyn hwn;

ystyr "y môr tiriogaethol cyfagos at Gymru" ("*the territorial sea adjacent to Wales*") yw'r môr cyfagos at Gymru allan cyn belled â ffin forol y môr tiriogaethol.

### Isafswm maint rhagnodedig ar gyfer glanio crancod heglog

3.-(1) At ddibenion adran 1(1) o'r Ddeddf (sy'n gwahardd glanio unrhyw bysgodyn môr o unrhyw ddisgrifiad, sef pysgodyn sy'n llai o ran maint na'r maint y gellir ei ragnodi mewn perthynas â physgod môr o'r disgrifiad hwnnw), rhagnodir drwy hyn mai 130 milimedr yw'r isafswm maint ar gyfer crancod heglog gwryw.

(2) Caiff cychod pysgota tramor eu heithrio o'r gwaharddiad sy'n cael ei osod gan adran 1(1) o'r Ddeddf fel y caiff ei darllen â pharagraff (1) uchod.

### Pwerau swyddogion pysgodfeydd môr mewn perthynas â chychod pysgota

4.-(1) At ddibenion gorfodi adran 1(1) o'r Ddeddf fel y caiff ei darllen gyda'r Gorchymyn hwn, gall swyddog pysgodfeydd môr Prydeinig arfer y pwerau a roddwyd gan baragraffau (2) i (4) isod mewn perthynas ag unrhyw gwch pysgota Prydeinig perthnasol ac unrhyw gwch pysgota Albanaidd yn y môr tiriogaethol cyfagos at Gymru.

(2) Gall y swyddog fynd ar fwrdd y cwch, gyda neu heb bersonau a neilltuwyd i'w gynorwthyo yn ei ddyletswyddau, ac at y diben hwnnw gall fynnu bod y cwch yn stopio ac yn gwneud unrhyw beth arall a fydd yn hwyluso mynd ar fwrdd y cwch.

(3) Gall y swyddog fynnu presenoldeb y meist'r ac unrhyw bersonau eraill ar fwrdd y cwch a gall gynnal unrhyw archwiliad neu ymchwiliad y mae'n ymddangos iddo eu bod yn angenrheidiol at y diben a grybwyllir ym mharagraff (1) uchod ac, yn benodol -

- (a) gall archwilio unrhyw bysgod ar y cwch a chyfarpar y cwch gan gynnwys yr offer pysgota, a mynnu bod y personau ar fwrdd y cwch yn gwneud unrhyw beth y mae'n ymddangos iddo ef neu hi eu bod yn angenrheidiol i hwyluso'r archwiliad;

## Interpretation

### 2. In this Order-

"the Act" (y *Ddeddf*) means the Sea Fish (Conservation) Act 1967;

"size" ("*maint*"), in relation to a spider crab, means the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace and shall be measured as shown in the Schedule to this Order;

"spider crab" ("*cranc heglog*") means crab of the species *Maia squinado*;

"the territorial sea adjacent to Wales" ("*y môr tiriogaethol cyfagos at Gymru*") means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

### Prescribed minimum size for landing spider crabs

3.-(1) For the purposes of section 1(1) of the Act (which prohibits the landing of any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description), there is hereby prescribed as the minimum size for male spider crabs a size of 130 millimetres.

(2) Landing from foreign fishing boats is exempted from the prohibition imposed by section 1(1) of the Act as read with paragraph (1) above.

### Powers of British sea-fishery officers in relation to fishing boats

4.-(1) For the purpose of the enforcement of section 1(1) of the Act as read with this Order, a British sea-fishery officer may exercise the powers conferred by paragraphs (2) to (4) below in relation to any relevant British fishing boat and to any Scottish fishing boat in the territorial sea adjacent to Wales.

(2) The officer may go on board the boat, with or without persons assigned to assist in his or her duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) The officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him or her to be necessary for the purpose mentioned in paragraph (1) above and, in particular -

- (a) may examine any fish on the boat and the equipment of the boat including the fishing gear, and require persons on board the boat to do anything which appears to him or her to be necessary for facilitating the examination;

- (b) gall fynnu bod unrhyw berson ar fwrdd y cwch yn dangos unrhyw ddogfen sy'n ymwneud â'r cwch, ei weithgareddau pysgota neu weithgareddau sy'n ategol i hynny neu i'r personau ar ei bwrdd sydd yn ei warchodaeth neu ei feddiant a gall gymryd copiâu o unrhyw ddogfen o'r fath;
- (c) at y diben o ganfod a yw meist, perchennog neu'r sawl sydd wedi siartro'r cwch wedi cyflawni tramgwydd o dan adran 1(1) o'r Ddeddf fel y caiff ei darllen gyda'r Gorchymyn hwn, gall chwilio'r cwch am unrhyw ddogfen o'r fath a gall fynnu bod unrhyw berson ar fwrdd y cwch yn gwneud unrhywbeth y mae'n ymddangos i'r swyddog ei fod yn angenrheidiol er mwyn hwyluso'r chwilio; ac
- (ch) pan fo'r cwch yn gwch y mae gan y swyddog reswm dros gredu bod tramgwydd wedi'i gyflawni mewn perthynas ag ef, gall feddiannu a chadw unrhyw ddogfen o'r fath sy'n cael ei dangos neu y deuir ar ei thraws ar ei fwrdd at y diben o sicrhau bod modd i'r ddogfen gael ei defnyddio fel tystiolaeth mewn achos sydd ynghlwm â'r dramgwydd,

ond ni chaiff dim yn is-baragraff (ch) uchod ganiatáu i unrhyw ddogfen y mae'n ofynnol ei chadw ar y cwch yn ôl y gyfraith gael ei dal na'i chadw heblaw pan fo'r cwch yn cael ei gadw mewn porthladd.

(4) Pan ei bod hi'n ymddangos i swyddog pysgodfeydd môr Prydeinig bod y Gorchymyn hwn wedi'i dramgwyddo ar urhyw adeg o fewn ffiniau pysgodfeydd Prydeinig gall-

- (a) fynnu bod meist y cwch y mae'r dramgwydd wedi'i wneud mewn perthynas ag ef yn mynd â'r cwch, a'i griw, neu gall y swyddog fynd â'r cwch a'i griw i'r porthladd cyfleus agosaf, ym marn y swyddog hwnnw, a
- (b) cadw neu fynnu bod y meist yn cadw'r cwch yn y porthladd;

a phan fo swyddog o'r fath yn cadw neu yn mynnu bod cwch yn cael ei gadw bydd ef neu hi yn cyflwyno rhybudd ysgrifenedig i'r meist yn datgan y bydd y cwch yn cael, neu ei bod hi'n ofynnol ei fod yn cael ei gadw hyd nes y bydd y rhybudd yn cael ei dynnu yn ôl drwy gyflwyno rhybudd ysgrifenedig pellach i'r meist gan swyddog pysgodfeydd môr Prydeinig.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998

18 Gorffennaf 2002

*John Marek*

Dirprwy Lywydd y Cynulliad Cenedlaethol

- (b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his or her custody or possession and may take copies of any such document;
- (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under section 1(1) of the Act as read with this order, may search the boat for any such document and may require any person on board the boat to do anything which appears to the officer to be necessary for facilitating the search; and
- (d) where the boat is one in relation to which the officer has reason to suspect that such an offence has been committed, may seize and detain any such document produced or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence,

but nothing in sub-paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.

(4) Where it appears to a British sea-fishery officer that a contravention of this Order has at any time taken place within British fishery limits he or she may -

- (a) require the master of the boat in relation to which the contravention took place to take, or the officer may take, the boat and its crew to the port which appears to that officer to be the nearest convenient port, and
- (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he or she shall serve on the master notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

18th July 2002

The Deputy Presiding Officer of the National Assembly

YR ATODLEN

Erthygl 2

MESUR MAINT CRANC HEGLOG



**SCHEDULE**

**Article 2**

**MEASUREMENT OF THE SIZE OF A SPIDER CRAB**





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OFFERYNNAU STATUDOL

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CYMRU**

**CADWRAETH PYSGOD MÔR**

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**£2.00**

W122/06/02

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ISBN 0-11-090543-1



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