OFFERYNNAU STATUDOL CYMRU

2019 Rhif 1332 (Cy. 230)

PYSGODFEYDD MÔR, CYMRU

CADWRAETH PYSGOD MÔR

Rheoliadau Pysgota Môr (Diwygiadau Amrywiol) (Cymru) 2019

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud diwygiadau amrywiol i is-ddeddfwriaeth ym maes pysgodfeydd môr sy'n ymwneud â Chymru a pharth Cymru.

Mae'r diwygiadau'n rhoi cyfeiriadau at Reoliad (EU) 2019/1241 Senedd Ewrop a'r Cyngor ar gadwraeth adnoddau pysgodfeydd a diogelu ecosystemau'r môr drwy fesurau technegol, sydd wedi diddymu ac wedi disodli Rheoliad y Cyngor (EC) 850/98, yn lle cyfeiriadau at Reoliad y Cyngor (EC) Rhif 850/98 ar gyfer cadwraeth adnoddau pysgodfeydd drwy fesurau technegol er mwyn diogelu pysgod ifanc organebau môr.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. 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 Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2019 No. 1332 (W. 230)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Sea Fishing (Miscellaneous Amendments) (Wales) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous amendments to secondary legislation in the field of sea fisheries that relates to Wales and the Welsh zone.

The amendments replace references to Council Regulation (EC) No 850/98 for the conservation of fishery resources though technical measures for the protection of juveniles of marine organisms with references to Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, which has repealed and replaced Council Regulation (EC) 850/98.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. 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 these Regulations.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 1332 (Cy. 230)

PYSGODFEYDD MÔR, CYMRU

CADWRAETH PYSGOD MÔR

Rheoliadau Pysgota Môr (Diwygiadau Amrywiol) (Cymru) 2019

Gwnaed — *9 Hydref 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru — *11 Hydref 2019*

Yn dod i rym — *1 Tachwedd 2019*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddir gan adrannau 1(1) a (3), a 5(1) o Ddeddf Pysgod Môr (Cadwraeth) 1967(**1**), ac a freiniwyd bellach ynddynt hwy(**2**), a pharagraff

(**1**) 1967 p. 84 ("Deddf 1967"). Amnewidiwyd adran 1 o Ddeddf 1967 gan adran 19(1) o Ddeddf Pysgodfeydd 1981 (p. 29). Diwygiwyd adran 1(1) o Ddeddf 1967 gan adran 194(1) a (2) o Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) ("Deddf 2009") ac erthygl 4 o O.S. 1999/1820 a pharagraff 43(1) a (2)(a) o Ran 1 o Atodlen 2 iddo. Amnewidiwyd adran 1(3) o Ddeddf 1967 gan adran 194(1) a (4) o Ddeddf 2009. Gweler adran 1(9) am ddiffiniad o "the appropriate national authority". Mewnosodwyd adran 1(9) gan adran 194(1) a (5) o Ddeddf 2009 ac fe'i diwygiwyd gan erthygl 4(2) a (4) o O.S. 2010/760. Amnewidiwyd adran 5(1) gan adran 198(1) a (2) o Ddeddf 2009. Gweler adran 5(9) 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 22(2) o Ddeddf 1967, sy'n cynnwys diffiniad o "the Ministers", gan adrannau 19(2)(d) a (3), a 45 a 46 o Ddeddf Pysgodfeydd 1981 (p. 29), a Rhan 2 o Atodlen 5 iddi ac erthygl 4 o O.S. 1999/1820, a pharagraff 43(1) a (12) o Ran 1, a Rhan 4, o Atodlen 2 iddo.

(**2**) Trosglwyddwyd swyddogaethau'r Gweinidogion o dan adrannau 1(1) a (3), a 5(1), ac i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672). Trosglwyddwyd y swyddogaethau hynny wedi hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraff 30 o Atodlen 11 iddi. I'r graddau yr oeddent yn arferadwy o ran parth Cymru, trosglwyddwyd swyddogaethau'r Gweinidogion o dan adrannau 1(3), (4) a (6), a 5(1) a (2) o Ddeddf 1967 i Weinidogion Cymru gan erthygl 4(1)(b) o Orchymyn Parth Cymru (Ffiniau a Throsglwyddo Swyddogaethau) 2010 (O.S. 2010/760).

WELSH STATUTORY INSTRUMENTS

2019 No. 1332 (W. 230)

SEA FISHERIES, WALES

CONSERVATION OF SEA FISH

The Sea Fishing (Miscellaneous Amendments) (Wales) Regulations 2019

Made — *9 October 2019*

Laid before the National Assembly for Wales — *11 October 2019*

Coming into force — *1 November 2019*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 1(1) and (3), and 5(1) of the Sea Fish (Conservation) Act 1967(**1**), and now vested in them(**2**), and paragraph 1A

(**1**) 1967 c. 84,("the 1967 Act"). Section 1 of the 1967 Act was substituted by the Fisheries Act 1981 (c. 29), section 19(1). Section 1(1) of the 1967 Act was amended by the Marine and Coastal Access Act 2009 (c. 23) ("the 2009 Act"), section 194(1) and (2) and S.I. 1999/1820, article 4, Schedule 2, Part 1, paragraph 43(1) and (2)(a). Section 1(3) of the 1967 Act was substituted by the 2009 Act, section 194(1) and (4). See section 1(9) for a definition of "the appropriate national authority". Section 1(9) was inserted by the 2009 Act, section 194(1) and (5) and amended by S.I. 2010/760, article 4(2) and (4). Section 5(1) was substituted by the 2009 Act, section 198(1) and (2). See section 5(9) for a definition of "the appropriate national authority". Section 5(9) was inserted by the 2009 Act, section 198(3) and amended by S.I. 2010/760, article 4(2) and (4). Section 22(2) of the 1967 Act, which contains a definition of "the Ministers", was amended by the Fisheries Act 1981 (c. 29), sections 19(2)(d) and (3), and 45 and 46, Schedule 5, Part 2 and S.I. 1999/1820, article 4, Schedule 2, Part 1, paragraph 43(1) and (12), Part 4.

(**2**) The functions of the Ministers under sections 1(1) and (3), and 5(1) and so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions were then further transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). So far as exercisable in relation to the Welsh zone, the functions of the Ministers under sections 1(3), (4) and (6), and 5(1) and (2) of the 1967 Act were transferrred to the Welsh Ministers by article 4(1)(b) of the Welsh Zone (Boundaries and Transfer of Functions) Order 2010 (S.I. 2010/760).

1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972 ("Deddf 1972")(**1**).

Mae Gweinidogion Cymru wedi eu dynodi at ddibenion Deddf 1972 mewn perthynas â'r polisi amaethyddol cyffredin(**2**).

Mae'r Rheoliadau hyn 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'r cyfeiriad at offeryn yr UE yn rheoliad 3 gael ei ddehongli fel cyfeiriad at yr offeryn hwnnw fel y'i diwygir o bryd i'w gilydd.

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Pysgota Môr (Diwygiadau Amrywiol) (Cymru) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 1 Tachwedd 2019.

Gorchymyn Gwahardd Pysgota â Threillrwydi Lluosog (Cymru) 2003

2. Yng Ngorchymyn Gwahardd Pysgota â Threillrwydi Lluosog (Cymru) 2003(**3**), yn erthygl 2, yn lle'r diffiniad o "Rheoliad y Cyngor" rhodder—

> "ystyr "Rheoliad y Cyngor" ("*the Council Regulation*") yw Rheoliad (EU) 2019/1241 Senedd Ewrop a'r Cyngor dyddiedig 20 Mehefin 2019 ar gadwraeth adnoddau pysgodfeydd a diogelu ecosystemau'r môr drwy fesurau technegol;".

Gorchymyn Pysgota am Gregyn Bylchog (Cymru) (Rhif 2) 2010

3. Yng Ngorchymyn Pysgota am Gregyn Bylchog (Cymru) (Rhif 2) 2010(**4**), yn lle erthygl 11(2) rhodder—

> "(2) At ddibenion paragraff (1), mae maint cragen fylchog i'w fesur yn unol â pharagraff 6 o Atodiad 4 i Reoliad (EU) 2019/1241 Senedd

(**1**) 1972 p. 68. Mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a chan O.S. 2007/1388.

(**2**) O.S. 2010/2690 (Cy. 205). Yn rhinwedd paragraff 28(1) o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006, mae'r dynodiad hwn yn cael effaith fel pe bai wedi ei wneud o dan adran 59(1) o'r Ddeddf honno.

(**3**) O.S. 2003/1855 (Cy. 205), a ddiwygiwyd gan O.S. 2019/463 (Cy. 111).

(**4**) O.S. 2010/269 (Cy. 33).

of Schedule 2 to the European Communities Act 1972 ("the 1972 Act")(**1**).

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

These Regulations make 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 the reference to an EU instrument in regulation 3 to be construed as a reference to that instrument as amended from time to time.

Title and commencement

1.—(1) The title of these Regulations is the Sea Fishing (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force on 1 November 2019.

The Prohibition of Fishing with Multiple Trawls (Wales) Order 2003

2. In the Prohibition of Fishing with Multiple Trawls (Wales) Order 2003(**3**), in article 2, for the definition of "the Council Regulation" substitute—

> ""the Council Regulation ("*Rheoliad y Cyngor*") means Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures;".

Scallop Fishing (Wales) (No. 2) Order 2010

3. In the Scallop Fishing (Wales) (No. 2) Order 2010(**4**), for article 11(2) substitute—

> "(2) For the purposes of paragraph (1), the size of a scallop is to be measured in accordance with paragraph 6 of Annex 4 to Regulation (EU) 2019/1241 of the European Parliament and of

(**1**) 1972 c. 68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and was amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.

(**2**) S.I. 2010/2690 (W. 205). By virtue of paragraph 28(1) of Schedule 11 to the Government of Wales Act 2006, this designation has effect as if made under section 59(1) of that Act.

(**3**) S.I. 2003/1855 (W. 205), amended by S.I. 2019/463 (W. 111).

(**4**) S.I. 2010/269 (W. 33).

Ewrop a'r Cyngor dyddiedig 20 Mehefin 2019 ar gadwraeth adnoddau pysgodfeydd a diogelu ecosystemau'r môr drwy fesurau technegol fel y'i diwygir o bryd i'w gilydd."

Gorchymyn Pysgota am Gregyn Moch (Cymru) 2019

4. Yng Ngorchymyn Pysgota am Gregyn Moch (Cymru) 2019(**1**), yn lle erthygl 6 rhodder—

"**6.** At ddibenion erthyglau 3, 4 a 5, mae maint cragen foch i'w fesur yn unol â pharagraff 6 o Atodiad 6 i Reoliad (EU) 2019/1241 Senedd Ewrop a'r Cyngor dyddiedig 20 Mehefin 2019 ar gadwraeth adnoddau pysgodfeydd a diogelu ecosystemau'r môr drwy fesurau technegol."

the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures as amended from time to time."

Whelk Fishing (Wales) Order 2019

4. In the Whelk Fishing (Wales) Order 2019(**1**), for article 6 substitute—

"**6.** For the purposes of articles 3, 4 and 5, the size of a whelk is to be measured in accordance with paragraph 6 of Annex 6 to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures. "

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig, un o Weinidogion Cymru
9 Hydref 2019

Minister for Environment, Energy and Rural Affairs, one of the Welsh Ministers
9 October 2019

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(**1**) O.S. 2019/1042 (Cy. 184).

(**1**) S.I. 2019/1042 (W. 184).

£4.90

W201910101001 10/2019

http://www.legislation.gov.uk/id/wsi/2019/1332

ISBN 978-0-348-20464-3