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CYMRU

WELSH STATUTORY
INSTRUMENTS

2013 Rhif 2946 (Cy. 290)

2013 No. 2946 (W. 290)

**PYSGODFEYDD MÔR,
CYMRU**

SEA FISHERIES, WALES

PYSGOD CREGYN

SHELLFISH

Gorchymyn Pysgodfa Cregyn
Gleision Hafan Lydstep 2013

The Lydstep Haven Mussel Fishery
Order 2013

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn rhoi i Pembrokeshire Seafarms Ltd (Rhif y Cwmni: 07587777) ("y Grantî") yr hawl i bysgodfa unigol am gregyn gleision (*Mytilus edulis*) dros ardal o tua 168.4 hectar ger Hafan Lydstep, Sir Benfro, am gyfnod o 15 mlynedd yn dechrau ar 13 Rhagfyr 2013.

Diffinnir hyd a lled y bysgodfa drwy ddefnyddio'r cyfesurynnau a bennir yn yr Atodlen i'r Gorchymyn hwn ac a ddangosir, at ddibenion eglurhaol yn unig, ar fap sydd ar gael i'w archwilio (os gwneir apwyntiad o flaen llaw) yn swyddfeydd Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Mae erthygl 3 yn rhoi'r hawl i bysgodfa unigol.

Mae erthygl 4 yn ei gwneud yn ofynnol bod y Grantî yn marcio terfynau'r bysgodfa ym mha bynnag fodd y bydd Gweinidogion Cymru yn cyfarwyddo o bryd i'w gilydd, ac yn cynnal y marcwyr hynny yn eu lleoedd ac mewn cyflwr da.

Mae erthygl 5 yn ei gwneud yn ofynnol bod y Grantî yn cyflwyno manylion y daliadau yn flynyddol i Weiniogion Cymru, gan gynnwys gwybodaeth benodedig.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on Pembrokeshire Seafarms Ltd (Company Number: 07587777) ("the Grantee") a right of several fishery for mussels (*Mytilus edulis*) over an area of approximately 168.4 hectares near Lydstep Haven, Pembrokeshire for a period of 15 years starting on 13 December 2013.

The extent of the fishery is defined using the co-ordinates set out in the Schedule to this Order and is shown, for illustrative purposes only, on a map which is available for inspection (subject to prior appointment) at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Article 3 confers the right of several fishery.

Article 4 requires the Grantee to mark the limits of the fishery in such manner as the Welsh Ministers may from time to time direct and to maintain those markers in position and good repair.

Article 5 requires the Grantee to submit an annual catch return setting out specified information to the Welsh Ministers.

Mae erthygl 6 yn ei gwneud yn ofynnol bod y Grantî yn darparu cyfrifon blynyddol ac yn cydymffurfio â phob cais am wybodaeth a wneir gan Weinidogion Cymru. Mae'n ei gwneud yn ofynnol hefyd fod y Grantî yn caniatáu i unrhyw berson a awdurdodir gan Weinidogion Cymru archwilio ardal y bysgodfa a'r holl gyfrifon a dogfennau eraill sydd ym meddiant y Grantî ac sy'n ymwneud â'r Gorchymyn hwn a'r ardal honno.

Mae erthygl 7 yn darparu na chaiff dim sydd yn y Gorchymyn hwn leihau effaith hawliau'r Goron ac mae erthygl 8 yn darparu na chaiff dim sydd yn y Gorchymyn hwn leihau effaith unrhyw swyddogaethau statudol a arferir gan ymgymerydd statudol.

Mae erthygl 9 yn gwahardd aseinio, neu drosglwyddo rywffodd arall, yr hawl i bysgodfa unigol a grëir gan y Gorchymyn hwn heb ganiatâd ysgrifenedig ymlaen llaw gan Weinidogion Cymru.

Os na fodlonir Gweinidogion Cymru fod y Grantî yn ffermio'r bysgodfa neu'n gweithredu'r cyfyngiadau a'r rheoliadau a gynhwysir yn y Gorchymyn yn briodol, mae adran 5(1) o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967 yn darparu y caiff y Gweinidog wneud tystysgrif i'r perwyl hwnnw, a fydd yn terfynu'r bysgodfa yn llwyr, o ran yr ardal y gwneir y dystysgrif mewn perthynas â hi.

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.

Article 6 requires the Grantee to provide annual accounts and to comply with all requests for information made by the Welsh Ministers. It also requires the Grantee to allow any person authorised by the Welsh Ministers to inspect the area of the fishery and all accounts and other documents in the possession of the Grantee relating to this Order and that area.

Article 7 provides that nothing in this Order will affect prejudicially the rights of the Crown and article 8 provides that nothing in this Order will affect prejudicially the exercise of any statutory functions by a statutory undertaker.

Article 9 prohibits the assignment or other transfer of the right of several fishery created by this Order without the prior written consent of the Welsh Ministers.

Section 5(1) of the Sea Fisheries (Shellfish) Act 1967 provides that where the Welsh Ministers are not satisfied that the Grantees are properly cultivating or carrying into effect the restrictions and regulations contained in the Order, the Minister may make a certificate to that effect which will absolutely determine the fishery in relation to the area in respect of which the certificate has been made.

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 benefit of complying with this Order.

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PYSGOD CREGYN

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**Gorchymyn Pysgodfa Cregyn
Gleision Hafan Lydstep 2013**

**The Lydstep Haven Mussel Fishery
Order 2013**

Gwnaed 18 Tachwedd 2013

Made 18 November 2013

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 21 Tachwedd 2013

*Laid before the National
Assembly for Wales* 21 November 2013

Yn dod i rym 13 Rhagfyr 2013

Coming into force 13 December 2013

Gwnaed cais i Weinidogion Cymru gan Pembrokeshire Seafarms Ltd (Rhif y Cwmni: 07587777) (“y Grantî”) am orchymyn sy'n rhoi'r hawl i bysgodfa unigol o dan adran 1 o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) 1967(1) (“y Ddeddf”).

Pembrokeshire Seafarms Ltd (Company Number: 07587777) (“the Grantee”) made an application to the Welsh Ministers for an order conferring a right of several fishery under section 1 of the Sea Fisheries (Shellfish) Act 1967(1) (“the Act”).

Paratowyd Gorchymyn drafft gan Weinidogion Cymru a chyflwynwyd copi ohono i'r Grantî yn unol â pharagraff 1 o Atodlen 1 i'r Ddeddf.

The Welsh Ministers prepared a draft order and served a copy of it on the Grantee in accordance with paragraph 1 of Schedule 1 to the Act.

Parodd y Grantî fod copïau printiedig o'r Gorchymyn drafft yn cael eu cyhoeddi a'u cylchredeg, a rhoddodd hysbysiad o'r cais yn unol â pharagraff 2 o Atodlen 1 i'r Ddeddf.

The Grantee caused printed copies of the draft Order to be published and circulated, and gave notice of the application, in accordance with paragraph 2 of Schedule 1 to the Act.

(1) 1967 p. 83. Diwygiwyd adran 1 o'r Ddeddf gan adran 15(1) a (2) o Ddeddf Pysgodfeydd Môr 1968 (p. 77); adran 1 o Ddeddf Pysgodfeydd Môr (Pysgod Cregyn) (Diwygio) 1997 (p. 3); adran 9(1) o Ddeddf Terfynau Pysgodfeydd 1976, a pharagraff 15 o Atodlen 2 iddi (p. 86); adrannau 202(1) a (2), 203 a 321 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 a Rhan 5(A) o Atodlen 22 iddi (p.23). Diwygiwyd Atodlen 1 i'r Ddeddf gan adran 15(1) a (7) o Ddeddf Pysgodfeydd Môr 1968 (p.77); adran 31(6) o Ddeddf Cyfraith Trosedd 1977 (p.45), adrannau 37 a 46 o Ddeddf Cyfiawnder Troseddol 1982 (p.48) ac adran 202(4), 214(1) i (4) a 321 o Ddeddf y Môr a Mynediad i'r Arfordir 2009 a Rhan 5(A) o Atodlen 22 iddi (p.23).

(1) 1967 c. 83. Section 1 of the Act was amended by section 15(1) and (2) of the Sea Fisheries Act 1968 (c. 77); section 1 of the Sea Fisheries (Shellfish) (Amendment) Act 1997 (c. 3); section 9(1) of, and paragraph 15 of Schedule 2 to, the Fishery Limits Act 1976 (c. 86); sections 202(1) and (2), 203 and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009 (c.23). Schedule 1 to the 1967 Act was amended by section 15(1) and (7) of the Sea Fisheries Act 1968 (c.77), section 31(6) of the Criminal Law Act 1977 (c.45), sections 37 and 46 of the Criminal Justice Act 1982 (c.48) and section 202(4), 214(1) to (4) and 321 of, and Part 5(A) of Schedule 22 to, the Marine and Coastal Access Act 2009 (c.23).

Ni chafwyd unrhyw wrthwynebiadau i'r Gorchymyn gael ei wneud.

Mae Gweinidogion Cymru o'r farn y dylid gwneud y Gorchymyn canlynol yn awr.

Mae Gweinidogion Cymru yn gwneud y Gorchymyn canlynol drwy arfer y pwerau a roddir gan adran 1 o'r Ddeddf ac sydd bellach wedi eu breinio(1) ynddynt hwy.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgodfa Cregyn Gleision Hafan Lydstep 2013 a daw i rym ar 13 Rhagfyr 2013.

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

Dehongli

2. Yn y Gorchymyn hwn—

ystyr “yr Ardal” (“*the Area*”) yw'r ardal o wely'r môr ger Hafan Lydstep, Sir Benfro, a ddisgrifir yn yr Atodlen i'r Gorchymyn hwn;

ystyr “y bysgodfa” (“*the fishery*”) yw'r hawl i bysgodfa unigol a grëir gan erthygl 3 o'r Gorchymyn hwn;

ystyr “cragen las” (“*mussel*”) yw unrhyw bysgodyn cragen o'r math *Mytilus edulis*;

ystyr “cyfesuryn” (“*co-ordinate*”) yw cyfesuryn lledred a hydred yn System Geodetig Fyd-eang 1984;

mae i “Cymru” yr ystyr a roddir i “Wales” yn adran 158 o Ddeddf Llywodraeth Cymru 2006(2);

ystyr “y Granti” (“*the Grantee*”) yw Pembrokeshire Seafarms Ltd (Rhif y Cwmni: 07587777) sydd â'i swyddfa gofrestredig yn 91 New Road, Ynysmeudwy, Pontardawe, Abertawe, SA8 4PP neu pa bynnag berson arall sydd â hawl i'r bysgodfa am y tro; ac

No objections to the making of the Order were received.

In the opinion of the Welsh Ministers the following Order should now be made.

The Welsh Ministers make the following Order in exercise of powers conferred by section 1 of the Act which are now vested(1) in them.

Title, commencement and application

1.—(1) The title of this Order is the Lydstep Haven Mussel Fishery Order 2013 and it comes into force on 13 December 2013.

(2) This Order applies in relation to Wales.

Interpretation

2. In this Order—

“the Area” (“*yr Ardal*”) means the area of sea bed near Lydstep Haven, Pembrokeshire described in the Schedule to this Order;

“co-ordinate” (“*cyfesuryn*”) means a co-ordinate of latitude and longitude on the World Geodetic System 1984;

“the fishery” (“*y bysgodfa*”) means the right of several fishery created by article 3 of this Order;

“the Grantee” (“*y Granti*”) means Pembrokeshire Seafarms Ltd (Company Number: 07587777) whose registered office is at 91 New Road, Ynysmeudwy, Pontardawe, Swansea, SA8 4PP or such other person as is for the time being entitled to the fishery;

“mussel” (“*cragen las*”) means any shellfish of the type *Mytilus edulis*;

“statutory undertaker” (“*ymgymerydd statudol*”) means any person who is, or is deemed to be, a statutory undertaker for the purposes of any provision of Part 11 of the Town and Country Planning Act 1990(2); and

(1) Mae swyddogaethau'r Gweinidog priodol (fel y'i diffinnir yn adran 22(1) o'r Ddeddf) yn adran 1 o'r Ddeddf yn arferadwy o ran Cymru gan Weiniogion Cymru yn rhinwedd erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999, ac Atodlen 1 iddo (O.S. 1999/672) ac adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraff 30 o Atodlen 11 iddi (p.32).
(2) 2006 p.32. Mae diwygiadau i adran 158 o Ddeddf Llywodraeth Cymru 2006 nad ydynt yn berthnasol i'r Gorchymyn hwn.

(1) Functions of the appropriate Minister (as defined in section 22(1) of the Act) in section 1 of the Act are exercisable in relation to Wales by the Welsh Ministers by virtue of article 2(a) of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).
(2) 1990 c.8.

ystyr “ymgymeredd statudol” (“*statutory undertaker*”) yw unrhyw berson sydd, neu yr ystyrir ei fod, yn ymgymerydd statudol at ddibenion unrhyw ddarpariaeth o Ran 11 o Ddeddf Cynllunio Gwlad a Thref 1990(1).

Yr hawl i bysgodfa

3. Yn ddarostyngedig i ddarpariaethau'r Gorchymyn hwn, mae gan y Grantî yr hawl i bysgodfa unigol am gregyn gleision o fewn yr Ardal am gyfnod o 15 mlynedd sy'n dechrau ar 13 Rhagfyr 2013.

Marcio terfynau'r Ardal

4. Rhaid i'r Grantî farcio terfynau'r Ardal ym mha bynnag fodd a gyfarwyddir gan Weinidogion Cymru o bryd i'w gilydd, a rhaid iddo gynnal y marcwyr hynny yn eu lleoedd ac mewn cyflwr da.

Manylion Daliadau

5.—(1) Rhaid i'r Grantî gyflwyno i Weinidogion Cymru fanylion y daliadau—

- (a) am y cyfnod o 13 Rhagfyr 2013 i 31 Mawrth 2014 ar 31 Gorffennaf 2014 neu cyn hynny; ac wedi hynny
- (b) ar gyfer y cyfnod o 1 Ebrill i 31 Mawrth ar 31 Gorffennaf neu cyn hynny yn y flwyddyn y mae'r cyfnod hwnnw'n dod i ben.

(2) Rhaid i fanylion daliadau at ddibenion paragraff (1) gofnodi—

- (a) cyfanswm pwysau byw blynyddol y grawn cregyn gleision hynny a heuwyd yn y bysgodfa;
- (b) lleoliad y ffynhonnell y daeth y grawn cregyn gleision hynny ohoni;
- (c) cyfanswm pwysau byw blynyddol yr holl gregyn gleision hynny a gymerwyd o'r bysgodfa;
- (d) lleoliad y man y cymerwyd y cregyn gleision hynny ohono; a
- (e) pa bynnag wybodaeth bellach a fydd yn ofynnol gan Weinidogion Cymru o bryd i'w gilydd ac yr hysbysir y Grantî ohoni.

“Wales” (“*Cymru*”) has the meaning given in section 158 of the Government of Wales Act 2006(1).

Right of fishery

3. Subject to the provisions of this Order, the Grantee has the right of several fishery for mussels within the Area for a period of 15 years starting on 13 December 2013.

Marking of limits of the Area

4. The Grantee must mark out the limits of the Area in such manner as the Welsh Ministers may from time to time direct and must maintain those markers in position and good repair.

Catch Return

5.—(1) The Grantee must submit to the Welsh Ministers a catch return—

- (a) for the period from 13 December 2013 to 31 March 2014 on or before the 31 July 2014; and thereafter
- (b) for the period from 1 April to 31 March on or before the 31 July in the year during which that period ends.

(2) A catch return for the purposes of paragraph (1) must record —

- (a) the annual total live weight of seed mussels laid down on the fishery;
- (b) the location from which those seed mussels were sourced;
- (c) the annual total live weight of all mussels taken from the fishery;
- (d) the location from which those mussels were taken; and
- (e) such further information as may be required by the Welsh Ministers and notified to the Grantee from time to time.

(1) 1990 p.8.

(1) 2006 c.32. There are amendments to section 158 of the Government of Wales Act 2006 which are not relevant to this Order.

Cyfrifon o'r incwm a'r gwariant, gwybodaeth arall ac archwilio

6.—(1) Rhaid i'r Grantî roi i Weinidogion Cymru gyfrifon blynyddol o incwm a gwariant y Grantî o dan y Gorchymyn hwn.

(2) Heb leihau dim ar effaith paragraff (1), rhaid i'r Grantî gydymffurfio ag unrhyw gais a wneir gan Weinidogion Cymru am wybodaeth mewn perthynas â'r Gorchymyn hwn.

(3) Rhaid i'r Grantî ganiatáu i unrhyw berson a awdurdodir gan Weinidogion Cymru archwilio'r Ardal a phob cyfrif a phob dogfen arall ym meddiant y Grantî ac sy'n ymwneud â'r Gorchymyn hwn, a rhaid iddo roi i'r person hwnnw unrhyw wybodaeth ynglŷn â'r materion hyn, y gofynnir amdani gan y person hwnnw.

Hawliau'r Goron

7. Nid oes dim yn y Gorchymyn hwn sy'n lleihau effaith unrhyw ystâd, hawl, pŵer, braint neu esemptiad y Goron, ac yn benodol, nid oes dim yn y Gorchymyn hwn sy'n awdurdodi'r Grantî i gymryd, i ddefnyddio neu i ymyrryd mewn unrhyw fodd ag unrhyw ran o lan neu wely'r môr neu lan neu wely unrhyw afon, sianel, cilfach, bae neu foryd neu unrhyw dir, hereditamentau, gwrthrychau neu hawliau o unrhyw ddisgrifiad sy'n eiddo i'w Mawrhydi drwy hawl ei Choron ac o dan reolaeth Comisiynwyr Ystad y Goron.

Hawliau ymgwymerwyr statudol

8. Nid oes dim yn y Gorchymyn hwn sy'n lleihau effaith unrhyw swyddogaethau statudol a arferir gan ymgwymerydd statudol.

Aseinio

9. Ni chaiff y Grantî, heb ganiatâd ysgrifenedig Gweinidogion Cymru ymlaen llaw, aseinio'r hawl hwn i bysgodfa, na'i drosglwyddo mewn unrhyw ffordd arall, i unrhyw berson arall.

Accounts of income and expenditure, other information and inspection

6.—(1) The Grantee must give to the Welsh Ministers annual accounts of the Grantee's income and expenditure under this Order.

(2) Without prejudice to paragraph (1), the Grantee must comply with any request made by the Welsh Ministers for information relating to this Order.

(3) The Grantee must allow any person authorised by the Welsh Ministers to inspect the Area and all accounts and other documents in the possession of the Grantee relating to this Order, and must give that person any information relating to these matters which that person may require.

Rights of the Crown

7. Nothing in this Order affects prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in this Order authorises the Grantee to take, use or in any manner interfere with any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary or any land, hereditaments, subjects or rights of whatever description belonging to her Majesty in right of the Crown and under the management of the Crown Estate Commissioners.

Rights of statutory undertakers

8. Nothing in this Order affects prejudicially the exercise of any statutory functions by a statutory undertaker.

Assignment

9. The Grantee may not without the prior written consent of the Welsh Ministers assign or in any other way transfer this right of fishery to any other person.

Alun Davies

Y Gweinidog Cyfoeth Naturiol a Bwyd, un o Weinidogion Cymru

18 Tachwedd 2013

Minister for Natural Resources and Food, one of the Welsh Ministers

18 November 2013

YR ATODLEN Erthygl 2

DISGRIFIAD O'R ARDAL

Yr ardal ger Hafan Lydstep, Sir Benfro, sy'n ymestyn i tua 168.4 hectar, ac sydd oddi mewn i linell sy'n cysylltu'r cyfesurynnau a rifwyd 1 i 15 yn y tabl isod.

<i>Pwynt</i>	<i>Lledred</i>	<i>Hydred</i>
1	51.65192433	-4.75045881
2	51.65175551	-4.74215006
3	51.65039301	-4.72615546
4	51.64422322	-4.72615158
5	51.64175708	-4.72756911
6	51.63935718	-4.7219954
7	51.63935719	-4.74829837
8	51.64224522	-4.74829832
9	51.64224521	-4.73784891
10	51.64460902	-4.73272833
11	51.64917244	-4.73896288
12	51.64839502	-4.74477764
13	51.64610147	-4.74480989
14	51.6461191	-4.75363655
15	51.64770128	-4.75509229

SCHEDULE Article 2

DESCRIPTION OF THE AREA

The area near Lydstep Haven, Pembrokeshire, extending to approximately 168.4 hectares, which lies within a line joining the co-ordinates numbered 1 to 15 in the table below.

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	51.65192433	-4.75045881
2	51.65175551	-4.74215006
3	51.65039301	-4.72615546
4	51.64422322	-4.72615158
5	51.64175708	-4.72756911
6	51.63935718	-4.7219954
7	51.63935719	-4.74829837
8	51.64224522	-4.74829832
9	51.64224521	-4.73784891
10	51.64460902	-4.73272833
11	51.64917244	-4.73896288
12	51.64839502	-4.74477764
13	51.64610147	-4.74480989
14	51.6461191	-4.75363655
15	51.64770128	-4.75509229

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