



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2018 Rhif 1095 (Cy. 228)

2018 No. 1095 (W. 228)

**PYSGODFEYDD MÔR,
CYMRU**

SEA FISHERIES, WALES

Gorchymyn Pysgota Môr
(Diwygiadau Amrywiol) (Cymru)
2018

The Sea Fishing (Miscellaneous
Amendments) (Wales) Order 2018

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn diwygio Rheoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006 (O.S. 2006/1495 (Cy. 145)) er mwyn cywiro gwallau a diweddarau cyfeiriadau at ddeddfwriaeth berthnasol yr UE. Mae hefyd yn diwygio Gorchymyn Cŵn Gleision (Gwahardd eu Pysgota) (Cymru) 2008 (O.S. 2008/1438 (Cy. 150)) a Gorchymyn Rhwydi Pysgota Perdys (Cymru) 2008 (O.S. 2008/1811 (Cy. 175)) er mwyn diweddarau cyfeiriadau at ddeddfwriaeth berthnasol yr UE.

This Order amends the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006 (S.I. 2006/1495 (W. 145)) in order to correct errors and update references to the relevant EU legislation. It also amends the Tope (Prohibition of Fishing) (Wales) Order 2008 (S.I. 2008/1438 (W. 150)) and the Shrimp Fishing Nets (Wales) Order 2008 (S.I. 2008/1811 (W. 175)) in order to update references to the relevant EU legislation.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

The Welsh 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 benefits of complying with this Order.

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**PYSGODFEYDD MÔR,
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SEA FISHERIES, WALES

**Gorchymyn Pysgota Môr
(Diwygiadau Amrywiol) (Cymru)
2018**

**The Sea Fishing (Miscellaneous
Amendments) (Wales) Order 2018**

Gwnaed 16 Hydref 2018
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 18 Hydref 2018
Yn dod i rym 20 Tachwedd 2018

Made 16 October 2018
Laid before the National Assembly for Wales
18 October 2018
Coming into force 20 November 2018

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir gan adrannau 3(1), 5(1), 5(6), 6(1), 6(1A) a 15(3) o Ddeddf Pysgod Môr (Cadwraeth) 1967(1), a freiniwyd bellach ynddynt

The Welsh Ministers make the following Order in exercise of the powers conferred by sections 3(1), 5(1), 5(6), 6(1), 6(1A) and 15(3) of the Sea Fish (Conservation) Act 1967(1), which are now vested in

(1) 1967 p. 84 (“Deddf 1967”). Diwygiwyd adran 3(1) gan erthygl 4 o O.S. 1999/1820 a pharagraff 43(1) a (2)(b) o Ran 1 o Atodlen 2 iddo. Amnewidiwyd adran 5(1) gan adran 198(1) a (2) o Ddeddf y Môr a Mynediad i’r Arfordir 2009 (p. 23) (“Deddf 2009”). *Gweler* adran 5(9) o Ddeddf 1967 am ddiffiniad o “the appropriate national authority”. Mewnosodwyd adran 5(9) gan adran 198(3) o Ddeddf 2009 ac fe’i diwygiwyd gan erthygl 4(2) a (4) o O.S. 2010/760. Diwygiwyd adran 5(6) gan adran 22(2) o Ddeddf Pysgodfeydd 1981 (p. 29) ac adran 201 o Ddeddf 2009 a pharagraffau 3(1) a 4(a), (b) ac (c) o Atodlen 15 iddi. Diwygiwyd adran 6(1) gan erthygl 4 o O.S. 1999/1820 a pharagraff 43(1) a (6)(a) o Ran 1 o Atodlen 2 iddo. Mewnosodwyd adran 6(1A) gan adran 23(2) o Ddeddf Pysgodfeydd 1981 ac fe’i diwygiwyd gan erthygl 4 o O.S. 1999/1820 a pharagraff 43(1) a (2)(b) o Ran 1 o Atodlen 2 iddo. Amnewidiwyd adran 15(3) gan adran 22(1) o Ddeddf Pysgodfeydd Môr 1968 (p. 77) a Rhan 2 o Atodlen 1 iddi, ac fe’i diwygiwyd gan adran 9(1) o Ddeddf Terfynau Pysgodfeydd 1976 (p. 86), a pharagraff 16(1) o Atodlen 2 iddi, ac fe’i diwygiwyd ymhellach gan erthygl 4 o O.S. 1999/1820 a pharagraffau 43(1) a (2)(b) o Atodlen 2 iddo. *Gweler* adran 22(2) o Ddeddf 1967 am ddiffiniad o “the Ministers” at ddbenion adrannau 3, 5, 6 a 15(3) o’r Ddeddf honno. Diwygiwyd adran 22(2) gan adrannau 19(2)(d), 45(a), (b) ac (c) a 46(2) o Ddeddf Pysgodfeydd 1981, a Rhan 2 o Atodlen 5 iddi, a chan erthygl 4 o O.S. 1999/1820, a pharagraff 43(1) a (12) o Ran 1 a Rhan 4 o Atodlen 2 iddo.

(1) 1967 c. 84 (“the 1967 Act”). Section 3(1) was amended by article 4 of and paragraph 43(1) and (2)(b) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 5(1) was substituted by section 198(1) and (2) of the Marine and Coastal Access Act 2009 (c. 23) (“the 2009 Act”). *See* section 5(9) of the 1967 Act for a definition of “the appropriate national authority”. Section 5(9) was inserted by section 198(3) of the 2009 Act and amended by article 4(2) and (4) of S.I. 2010/760. Section 5(6) was amended by section 22(2) of the Fisheries Act 1981 (c. 29) and section 201 of and paragraphs 3(1) and 4(a), (b) and (c) of Schedule 15 to the 2009 Act. Section 6(1) was amended by article 4 of, and paragraph 43(1) and (6)(a) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 6(1A) was inserted by section 23(2) of the Fisheries Act 1981 and amended by article 4 of and paragraph 43(1) and (2)(b) of Part 1 of Schedule 2 to S.I. 1999/1820. Section 15(3) was substituted by section 22(1) of and Part 2 of Schedule 1 to the Sea Fisheries Act 1968 (c. 77) and amended by section 9(1) of and paragraph 16(1) of Schedule 2 to the Fishery Limits Act 1976 (c. 86) and further amended by article 4 of and paragraphs 43(1) and (2)(b) of Schedule 2 to S.I. 1999/1820. *See* section 22(2) of the 1967 Act for a definition of “the Ministers” for the purposes of sections 3, 5, 6, and 15(3) of that Act. Section 22(2) was amended by sections 19(2)(d), 45(a), (b) and (c) and 46(2) of, and Part 2 of Schedule 5 to the Fisheries Act 1981, and by article 4 of and paragraph 43(1) and (12) of Part 1 and Part 4 of Schedule 2 to S.I. 1999/1820.

hwy(1), ac adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) (“Deddf 1972”), a pharagraff 1A o Atodlen 2 iddi(3).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion adran 2(2) o Ddeddf 1972 mewn perthynas â pholisi amaethyddol cyffredin yr Undeb Ewropeaidd(4).

Mae'r Gorchymyn hwn yn gwneud darpariaeth at ddiben a grybwyllir yn adran 2(2) o Ddeddf 1972, ac mae'n ymddangos i Weinidogion Cymru ei bod yn hwylus i unrhyw gyfeiriad yn y Gorchymyn hwn, yn Rheoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006(5), yng Ngorchymyn Cŵn Gleision (Gwahardd eu Pysgota) (Cymru) 2008(6) neu yng Ngorchymyn Rhwydi Pysgota Perdys 2008(7), at y Rheoliadau a ganlyn gael ei ddehongli fel cyfeiriad at y Rheoliadau hynny fel y'u diwygir o bryd i'w gilydd—

- (a) Rheoliad y Comisiwn (EC) Rhif 517/2008 dyddiedig 10 Mehefin 2008 sy'n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 850/98 o ran penderfynu ar faint rhwyllau ac asesu trwch cortynnau rhwydi pysgota(8), a

them(1), and section 2(2) of, and paragraph 1A of Schedule 2(2) to the European Communities Act 1972(3) (“the 1972 Act”).

The Welsh Ministers are designated for the purposes of section 2(2) of the 1972 Act in relation to the common agricultural policy of the European Union(4).

This Order makes provision for a purpose mentioned in section 2(2) of the 1972 Act and it appears to the Welsh Ministers that it is expedient for any reference in this Order, the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006(5), the Tope (Prohibition of Fishing) (Wales) Order 2008(6) or the Shrimp Fishing Nets (Wales) Order 2008(7), to the following Regulations to be construed as a reference to those Regulations as amended from time to time—

- (a) Commission Regulation (EC) No. 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets(8), and

(1) 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 adrannau 3, 5, 6 a 15 o Ddeddf 1967 i Gynulliad Cenedlaethol Cymru (fel y'i cyfansoddwyd o dan Ddeddf Llywodraeth Cymru 1998 (p. 38)) i'r graddau y maent yn arferadwy o ran Cymru (gan weithredu ar y cyd ag unrhyw Weinidog y Goron y maent yn arferadwy ganddo mewn perthynas ag adran 15(3)). Trosglwyddwyd y swyddogaethau hynny a oedd gan Gynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) (“Deddf 2006”) a pharagraff 30 o Atodlen 11 iddi. Yn rhinwedd erthyglau 4(1)(b) a 5(1)(b) o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760), cafodd swyddogaethau sy'n arferadwy o dan adrannau 3, 5, 6 a 15 o Ddeddf 1967 eu trosglwyddo ymhellach i Weinidogion Cymru i'r graddau y maent yn arferadwy mewn perthynas â pharth Cymru (gan weithredu ar y cyd ag unrhyw Weinidog y Goron y maent yn arferadwy ganddo mewn perthynas ag adran 15(3)).

(2) 1972 p. 68; diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen iddi. Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 (p. 16) o'r diwrnod ymadael (*gweler* adran 20 o'r Ddeddf honno).

(3) Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 ac fe'i diwygiwyd gan adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 a Rhan 1 o'r Atodlen iddi a chan erthygl 3 o O.S. 2007/1388 a pharagraff 1 o Atodlen 1 iddo. Mae wedi ei diddymu yn rhagolygol gan adran 1 o Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018 o'r diwrnod ymadael (*gweler* adran 20 o'r Ddeddf honno).

(4) O.S. 2010/2690.

(5) O.S. 2006/1495 (Cy. 145).

(6) O.S. 2008/1438 (Cy. 150).

(7) O.S. 2008/1811 (Cy. 175).

(8) OJ Rhif L 151, 11.6.2008, t. 5.

(1) 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 sections 3, 5, 6 and 15 of the 1967 Act were transferred to the National Assembly for Wales (as constituted under the Government of Wales Act 1998 (c. 38)) in so far as exercisable in relation to Wales (acting concurrently with any Minister of the Crown by whom they are exercisable in relation to section 15(3)). Those functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) (“the 2006 Act”). By virtue of articles 4(1)(b) and 5(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760), functions exercisable under sections 3, 5, 6 and 15 of the 1967 Act were further transferred to the Welsh Ministers in so far as exercisable in relation to the Welsh zone (acting concurrently with any Minister of the Crown by whom they are exercisable in relation to section 15(3)).

(2) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and by article 3 of and paragraph 1 of Schedule 1 to S.I. 2007/1388. It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 (c. 16) from exit day (*see* section 20 of that Act).

(3) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and section 3(3) of and Part 1 of the Schedule to the European Union (Amendment) Act 2008. It is prospectively repealed by section 1 of the European Union (Withdrawal) Act 2018 from exit day (*see* section 20 of that Act).

(4) S.I. 2010/2690.

(5) S.I. 2006/1495 (W. 145).

(6) S.I. 2008/1438 (W. 150).

(7) S.I. 2008/1811 (W. 175).

(8) OJ No L 151, 11.6.2008, p. 5.

- (b) Rheoliad y Cyngor (EC) Rhif 1224/2009 dyddiedig 20 Tachwedd 2009 sy'n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau'r polisi pysgodfeydd cyffredin(1).

- (b) Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy(1).

Enwi, cymhwyso, dehongli a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgota Môr (Diwygiadau Amrywiol) (Cymru) 2018.

(2) Ac eithrio fel a ddarperir ym mharagraff (3), mae'r Gorchymyn hwn yn gymwys o ran Cymru a pharth Cymru.

(3) Mae erthyglau 3 a 4 o'r Gorchymyn hwn yn gymwys o ran Cymru.

(4) Yn yr erthygl hon, mae i "Cymru" yr ystyr a roddir i "Wales" ac mae i "parth Cymru" yr ystyr a roddir i "Welsh zone" yn adran 158(1) o Ddeddf Llywodraeth Cymru 2006(2).

(5) Daw'r Gorchymyn hwn i rym ar 20 Tachwedd 2018.

Diwygiadau i Reoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006

2.—(1) Mae Rheoliadau Cofrestru Prynwyr a Gwerthwyr Pysgod a Dynodi Safleoedd Arwerthu Pysgod (Cymru) 2006(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1 (enwi, cychwyn a chymhwyso), ym mharagraff (2), ar ôl "Chymru" mewnosoder "a pharth Cymru".

(3) Yn rheoliad 2 (dehongli)—

(a) ym mharagraff (1)—

(i) hepgorer y diffiniad o "Erthygl 9";

(ii) hepgorer y diffiniad o "y Rheoliad CFP";

(iii) mewnosoder yn y lle priodol yn nhrefn yr wyddor—

Title, application, interpretation and commencement

1.—(1) The title of this Order is the Sea Fishing (Miscellaneous Amendments) (Wales) Order 2018.

(2) Save as provided in paragraph (3), this Order applies in relation to Wales and the Welsh zone.

(3) Articles 3 and 4 of this Order apply in relation to Wales.

(4) In this article, "Wales" ("*Cymru*") and the "Welsh zone" ("*parth Cymru*") have the meanings given by section 158(1) of the Government of Wales Act 2006(2).

(5) This Order comes into force on 20 November 2018.

Amendments to the Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006

2.—(1) The Registration of Fish Buyers and Sellers and Designation of Fish Auction Sites (Wales) Regulations 2006(3) are amended as follows.

(2) In regulation 1 (title, commencement and application), in paragraph (2), after "Wales" insert "and the Welsh zone".

(3) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) omit the definition of "Article 9";

(ii) omit the definition of "the CFP Regulation";

(iii) insert in the appropriate place in alphabetical order—

(1) OJ Rhif L 343, 22.12.2009, t. 1, fel y'i diwygiwyd ddiwethaf gan Reoliad (EU) 2015/812 (OJ Rhif L 133, 29.5.2015, t. 1).

(2) 2006 p. 32. Mae diwygiadau i adran 158 nad ydynt yn berthnasol i'r diffiniad hwn. At ddibenion y diffiniad o "Wales" yn adran 158(1) o Ddeddf 2006, y ffin rhwng y rhannau hynny o'r môr o fewn Aberoedd Hafren a Dyfrdwy sydd i'w trin fel rhai sy'n gyfagos i Gymru a'r rhai nad ydynt i'w trin felly yw, ym mhob achos, llinell a dynnir rhwng y cyfesurynnau a nodir yn Atodlen 3 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Yn rhinwedd adran 162 o Ddeddf 2006, a pharagraff 26 o Atodlen 11 iddi, mae O.S. 1999/672 yn parhau i gael effaith. Mewnosodwyd y diffiniad o "Welsh zone" yn adran 158(1) gan adran 43 o Ddeddf 2009. Pennir parth Cymru yng Ngorchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760).

(3) O.S. 2006/1495 (Cy. 145).

(1) OJ No L 343, 22.12.2009, p. 1, as last amended by Regulation (EU) 2015/812 (OJ No L 133, 29.5.2015, p. 1).

(2) 2006 c. 32. There are amendments to section 158 which are not relevant to this definition. For the purposes of the definition of "Wales" in section 158(1) of the 2006 Act, the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not are, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of section 162 of and paragraph 26 of Schedule 11 to the 2006 Act, S.I. 1999/672 continues to have effect. The definition of "Welsh zone" in section 158(1) was inserted by section 43 of the 2009 Act. The Welsh zone is specified in the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760).

(3) S.I. 2006/1495 (W. 145).

“mae i “Cymru” yr un ystyr ag a roddir i “Wales” yn rhinwedd adran 158 o Ddeddf Llywodraeth Cymru 2006;”;

“mae i “parth Cymru” yr un ystyr ag a roddir i “Welsh zone” yn rhinwedd adran 158 o Ddeddf Llywodraeth Cymru 2006;”;

“ystyr “y Rheoliad Rheolaeth” (“*the Control Regulation*”) yw Rheoliad y Cyngor (EC) Rhif 1224/2009 dyddiedig 20 Tachwedd 2009 sy’n sefydlu system o reolaeth Gymunedol er mwyn sicrhau cydymffurfiaeth â rheolau’r polisi pysgodfeydd cyffredin, fel y’i diwygir o bryd i’w gilydd.”;

(iv) yn y diffiniad o “darpariaethau cywerth”, yn lle “Erthygl 9, neu Erthygl 22 o’r Rheoliad CFP” rhodder “Pennod II o Deitl V”; a

(v) yn y diffiniad o “pysgod”, yn lle “mae Erthygl 9 neu Erthygl 22 o’r Rheoliad CFP” rhodder “mae’r Rheoliad Rheolaeth”;

(b) yn lle paragraff (3) rhodder—

“(3) Mae i’r termau a ddefnyddir yn y Rheoliadau hyn, nad ydynt wedi eu diffinio ym mharagraff (1) na (2) ac sy’n ymddangos yn y Rheoliad Rheolaeth, yr un ystyr yn y Rheoliadau hyn ag sydd iddynt at ddibenion y Rheoliad Rheolaeth.

(4) Yn y Rheoliadau hyn, mae cyfeiriad at Erthygl yn golygu Erthygl o’r Rheoliad Rheolaeth, ac mae cyfeiriad at Bennod II o Deitl V yn golygu Pennod II o Deitl V o’r Rheoliad Rheolaeth.”

(4) Yn rheoliad 3 (cofrestru gwerthwyr pysgod)—

(a) ym mharagraff (1), yn lle “Erthygl 9” rhodder “Pennod II o Deitl V (Rheoli marchnata: gweithgareddau ar ôl glanio)”;

(b) ym mharagraff (4), yn lle “Erthygl 9, Erthygl 22 o’r Rheoliad CFP” rhodder “Erthyglau 59, 62, 63, 64, 66 a 67”; ac

(c) ym mharagraff (8)(b) yn lle “Erthygl 9, Erthygl 22 o’r Rheoliad CFP” rhodder “Erthyglau 59, 62, 63, 64, 66 neu 67”.

(5) Yn rheoliad 5 (cadw cofnodion gan werthwr pysgod cofrestredig), ym mharagraff (3), yn lle “hyd ddiwedd yr ail flwyddyn galendr yn dilyn y gwerthiant hwnnw” rhodder “am 3 blynedd”.

(6) Yn rheoliad 6 (dynodi safleoedd arwerthu pysgod)—

(a) ym mharagraff (1), yn lle “Erthygl 9 ac Erthygl 22 o’r Rheoliad CFP” rhodder “Pennod II o Deitl V”;

““the Control Regulation” (“*y Rheoliad Rheolaeth*”) means Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, as amended from time to time;”;

““Wales” (“*Cymru*”) has the same meaning as it has by virtue of section 158 of the Government of Wales Act 2006;”;

““Welsh zone” (“*parth Cymru*”) has the same meaning as it has by virtue of section 158 of the Government of Wales Act 2006.” ;

(iv) in the definition of “equivalent provisions”, for “Article 9, or Article 22 of the CFP Regulation” substitute “Chapter II of Title V”; and

(v) in the definition of “fish”, for “Article 9 or Article 22 of the CFP Regulation” substitute “the Control Regulation”;

(b) for paragraph (3) substitute—

“(3) Terms used in these Regulations which are not defined in paragraph (1) or (2) and which appear in the Control Regulation have the same meaning in these Regulations as they have for the purposes of the Control Regulation.

(4) In these Regulations, a reference to an Article means an Article of the Control Regulation, and a reference to Chapter II of Title V means Chapter II of Title V of the Control Regulation.”

(4) In regulation 3 (registration of fish sellers)—

(a) in paragraph (1), for “Article 9” substitute “Chapter II of Title V (Control of marketing : post-landing activities)”;

(b) in paragraph (4), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 and 67”; and

(c) in paragraph (8)(b) for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 59, 62, 63, 64, 66 or 67”.

(5) In regulation 5 (maintenance of records by registered fish seller), in paragraph (3), for “until the end of the second calendar year following that sale” substitute “for 3 years”.

(6) In regulation 6 (designation of fish auction sites)—

(a) in paragraph (1), for “Article 9 and Article 22 of the CFP Regulation” substitute “Chapter II of Title V”;

- (b) ym mharagraff (3), yn lle “gydag Erthygl 9, Erthygl 22 y Rheoliad CFP” rhodder “gyda Phennod II o Deitl V”; ac
- (c) ym mharagraff (7)(b), yn lle “Erthygl 9, Erthygl 22 o’r Rheoliad CFP” rhodder “Pennod II o Deitl V”.
- (7) Yn rheoliad 7 (cofrestru prynwyr pysgod)—
- (a) ym mharagraff (1), yn lle “Erthygl 22(2)(b) o’r Rheoliad CFP” rhodder “Erthygl 59”;
- (b) ym mharagraff (3), yn lle “Erthygl 9, Erthygl 22 y Rheoliad CFP” rhodder “Erthyglau 62, 63, 64, 66 a 67”; ac
- (c) ym mharagraff (7)(b), yn lle “Erthygl 9, Erthygl 22 o’r Rheoliad CFP” rhodder “Erthyglau 62, 63, 64, 66 neu 67”.
- (8) Yn lle rheoliad 8 (prynu pysgod gan brynwr anghofrestredig) rhodder—
- “8. Bydd unrhyw berson sy’n prynu pysgod yn groes i Erthygl 59(2) yn euog o drosedd, oni bai bod yr esemptiad yn Erthygl 59(3) yn gymwys.”
- (9) Yn rheoliad 9 (cadw cofnodion gan brynwr pysgod cofrestredig), ym mharagraff (3), yn lle “hyd ddiwedd yr ail flwyddyn galendr yn dilyn y gwerthiant hwnnw” rhodder “, am 3 blynedd”.
- (10) Yn rheoliad 13 (pwerau swyddogion pysgodfeydd môr Prydain mewn cysylltiad â chychod pysgota), ym mharagraff (1), ar ôl “Cymru” mewnosoder “a pharth Cymru”.
- (11) Yn lle rheoliad 15 (pwerau swyddogion pysgod môr Prydain i atafaelu pysgod) rhodder—
- “15. Caiff unrhyw swyddog pysgod môr Prydain atafaelu unrhyw bysgod (gan gynnwys unrhyw gynhwysydd sy’n dal y pysgod) y mae gan y swyddog achos rhesymol dros amau y cyflawnwyd trosedd mewn cysylltiad â hwy o dan y Rheoliadau hyn neu o dan unrhyw ddarpariaeth gywerth.”
- (12) Yn Atodlen 1 (amodau perthnasol i gofrestriadau gwerthwyr pysgod), ym mharagraff 2, yn lle “Erthygl 9” rhodder “Erthyglau 62 i 64”.
- (13) Yn Atodlen 3 (amodau perthnasol i gofrestriadau prynwyr pysgod), ym mharagraff 2, yn lle “Erthygl 22(2) o’r Rheoliad Cyngor (EC) 2371/2002” rhodder “Erthyglau 62 i 64”.
- (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “Chapter II of Title V”; and
- (c) in paragraph (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Chapter II of Title V”.
- (7) In regulation 7 (registration of fish buyers)—
- (a) in paragraph (1), for “Article 22(2)(b) of the CFP Regulation” substitute “Article 59”;
- (b) in paragraph (3), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 62, 63, 64, 66 and 67”; and
- (c) in paragraph (7)(b), for “Article 9, Article 22 of the CFP Regulation” substitute “Articles 62, 63, 64, 66 or 67”.
- (8) For regulation 8 (purchase of fish by an unregistered buyer) substitute—
- “8. Any person who buys fish contrary to Article 59(2) is guilty of an offence, unless the exemption in Article 59(3) applies.”
- (9) In regulation 9 (maintenance of records by registered fish buyer), in paragraph (3), for “until the end of the second calendar year following that purchase” substitute “, for 3 years”.
- (10) In regulation 13 (powers of British sea-fishery officers in relation to fishing boats), in paragraph (1), after “Wales” insert “and the Welsh zone”.
- (11) For regulation 15 (powers of British sea-fishery officers to seize fish) substitute—
- “15. Any British sea-fishery officer may seize any fish (including any receptacle which contains the fish) in respect of which the officer has reasonable grounds to suspect that an offence under these Regulations or under any equivalent provision has been committed.”
- (12) In Schedule 1 (conditions applicable to registrations of fish sellers), in paragraph 2, for “Article 9” substitute “Articles 62 to 64”.
- (13) In Schedule 3 (conditions applicable to registrations of fish buyers), in paragraph 2, for “Article 22(2) of Council Regulation (EC) 2371/2002” substitute “Articles 62 to 64”.

Diwygiadau i Orchymyn Cŵn Gleision (Gwahardd eu Pysgota) (Cymru) 2008

3. Yng Ngorchymyn Cŵn Gleision (Gwahardd eu Pysgota) (Cymru) 2008(1), yn erthygl 1 (enwi, cychwyn a chymhwyso), yn lle paragraff (3) rhodder—

“(3) Nid yw’r Gorchymyn hwn ond yn gymwys i gychod pysgota Prydeinig sydd naill ai—

- (a) wedi eu cofrestru yn y Deyrnas Unedig o dan Ran 2 o Ddeddf Llongau Masnach 1995(2); neu
- (b) o dan berchnogaeth lwyr personau sy’n gymwys i berchnogi llongau Prydeinig at ddibenion y Rhan honno o’r Ddeddf honno.”

Diwygiadau i Orchymyn Rhwydi Pysgota Perdys (Cymru) 2008

4. Yng Ngorchymyn Rhwydi Pysgota Perdys (Cymru) 2008(3), yn erthygl 2 (dehongli), ym mharagraff (2), yn lle’r geiriau o “Rheoliad y Comisiwn (EC) Rhif 129/2003” hyd at y diwedd, rhodder “Rheoliad y Comisiwn (EC) Rhif 517/2008 dyddiedig 10 Mehefin 2008 sy’n gosod rheolau manwl ar gyfer gweithredu Rheoliad y Cyngor (EC) Rhif 850/98 o ran penderfynu ar faint rhwyllau ac asesu trwch cortynnau rhwydi pysgota”.

Amendments to the Tope (Prohibition of Fishing) (Wales) Order 2008

3. In the Tope (Prohibition of Fishing) (Wales) Order 2008(1), in article 1 (title, commencement and application), for paragraph (3) substitute—

“(3) This Order only applies to British fishing boats which are either—

- (a) registered in the United Kingdom under Part 2 of the Merchant Shipping Act 1995(2); or
- (b) owned wholly by persons qualified to own British ships for the purposes of that Part of that Act.”

Amendments to the Shrimp Fishing Nets (Wales) Order 2008

4. In the Shrimp Fishing Nets (Wales) Order 2008(3), in article 2 (interpretation), in paragraph (2), for the words “Commission Regulation (EC) No. 129/2003” to the end, substitute “Commission Regulation (EC) No. 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets”.

Lesley Griffiths

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig, un o Weinidogion Cymru
16 Hydref 2018

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Cabinet Secretary for Energy, Planning and Rural Affairs, one of the Welsh Ministers
16 October 2018

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(1) O.S. 2008/1438 (Cy. 150).

(2) 1995 p. 21.

(3) O.S. 2008/1811 (Cy. 175); yr offerynnau diwygio perthnasol yw O.S. 2008/3144 (Cy. 279) a 2011/1043.

(1) S.I. 2008/1438 (W. 150).

(2) 1995 c. 21.

(3) S.I. 2008/1811 (W. 175); relevant amending instruments are S.I. 2008/3144 (W. 279) and 2011/1043.

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