

LEGISLATION COMMITTEE - CHECKLIST

Legislation Committee Number: LC70

Title: The Sea Fishing (Enforcement
Of Measures for the Recovery
Of the Stock of Cod)(Irish

Sea) (Wales) Order
2000

Associated Documents:

- Report of the Legal Adviser LC70(R)

Legislation Committee consideration 4 April 2000

(date)

Urgency procedures (if applicable)

Made 17 March 2000

Coming into Force: 18 March 2000

Any further comments:

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NATIONAL ASSEMBLY FOR WALES

LEGISLATION COMMITTEE REPORT

The Sea Fishing (Enforcement of Measures for the

Recovery of the Stock of Cod) (Irish Sea)

(Wales) Order 2000

Background

Section 30(2) of the Fisheries Act 1981 allows the Assembly to make provision by Order for the enforcement of restrictions imposed by the EC in relation to sea fishing.

The present order which has been made under the urgency procedure, makes provision for the enforcement of restrictions contained in a Commission Regulation of February of this year relating to the recovery of the stock of cod in certain parts of the Irish Sea.

Standing Order 11.5

There are some drafting points which, whilst not affecting the validity of the order, are considered to amount to drafting defects. It is thus concluded that the Committee should, in accordance with SO 11.5, invite Assembly to pay special attention to these matters.

The points in issue are as follows.

Article 2(1)

The definition of "specified area" refers to the territorial sea "adjacent to Wales". But as "Wales" is defined in the order by reference to section 155 of the Government of Wales Act, it includes the territorial sea. Thus the wording "adjacent to" is not entirely correct, and would have been more accurate as "within". Alternatively if it was desired to use the term "adjacent to" in order to maintain consistency with the terminology in the corresponding order which is being made for England, the definition of Wales in article 2(1) could have been worded so as not to apply in this case.

Article 5(1)

The reference to "article 10" does not seem correct as article 10 is not a provision creating an offence. It seems that the intention may have been to refer to article 11. This should be capable of correction in the printed order.

Article 6(1)(a)

The same point arises as in relation to the definition of "specified area" in article 2(1).

Article 8(1)(b)

There is a further reference here to "the territorial sea adjacent to Wales".

Article 13(2)

The reference to –

"the powers conferred by that paragraph on any fishery officer"

is not immediately understood as paragraph (1) only contains provision for proceedings to be brought by a local fisheries committee. It may be that the intention was to refer to the powers conferred by article 9.

Further Comment on the Order

There are, additionally, some comments which it is considered should be recorded although these are not points which give rise to formal reporting under SO 11.

Explanatory Note

With reference to the first paragraph it would be helpful to readers if the meaning of –

(ICES Division VIIa)

was explained.

In the third paragraph from the end the words "and for proceedings" appear to be superfluous.

Footnotes

These are presently grouped at the end of the order and will thus need to be allocated to their appropriate pages in the printed version.

Article 2(1)

The definitions of "the Commission Regulation" and "specified area" are not in accordance with the alphabetical order which is followed for the other definitions.

Article 7(1) – opening wording

"in Wales" is not strictly necessary as it is stated in article 1(2) that the order applies only to Wales. Nevertheless it is accepted that inclusion of this wording may assist users.

Article 13(1)

Again, "in Wales" is not strictly necessary but is agreed as being helpful.

J H TURNBULL

Legal Adviser

Legislation Committee

Ref: LAD 01-01-106

30 March 2000

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<p>OFFERYNNAU</p> <p>STATUDOL</p>		<p>STATUTORY</p> <p>INSTRUMENTS</p>
<p>2000 Rhif (Cy.)</p>		<p>2000 No. (W.)</p>
<p>PYSGODFEYDD MÔR, CYMRU</p>		<p>SEA FISHERIES, WALES</p>
<p>Gorchymyn Pysgota Môr (Gorfodi Mesurau ar gyfer Adfer y Stoc Penfreision) (Môr Iwerddon) (Cymru) 2000</p>		<p>The Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod)(Irish Sea) (Wales) Order 2000</p>
<p>NODYN ESBONIADOL</p> <p><i>(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn.)</i></p>		<p>EXPLANATORY NOTE</p> <p><i>(This note does not form part of the Order.)</i></p>
<p>Mae'r Gorchymyn yn darparu ar gyfer gorfodi cyfyngiadau ynglŷn â chadwraeth adnoddau pysgodfeydd drwy fesurau i adfer y stoc penfreision yn y rhan honno o Fôr Iwerddon (Rhaniad VIIa ICES) sydd o fewn y môr tiriogaethol sy'n gyfagos at Gymru. Cynhwysir y cyfyngiadau yn Erthygl 1, fel y'i darllenir gydag Erthyglau 1.2 ac 1.3 o Reoliad y Comisiwn (CE) Rhif 304/2000 (OJ Rhif L35, 10.2.2000, t.10 ("Rheoliad y Comisiwn").</p>		<p>The Order makes provision for the enforcement of restrictions concerning the conservation of fishery resources through measures for the recovery of the stock of cod in that part of the Irish Sea (ICES Division VIIa) which lies within the territorial sea adjacent to Wales. The restrictions are contained in Article 1, as read with Articles 1.2 and 1.3 of Commission Regulation (EC) No.304/2000 (OJ No. L35, 10.2.2000, p.10) ("the Commission Regulation").</p>

Yn ystod y cyfnod o 14 Chwefror 2000 i 30 Ebrill 2000, mae erthygl 1 o Reoliad y Comisiwn yn gwahardd defnyddio mathau penodedig o rwydi ac offer pysgota o fewn ardal ddaearyddol benodedig o Fôr Iwerddon.

Mae'r Gorchymyn hefyd yn gwneud darpariaeth ar gyfer gorfodi gofyniad mewn perthynas â chyfansoddiad canrannol haldiadau o'r rhywogaeth darged a gymerir gan wahanol amrediadau o feintiau masgl, a gynhwysir yn Erthygl 4(4)(b) o Reoliad y Cyngor (CE) Rhif 850/98, ar gyfer cadwraeth adnoddau pysgodfeydd drwy gyfrwng mesurau technegol i warchod ieuencid organeddau morol, fel y'i darllenir gydag Erthygl 2 o Reoliad y Comisiwn. Mae erthygl 2 o Reoliad y Comisiwn yn anghymhwysio mesurau trosiannol ar gyfer 2000 a nodir yn nhroednodyn 6 i Atodiad I i Reoliad y Cyngor 850/98, a allai fel arall ganiatáu i nifer uchel o'r rhywogaeth darged gael eu cymryd fel sgil-haldiad ym Môr Iwerddon.

Mae Erthygl 3 o'r Gorchymyn yn creu tramgwyddau mewn perthynas â thorri Erthygl 1 o Reoliad y Comisiwn neu Erthygl 4(4)(b) o Reoliad y Cyngor 850/98. Pennir cosbau, a all gynnwys fforffedu pysgod, rhwydi ac offer pysgota arall, ar gyfer tramgwyddau o'r fath (erthygl 4).

Article 1 of the Commission Regulation prohibits, during the period 14 February 2000 to 30 April 2000, the use of specified types of nets and fishing gear within a specified geographical area of the Irish Sea.

The Order also makes provision for the enforcement of a requirement in relation to the percentage composition of catches of target species taken by different ranges of mesh sizes which is contained in Article 4(4)(b) of Council Regulation (EC) No. 850/98, for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms, as read with Article 2 of the Commission Regulation. Article 2 of the Commission Regulation disapplies transitional measures for 2000 laid down in footnote 6 of Annex I of Council Regulation 850/98, which might otherwise allow a high number of target species to be taken as by-catch in the Irish Sea.

Article 3 of the Order creates offences in respect of breaches of Article 1 of the Commission Regulation or Article 4(4)(b) of Council Regulation 850/98. Penalties, which may include the forfeiture of fish, nets and other fishing gear, are specified for such offences (article 4).

<p>Mae'r Gorchymyn yn rhoddi pwerau gorfodi i swyddogion pysgodfeydd môr Prydeinig mewn perthynas â chychod pysgota ac ar y tir ac mewn perthynas â chipio pysgod ac offer pysgota (erthyglau 6, 7 ac 8), a hefyd i swyddogion eraill mewn perthynas â rhwydi ac offer pysgota (erthygl 9). Gwneir darpariaeth ar gyfer cosbi unrhyw un a geir yn euog o rwystro neu ymosod ar swyddog (erthygl 11).</p>		<p>The Order confers powers of enforcement on British sea-fishery officers in relation to fishing boats and on land and in relation to the seizure of fish and fishing gear (articles 6, 7 and 8) as well as on other officers in relation to nets and fishing gear (article 9). Provision is made for the punishment of anyone found guilty of obstructing or assaulting an officer (article 11).</p>
<p>Gwneir darpariaeth hefyd ar gyfer erlyn tramgwyddwyr ac ar gyfer achosion gan bwyllgorau pysgodfeydd lleol (erthygl 13). Yr uchafswm cosb statudol a bennir yn y Gorchymyn yw £5,000 ar hyn o bryd.</p>		<p>Provision is also made for the prosecution of offenders and for proceedings by local fisheries committees (article 13). The statutory maximum penalty specified in the Order is currently £5,000.</p>
<p>Mae'r Gorchymyn hefyd yn darparu pwerau ar gyfer casglu dirwyon a orfodir gan lys ynadon (erthygl 5).</p>		<p>The Order provides powers for the recovery of fines imposed by a magistrates court (article 5).</p>
<p>Mae erthyglau 10, 12 a 14 yn cynnwys darpariaethau ategol.</p>		<p>Articles 10, 12 and 14 contain ancillary provisions.</p>

<p>OFFERYNNAU STATUDOL</p>		<p>STATUTORY INSTRUMENTS</p>
<p>2000 Rhif (Cy.)</p>		<p>2000 No. (W.)</p>

PYSGODFEYDD MÔR, CYMRU		SEA FISHERIES , WALES
Gorchymyn Pysgota Môr (Gorfodi Mesurau ar gyfer Adfer y Stoc Penfreision) (Môr Iwerddon) (Cymru) 2000		The Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod)(Irish Sea) (Wales) Order 2000
<i>Wedi'i wneud 17th Mawrth 2000</i> <i>Yn dod i rym 18th Mawrth 2000</i>		<i>Made 17th March 2000</i> <i>Coming into force 18th March 2000</i>
Drwy arfer y pwerau a roddwyd gan adran 30 (2) o Ddeddf Pysgodfeydd 1981 (a) ac a freinir ynddo bellach, mae Cynulliad Cenedlaethol Cymru (b) drwy hyn yn gwneud y Gorchymyn canlynol:		In exercise of the powers conferred by section 30(2) of the Fisheries Act 1981 (a) which are now vested in it, the National Assembly for Wales (b) hereby makes the following Order:
Enwi, cychwyn a chymhwyso		Title, commencement and application
1. -(1) Enw'r Gorchymyn hwn yw Gorchymyn Pysgota Môr (Gorfodi Mesurau ar gyfer Adfer y Stoc Penfreision) (Môr Iwerddon) (Cymru) 2000 a daw i rym ar 18 th Mawrth 2000.		1.-(1) This Order may be cited as the Sea Fishing (Enforcement of Measures for the Recovery of the Stock of Cod) (Irish Sea) (Wales) Order 2000 and shall come into force on 18 th March 2000.
(2) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.		2. This Order applies to Wales only.
Dehongli		Interpretation

2.-(1) Yn y Gorchymyn hwn:-

ystyr "ardal benodedig" ("*specified area*") yw y rhan honno o'r ardal a ddiffinnir yn Erthygl 1.1 o Reoliad y Comisiwn sydd o fewn y môr tiriogaethol sy'n agos at Gymru **(c)**;

mae "cwch pysgota" ("*fishing boat*") yn cynnwys cwch derbyn a chwch trydedd wlad, y naill a'r llall o fewn ystyr Rheoliad 2847/93;

ystyr "cwch pysgota Albanaidd" ("*Scottish fishing boat*") yw llong bysgota a gofrestrwyd yn y gofrestr a gedwir o dan adran 8 o Ddeddf Llongau Masnachol 1995 **(ch)** ac y mae ei manylion yn y gofrestr yn pennu porthladd yn yr Alban fel y porthladd y dylid ei drin fel y porthladd y mae'r llong yn perthyn iddo;

ystyr "cwch pysgota Prydeinig" ("*British fishing boat*") yw cwch pysgota a gofrestrwyd yn y Deyrnas Unedig o dan Ran II o Ddeddf Llongau Masnachol 1995 neu a berchenogir yn gyfan gwbl gan bersonau sy'n gymwysedig i berchenogi llongau Prydeinig at ddibenion y rhan honno o'r Ddeddf honno;

ystyr "cwch pysgota Prydeinig perthnasol" ("*relevant British fishing boat*") yw cwch pysgota Prydeinig nad yw yn gwch pysgota Albanaidd;

mae "Cymru" ("*Wales*") i'w ddehongli yn unol ag adran 155(1) a (2) o Ddeddf Llywodraeth Cymru 1998 **(d)**;

2.-(1) In this Order -

"British fishing boat" ("*cwch pysgota Prydeinig*") means a fishing boat which is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995**(c)** or is owned wholly by persons qualified to own British ships for the purposes of that part of that Act;

"the Community provisions" ("*y darpariaethau Cymunedol*") mean:

(a) the prohibition contained in Article 1.1 of the Commission Regulation, as read with Article 1.2 and 1.3 of that Regulation, and

a. the requirement contained in

Article 4(4)(b) of Regulation 850/98, as read with articles 4 (5)(a) and 5 and Annex I of that Regulation, in so far (only) as that requirement has been given extended effect by virtue of Article 2 of the Commission Regulation;

"the Commission Regulation" ("*Rheoliad y Comisiwn*") means Commission Regulation (EC) No. 304/2000 establishing measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)**(d)**;

ystyr "y darpariaethau Cymunedol" ("*the Community provisions*") yw:

(a) y gwaharddiad sydd wedi'i gynnwys yn Erthygl 1.1 o Reoliad y Comisiwn, fel y'i darllenir gydag Erthyglau 1.2 ac 1.3 o'r Rheoliad hwnnw, a

(b) y gofyniad sydd wedi'i gynnwys yn Erthygl 4(4)(b) o Reoliad 850/98, fel y'i darllenir gydag erthyglau 4(5)(a) a 5 o'r Rheoliad hwnnw ac Atodiad I iddo, i'r graddau (yn unig) y mae effaith y gofyniad hwnnw wedi'i hystemyn yn rhinwedd Erthygl 2 o Reoliad y Comisiwn;

ystyr "pwyllgor pysgodfeydd lleol" ("*local fisheries committee*") yw pwyllgor pysgodfeydd lleol a gyfansoddwyd gan orchymyn wedi'i wneud, neu sydd ag effaith fel petai wedi'i wneud, o dan adran 1 o Ddeddf Rheoli Pysgodfeydd Môr 1966 **(dd)**;

ystyr "Rheoliad 2847/93" ("*Regulation 2847/93*") yw Rheoliad y Cyngor (CEE) Rhif 2847/93 a sefydlodd gyfundrefn reoli sy'n gymwys i'r polisi pysgodfeydd cyffredin**(e)**;

ystyr "Rheoliad 850/98" ("*Regulation 850/98*") yw Rheoliad y Cyngor (CE) Rhif 850/98 ar gyfer cadwraeth adnoddau pysgodfeydd drwy fesurau technegol i warchod ieuencid organeddau morol **(f)**;

ystyr "Rheoliad y Comisiwn" ("*the Commission Regulation*") yw Rheoliad y Comisiwn (CE) Rhif -304/2000 a sefydlodd fesurau i adfer y stoc penfreision ym Môr Iwerddon

"fishing boat" ("*cwch pysgota*") includes a receiving vessel and a third country vessel, in each case within the meaning of Regulation 2847/93;

"local fisheries committee" ("*pwyllgor pysgodfeydd lleol*") means a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 **(e)**;

"Regulation 2847/93" ("*Rheoliad 2847/93*") means Council Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy**(f)**;

"Regulation 850/98" ("*Rheoliad 850/98*") means Council Regulation (EC) No

850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms**(g)**;

"relevant British fishing boat" ("*cwch pysgota Prydeinig perthnasol*") means a British fishing boat which is not a Scottish fishing boat;

"relevant offence" ("*tramgwydd perthnasol*") means an offence

(Rhaniad VIIa ICES)(ff);

ystyr "tramgwydd perthnasol" ("*relevant offence*") yw tramgwydd o dan:

(a) erthygl 3 o'r Gorchymyn hwn, neu

(b) unrhyw ddarpariaeth mewn unrhyw orchymyn arall sy'n ymestyn i unrhyw ran o'r Deyrnas Unedig a wnaed er mwyn gweithredu darpariaethau y Gymuned, sydd yn ddarpariaeth, yn rhinwedd adran 30(2A) o Ddeddf Pysgodfeydd 1981, y gellir cychwyn achos ynglŷn â hi mewn unrhyw le yn y Deyrnas Unedig.

under:

(a) article 3 of this Order, or

(b) any provision in any other order extending to any part of the United Kingdom made for the purposes of implementing

the Community provisions

being a provision in

respect of which, by virtue of section 30(2A) of the Fisheries Act 1981, proceedings may be

commenced in any place in

the United Kingdom;

"specified area" (*ardal benodedig*) means that part of the area defined in Article 1.1 of the Commission Regulation, within the territorial sea adjacent to Wales(h);

"Scottish fishing boat" ("*cwch pysgota Albanaidd*") means a fishing vessel which is registered in the register maintained under section 8 of the Merchant Shipping Act 1995 and whose entry in the register specifies a port in Scotland as the port to which the vessel is to be treated as belonging.

"Wales" ("*Cymru*") is to be interpreted in accordance

(2) Yn y Gorchymyn hwn mae unrhyw gyfeiriad at ddogfen, coflyfr neu ddatganiad yn cynnwys, yn ogystal â dogfen, coflyfr neu ddatganiad ysgrifenedig -

(i) unrhyw fap, plan, graff neu ddarlun;

(ii) unrhyw ffotograff;

(iii) unrhyw ddata, sut bynnag y'i hatgynhychir, a gyfathrebir trwy system monitro lloeren-cwch a sefydlwyd o dan erthygl 3.1 o Reoliad 2847/93;

(iv) unrhyw ddisg, tâp, trac sain neu ddyfais arall sy'n recordio seiniau neu ddata arall (heb fod yn ddelweddau gweledol) fel bod modd eu hatgynhyrchu oddi arnynt (gyda chymorth unrhyw gyfarpar arall, neu hebdo), a

with section 155(1)

and (2) of the Government of

Wales Act 1998(i).

2. In this Order any reference to a document, logbook or declaration includes, in addition to a document, logbook or declaration in writing -

i. any map, plan, graph or

drawing;

(ii) any photograph;

iii. any data, howsoever reproduced, communicated via a satellite-vessel monitoring system established under article 3.1 of Regulation 2847/ 93;

iv. any disk, tape, sound track or other device in which sounds or other data (not being visual images) are recorded so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

v. any film (including microfilm), negative, tape, disk or other device in which one or more visual images are recorded so as to be capable (as aforesaid) of being reproduced therefrom.

(3) Any reference in this Order to a Community instrument is a reference to that instrument and any amendment of such instrument in force on the date this Order is made.

(v) unrhyw ffilm (gan gynnwys microffilm), negatif, tâp, disg neu ddyfais arall y mae un neu fwy o ddelweddau gweledol yn cael eu recordio arnynt fel bod modd eu hatgynhyrchu oddi arnynt (fel y dywedwyd uchod).

3) Mae unrhyw gyfeiriad yn y Gorchymyn hwn at un o offerynnau'r Gymuned yn gyfeiriad at yr offeryn hwnnw ac unrhyw ddiwygiad i'r offeryn hwnnw sydd mewn grym ar y dyddiad y gwneir y Gorchymyn hwn.

Tramgwyddo

3. Pan fydd unrhywun o ddarpariaethau y Gymuned, mewn perthynas ag

(a) unrhyw gwch pysgota o fewn yr ardal benodedig; neu

(b) unrhyw gwch pysgota sy'n mynd i mewn i unrhyw ran o'r ardal benodedig,

yn cael ei dorri, neu pan fethir â chydymffurfio â hi, bydd y meist, y perchennog, a'r siartrwr (os oes un) bob un yn euog o dramgwyddo.

Offences

3.- Where there is, in respect of

a. any fishing boat within the specified area; or

b. the entry into any part of the specified area by any fishing boat,

a contravention of, or failure to comply with any of the Community provisions, the master, the owner and the charterer (if any) shall each be guilty of an offence.

Cosbi

Penalties

4.-(1) Bydd person sy'n euog o dramgwydd o dan erthygl 3 o'r Gorchymyn hwn, neu o dan unrhyw ddarpariaeth gyfatebol mewn unrhyw orchymyn arall sy'n ymestyn i unrhyw ran o'r Deyrnas Unedig, y dygwyd achos mewn perthynas ag ef yng Nghymru yn rhinwedd adran 30(2A) o Ddeddf Pysgodfeydd 1981, yn agored:

4.-(1) A person guilty of an offence under article 3 of this Order, or under any equivalent provision in any other order extending to any part of the United Kingdom proceedings in respect of which were brought in Wales by virtue of section 30(2A) of the Fisheries Act 1981, shall be liable:

(a) o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na'r uchafswm statudol;

a. on summary conviction to a fine not exceeding the statutory maximum;

(b) o'i gollfarnu ar ddiad, i ddirwy.

(b) on conviction on indictment to a fine.

(2) Yn ddarostyngedig i'r darpariaethau canlynol yn yr erthygl hon, caiff y llys y ceir person yn euog o dramgwydd perthnasol ganddo neu ger ei fron orchymyn fforffedu unrhyw bysgod y cyflawnwyd y tramgwydd mewn perthynas â hwy a fforffedu unrhyw rwyd neu offer pysgota arall a ddefnyddiwyd wrth gyflawni'r tramgwydd.

(2) Subject to the following provisions of this article, the court by or before which a person is convicted of a relevant offence, may order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence.

(3) Bydd unrhyw berson a geir yn euog o dramgwydd perthnasol, yn ddarostyngedig i baragraff (5), yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn uwch na gwerth y pysgod y cyflawnwyd y tramgwydd mewn perthynas â hwy.

(3) Any person found guilty of a relevant offence shall, subject to paragraph (5), be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) Ni fydd person yn agored i ddirwy o dan baragraff (3) mewn perthynas â thramgwydd perthnasol os bydd y llys, o dan baragraff (2) yn gorchymyn fforffedu'r pysgod y cyflawnwyd y tramgwydd mewn perthynas â hwy; a phan orfodir dirwy o dan baragraff (3) mewn perthynas ag unrhyw dramgwydd perthnasol, ni fydd gan y llys ber o dan baragraff (2) i orchymyn fforffedu'r pysgod y cyflawnwyd y tramgwydd mewn perthynas â hwy.

(4) A person shall not be liable to a fine

under paragraph (3) in respect of a

relevant offence if, under paragraph (2),

the court orders the forfeiture of the fish

in respect of which the offence was

committed; and where a fine is imposed

under paragraph (3) in respect of any

relevant offence, the court shall not

have power under paragraph (2) to

order the forfeiture of the fish in respect

of which the relevant offence was

committed.

(5) Yn ddarostyngedig i baragraff (4), bydd unrhyw ddirwy y mae person yn agored iddi o dan baragraff (3) mewn perthynas â thramgwydd perthnasol yn ychwanegol at unrhyw gosb arall (boed gosb ariannol neu gosb arall) y mae person yn agored iddi mewn perthynas â'r tramgwydd hwnnw o dan yr erthygl hon neu o dan unrhyw ddeddfiad arall.

(5) Subject to paragraph (4), any fine to which a person is liable under

paragraph (3) in respect of a relevant offence shall be in addition to any other

penalty (whether pecuniary or otherwise) to which the person is liable in respect of that offence under this article or under any other enactment.

Casglu Dirwyon

Recovery of fines

5.- (1) Pan orfodir dirwy gan lys ynadon ar feistr, perchennog neu siartwr, neu ar aelod o griw cwch pysgota a gollfernir gan y llys o dramgwydd perthnasol neu dramgwydd o dan erthygl 10 o'r Gorchymyn hwn, caiff y llys -

5.-(1) Where a fine is imposed by a magistrates court on the master, owner or charterer, or a member of the crew, of a fishing boat who is convicted by the court of a relevant offence or an offence under article 10 of this Order, the court may -

(a) rhoi gwarant atafaelu yn erbyn y cwch a oedd yn gysylltiedig â chyflawni'r tramgwydd a'i offer a'i haldiad ac unrhyw eiddo sydd gan y person a gollfarnwyd er mwyn casglu swm y ddirwy; a

(a) issue a warrant of distress against the boat involved in the commission of the offence and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and

(b) gwneud gorchymyn i gadw y cwch a'i offer a'i haldiad am gyfnod o ddim mwy na thri mis o ddyddiad y gollfarn neu hyd nes y telir y ddirwy neu y cesglir swm y ddirwy yn unol ag unrhyw warant o'r fath, p'un bynnag fydd yn digwydd gyntaf.

(b) order such boat and its gear and catch to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant, whichever occurs first.

(2) Bydd adrannau 77(1) a 78 o Ddeddf Llysoedd Ynadon 1980 **(g)** (gohirio rhoi gwarantau atafaelu, a diffygion ynddynt) yn gymwys i warant atafaelu a roddir o dan yr erthygl hon fel y maent yn gymwys i warant atafaelu a roddir o dan Ran III o'r Ddeddf honno.

(2) Sections 77(1) and 78 of the Magistrates' Courts Act 1980**(j)** (postponement of issue of, and defects in, warrants of distress) shall apply to a warrant of distress issued under this article as they apply to a warrant of distress issued under Part III of that Act.

(3) Pan fydd gorchymyn trosglwyddo dirwy mewn perthynas â dirwy ynglŷn â thramgwydd perthnasol yn cael ei wneud o dan adran 90 o Ddeddf Llysoedd Ynadon 1980, erthygl 95 o Orchymyn Llysoedd Ynadon (Gogledd Iwerddon) 1981 **(ng)** neu adran 222 o Ddeddf Gweithdrefn Droseddol (Yr Alban) 1995 **(h)** ac yn pennu rhanbarth llys ynadon yng Nghymru, bydd yr erthygl hon yn gymwys fel petai'r ddirwy wedi ei gorfodi gan lys o fewn y rhanbarth llys ynadon hwnnw.

(3) Where in relation to a fine in respect of a relevant offence a transfer of fine order under section 90 of the Magistrates' Courts Act 1980, article 95 of the Magistrates' Courts (Northern Ireland) Order 1981**(k)** or section 222 of the Criminal Procedure (Scotland) Act 1995**(l)** specifies a petty sessions area in Wales this article shall apply as if the fine were imposed by a court within that petty sessions area.

Pwerau swyddogion pysgodfeydd môr Prydeinig mewn perthynas â chychod pysgota

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

6.-(1) Er mwyn gorfodi erthygl 3 o'r Gorchymyn hwn, neu unrhyw ddarpariaeth gyfatebol mewn unrhyw orchymyn arall sy'n ymestyn i unrhyw ran arall o'r Deyrnas Unedig, wedi'i gwneud er mwyn gweithredu'r darpariaethau Cymunedol, caiff unrhyw swyddog pysgodfeydd môr Prydeinig mewn perthynas ag:

- a. unrhyw gwch pysgota Prydeinig perthnasol sydd o fewn y môr tiriogaethol cyfagos at Gymru; neu
- b. unrhyw gwch pysgota arall sydd o fewn yr ardal benodedig, arfer y pwerau a roddir gan baragraffau (2) i (4) o'r erthygl hon.

6.-(1) For the purpose of enforcing article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing the Community provisions, any British sea-fishery officer may exercise in relation to:

- a. any relevant British fishing boat which is within the territorial sea adjacent to Wales; or
- b. any other fishing boat which is within the specified area,

the powers conferred by paragraphs (2) to (4) of this article.

(2) Caiff y swyddog fynd ar fwrdd y cwch, gyda personau a neilltuwyd i'w gynorthwyo gyda'i ddyletswyddau neu hebddynt, a chaiff ei gwneud yn ofynnol bod y cwch yn stopio ac yn gwneud unrhyw beth arall a fydd yn ei gwneud yn hwylus naill ai mynd ar fwrdd y cwch neu fynd oddi arno.

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

(3) Caiff y swyddog ei gwneud yn ofynnol bod y meist'r ac unrhyw bersonau eraill sydd ar fwrdd y cwch yn bresennol a chaiff wneud unrhyw archwiliad ac ymholiadau sy'n ymddangos i'r swyddog yn angenrheidiol at y diben a grybwyllwyd ym mharagraff (1) o'r erthygl hon ac, yn benodol -

(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 the officer to be necessary for the purpose mentioned in paragraph (1) of this article and, in particular -

<p>(a) caiff chwilio am bysgod neu offer pysgota ar y cwch a chaiff archwilio unrhyw bysgod ar y cwch a chyfarpar y cwch, gan gynnwys yr offer pysgota, a chaiff ei gwneud yn ofynnol bod personau sydd ar y cwch yn gwneud unrhyw beth sy'n ymddangos i'r swyddog yn angenrheidiol ar gyfer hwyluso'r archwiliad;</p>		<p>(((a) may search for fish or fishing gear on the boat and 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 the officer to be necessary for facilitating the examination;</p>
<p>(b) caiff ei gwneud yn ofynnol bod unrhyw berson sydd ar y cwch yn cyflwyno unrhyw ddogfen ynglŷn â'r cwch, ynglŷn ag unrhyw weithrediadau pysgota neu unrhyw weithrediadau ategol iddynt neu ynglŷn â'r personau sydd ar fwrdd y cwch sydd yng nghadwraeth neu feddiant y person hwnnw;</p>		<p>(b) may require any person on board the boat to produce any document relating to the boat, to any fishing operations or other operations ancillary thereto or to the persons on board which is in the custody or possession of that person;</p>
<p>(c) er mwyn canfod a oes tramgwydd perthnasol wedi'i gyflawni, caiff chwilio'r cwch am unrhyw ddogfen o'r fath a gall ei gwneud yn ofynnol bod unrhyw berson ar fwrdd y cwch yn gwneud unrhyw beth sy'n ymddangos i'r swyddog yn angenrheidiol ar gyfer hwyluso'r chwilio;</p>		<p>(c) for the purposes of ascertaining whether a relevant offence has been committed, 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;</p>
<p>(ch) caiff archwilio a chopio unrhyw ddogfen o'r fath a gyflwynir i'r swyddog neu y deuir o hyd iddi ar y cwch;</p>		<p>(d) may inspect and take copies of any such document produced to the officer or found on board;</p>

<p>(d) heb ragfarn i is-baragraffau (c) ac (ch), gall ei gwneud yn ofynnol bod y meistr ac unrhyw berson sydd am y tro yn gyfrifol am y cwch yn cyflwyno pob dogfen o'r fath sydd ar system gyfrifiadurol mewn ffurf weladwy a darllenadwy, gan gynnwys ei gwneud yn ofynnol bod unrhyw ddogfen o'r fath yn cael ei chyflwyno mewn ffurf y gellir mynd â hi oddi yno; ac</p>	<p>(e) without prejudice to sub-paragraphs (c) and (d), may require the master and any person for the time being in charge of the boat to render all such documents on a computer system into a visible and legible form, including requiring any such document to be produced in a form in which it may be taken away; and</p>
<p>(dd) os oes gan y swyddog reswm dros amau bod tramgwydd perthnasol wedi'i gyflawni mewn perthynas â'r cwch, caiff gipio a chadw unrhyw ddogfen o'r fath a gyflwynir neu y deuir o hyd iddi ar fwrdd y cwch er mwyn galluogi defnyddio'r ddogfen fel tystiolaeth mewn achos ynglŷn â'r tramgwydd;</p>	<p>(f) where the boat is one in relation to which the officer has reason to suspect that a relevant 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;</p>
<p>ond nid fydd dim yn is-baragraff (dd) uchod yn caniatáu cipio a chadw unrhyw ddogfen y mae'r gyfraith yn mynnu ei bod yn cael ei chario ar fwrdd y cwch, ac eithrio pan fydd y cwch yn cael ei gadw mewn porthladd.</p>	<p>but nothing in sub-paragraph (f) 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.</p>
<p>(4) Pan fydd yn ymddangos i swyddog pysgodfeydd môr Prydeinig fod tramgwydd perthnasol wedi'i gyflawni ar unrhyw adeg, fe gaiff y swyddog-</p>	<p>(4) Where it appears to a British sea-fishery officer that a relevant offence has at any time been committed, the officer may -</p>
<p>(a) ei gwneud yn ofynnol bod meistr y cwch y cyflawnwyd y tramgwydd mewn perthynas ag ef yn mynd â'r cwch a'i griw i'r porthladd sy'n ymddangos i'r swyddog fel y porthladd cyfleus agosaf, neu caiff y swyddog wneud hynny ei hun; a</p>	<p>a. require the master of the boat in in relation to which the offence took place to take, or may personally take, the boat and its crew to the port which appears to the officer to be the nearest convenient port; and</p>

b) cadw , neu ei gwneud yn ofynnol bod y meistr yn cadw, y cwch yn y porthladd;

a phan fydd swyddog o'r fath yn cadw cwch, neu'n ei gwneud yn ofynnol bod cwch yn cael ei gadw, rhaid iddo gyflwyno i'r meistr hysbysiad ysgrifenedig y bydd, neu fod, angen cadw y cwch hyd oni thynnir yr hysbysiad yn ôl drwy gyflwyno i'r meistr hysbysiad ysgrifenedig arall a lofnodwyd gan swyddog pysgodfeydd môr Prydeinig.

(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 the officer shall serve on the master a 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.

Pwerau swyddogion pysgodfeydd môr Prydeinig ar y tir

7.-(1) Er mwyn gorfodi darpariaethau erthygl 3 o'r Gorchymyn hwn, neu unrhyw ddarpariaeth gyfatebol mewn unrhyw orchymyn arall sy'n ymestyn i unrhyw ran o'r Deyrnas Unedig, wedi'i wneud er mwyn gweithredu'r darpariaethau Cymunedol, caiff unrhyw swyddog pysgodfeydd môr Prydeinig, yng Nghymru –

(a) mynd i mewn ac archwilio ar unrhyw adeg resymol unrhyw adeiladau a ddefnyddir ar gyfer rhedeg busnes mewn cysylltiad â gweithio cychod pysgota neu unrhyw weithgarwch sy'n gysylltiedig â hynny neu'n ategol i hynny neu mewn cysylltiad â thrin, storio neu werthu pysgod;

(b) cymryd gydag ef neu hi unrhyw bersonau eraill sy'n ymddangos i'r swyddog yn angenrheidiol ac unrhyw gyfarpar neu ddeunyddiau;

(c) archwilio unrhyw bysgod yn yr adeiladau a'i gwneud yn

Powers of British sea-fishery officers on land

7.-(1) For the purposes of enforcing the provisions of article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing the Community provisions, any British sea-fishery officer may in Wales -

a. enter and inspect at any

reasonable time any premises

used for carrying on any business in connection with the operation of fishing boats or activities connected therewith or ancillary thereto or with the treatment, storage or sale of fish;

b. take with him or her such other

persons as appear to the officer to be necessary and any equipment or materials;

c. examine any fish on the

premises and require persons on the

ofynnol bod unrhyw bersonau yn yr adeiladau yn gwneud unrhyw beth sy'n ymddangos i'r swyddog yn angenrheidiol ar gyfer hwyluso'r archwilio;

(ch) cyflawni mewn adeiladau o'r fath unrhyw archwiliadau ac arbrofion eraill a fydd yn rhesymol angenrheidiol;

(d) ei gwneud yn ofynnol na fydd neb yn gwaredu nac yn peri gwaredu unrhyw bysgod o adeiladau o'r fath yn ystod y cyfnod a fydd yn rhesymol angenrheidiol er mwyn sefydlu a gyflawnwyd tramgwydd perthnasol ar unrhyw adeg;

(dd) ei gwneud yn ofynnol bod unrhyw berson yn yr adeiladau yn cyflwyno unrhyw ddogfennau sydd yn eu cadwraeth neu feddiant mewn perthynas â dal, glanio, cludo, trawslwytho, gwerthu neu waredu unrhyw bysgod;

(e) er mwyn canfod a oes unrhyw berson yn yr adeiladau wedi cyflawni tramgwydd perthnasol, chwilio'r adeiladau am unrhyw ddogfen o'r fath a'i gwneud yn ofynnol bod unrhyw berson yn yr adeiladau yn gwneud unrhyw beth sy'n ymddangos i'r swyddog yn angenrheidiol ar gyfer hwyluso'r chwilio;

(f) archwilio a chopio unrhyw ddogfen o'r fath a gyflwynir i'r swyddog neu y deir o hyd iddi yn yr adeiladau;

premises to do anything which appears to the officer to be necessary for facilitating the examination;

d. carry out at such premises

such other inspections or tests as may reasonably be necessary;

e. require any person not to

remove or cause to be removed

any fish from such premises for such a period as may be reasonably necessary for the purposes of establishing whether a relevant offence has at any time been committed;

f. require any person on the

premises to produce any documents which are in his or her custody or possession relating to the catching, landing, transportation, trans-shipment, sale or disposal of any fish;

g. for the purposes of

ascertaining whether any person on the premises has committed a relevant offence, search the premises for any such document and may require any person on the premises to do anything which appears to the officer to be necessary for facilitating the search;

h. inspect and take copies of any

such document produced to him or found on the premises;

i. require any appropriate or

(ff) ei gwneud yn ofynnol bod unrhyw berson priodol neu gyfrifol yn cyflwyno unrhyw ddogfen o'r fath sydd ar system gyfrifiadurol mewn ffurf weladwy a darllenadwy, gan gynnwys ei gwneud yn ofynnol ei chyflwyno mewn ffurf y gellir mynd â hi oddi yno; ac

(g) os oes gan y swyddog reswm dros amau bod tramgwydd perthnasol wedi'i gyflawni, caiff gipio a chadw unrhyw ddogfen o'r fath a gyflwynir neu y deuir o hyd iddi yn yr adeiladau er mwyn galluogi defnyddio'r ddogfen fel tystiolaeth mewn unrhyw achos ynglŷn â'r tramgwydd.

(2) Bydd darpariaethau paragraff (1) uchod yn gymwys, gyda'r newidiadau angenrheidiol, mewn perthynas ag unrhyw dir a ddefnyddir mewn cysylltiad ag unrhyw un o'r gweithgareddau a ddisgrifir ym mharagraff (1) uchod, neu mewn perthynas ag unrhyw gerbyd y mae gan swyddog pysgodfeydd môr Prydeinig achos rhesymol dros gredu ei fod yn cael ei ddefnyddio i gludo pysgod neu gynhyrchion pysgodfeydd, yn yr un modd ag y maent yn gymwys i adeiladau, ac yn achos cerbyd maent yn cynnwys per i'w gwneud yn ofynnol ar unrhyw adeg bod y cerbyd yn stopio, ac, os oes angen, i gyfarwyddo'r cerbyd i ryw fan arall i hwyluso'r archwilio.

responsible person to render any such document on a computer system into a visible and legible form, including requiring it to be produced in a form in which it may be taken away; and

j. if the officer has reason to

suspect that a relevant offence has been committed, seize and detain any such document produced or found on the premises for the purposes of enabling the document to be used as evidence in proceedings for the offence.

(2) The provisions of paragraph (1) above shall apply with necessary modifications in relation to any land used in connection with any of the activities described in paragraph (1) above, or in respect of any vehicle which a British sea-fishery officer has reasonable cause to believe is being used to transport fish or fisheries products, as they apply in relation to premises and, in the case of a vehicle, shall include power to require the vehicle to stop at any time and, if necessary, direct the vehicle to some other place to facilitate the inspection.

(3) If a justice of the peace on sworn information in writing is satisfied -

a. that there is reasonable ground

to believe that any documents or other items which a British sea-fishery officer has power under this article to inspect are on the premises and that their inspection is likely to disclose evidence of the commission of a relevant offence; and

(3) Os yw ynad heddwch, ar ôl derbyn datganiad ysgrifenedig ar lw, wedi'i fodloni –

(a) bod yna sail resymol dros gredu bod unrhyw ddogfennau neu eitemau eraill y mae gan swyddog pysgodfeydd môr Prydeinig ber o dan yr Erthygl hon i'w harchwilio yn yr adeiladau a bod eu harchwilio yn debyg o ddatgelu tystiolaeth bod tramgwydd perthnasol wedi'i gyflawni; a

(b) naill ai-

(i) bod mynediad i'r adeiladau wedi'i wrthod neu'n debyg o gael ei wrthod a bod hysbysiad o'r bwriad i wneud cais am warant wedi'i roddi i'r meddiannydd; neu

(ii) y byddai gwneud cais am fynediad neu roi hysbysiad o'r fath yn rhwystro bwriad y mynediad, neu fod yr adeiladau yn wag, neu fod y meddiannydd yn absennol dros dro, ac y gallai aros i'r meddiannydd ddychwelyd rwystro bwriad y mynediad ;

fe gaiff yr ynad lofnodi gwarant a fydd yn ddilys am fis i awdurdodi swyddog pysgodfeydd môr Prydeinig i fynd i'r adeiladau, gan ddefnyddio grym rhesymol os oes ei angen, ac i fynd â'r personau sy'n ymddangos i'r swyddog yn angenrheidiol.

b. either-

i. that admission to the

premises has been or is likely to be refused and that notice of intention to apply for a warrant has been given to the occupier; or

ii. that an application for

admission or the giving of such notice would defeat the object of the entry, or that the premises are unoccupied, or that the occupier is temporarily absent and it might defeat the object of the entry to await his return;

the justice may by warrant signed by him or her, and valid for one month, authorise a British sea-fishery officer to enter the premises, if need be by reasonable force, and take with him or her such persons as appear to the officer to be necessary.

<p>Pwerau swyddogion pysgodfeydd môr Prydeinig i gipio pysgod ac offer pysgota</p>		<p>Powers of British sea-fishery officers to seize fish and fishing gear</p>
<p>8.-(1) Mae'r erthygl hon yn gymwys -</p>		<p>8.-(1) This article applies-</p>
<p>(a) yng Nghymru, a</p> <p>(b) unrhyw gwch pysgota Prydeinig perth sydd perthnasol o fewn y môr tiriogaethol cyfagos at Gymru; neu</p> <p>(c) unrhyw gwch pysgota arall sydd o fewn yr ardal benodedig,</p>		<p>a. in Wales, and</p> <p>b. to any relevant British fishing boat within the territorial sea adjacent to Wales, and</p> <p>c. to any other fishing boat which is in the specified area.</p>
<p>(2) Pan fydd yr erthygl hon yn gymwys, gall unrhyw swyddog pysgodfeydd môr Prydeinig gipio-</p>		<p>(2) Where this article applies, any British sea-fishery officer may seize -</p>
<p>(a) unrhyw bysgod (gan gynnwys unrhyw gynhwysydd sy'n dal y pysgod) y mae gan y swyddog sail resymol dros amau bod tramgwydd perthnasol wedi'i gyflawni mewn perthynas â hwy; a</p>		<p>a. any fish (including any receptacle which contains the fish) in respect of which the officer has reasonable grounds to suspect that a relevant offence has been committed; and</p>
<p>(b) unrhyw rwyd neu offer pysgota arall y mae gan y swyddog sail resymol dros amau eu bod wedi'u defnyddio wrth gyflawni tramgwydd o'r fath.</p>		<p>● any net or other fishing gear which the officer has reasonable grounds to suspect has been used in the course of the commission of such an offence.</p>
<p>Pwerau swyddogion eraill</p>		<p>Powers of other officers</p>

9.- Er mwyn gorfodi erthygl 3 o'r Gorchymyn hwn, neu unrhyw ddarpariaeth gyfatebol mewn unrhyw orchymyn arall sy'n ymestyn i unrhyw ran o'r Deyrnas Unedig a wnaed er mwyn gweithredu'r darpariaethau Cymunedol, caiff unrhyw swyddog pysgodfeydd i bwyllgor pysgodfeydd lleol, o fewn ardal y pwyllgor, fynd ar fwrdd unrhyw gwch pysgota Prydeinig neu fynd i unrhyw adeiladau (heblaw annedd) a ddefnyddir i redeg unrhyw fusnes mewn cysylltiad â thrin, storio neu werthu pysgod, caiff chwilio am unrhyw bysgod ac unrhyw rwyd neu offer pysgota arall mewn unrhyw le boed ar fwrdd cwch pysgota neu mewn man arall, a boed mewn cynhwysydd neu beidio a'u harchwilio, a chaiff gipio unrhyw bysgod, rhwyd neu offer pysgota arall y mae gan y swyddog sail resymol dros amau bod tramgwydd perthnasol wedi ei gyflawni mewn perthynas â hwy.

9.- For the purpose of enforcing article 3 of this Order, or any equivalent provision in any other order extending to any part of the United Kingdom made for the purposes of implementing the Community provisions, any fishery officer of a local fisheries committee may, within the district of the committee, go on board any British fishing boat or enter any premises (other than a dwelling) used for carrying on any business in connection with the treatment, storage or sale of fish, may search for and examine any fish and any nets or other fishing gear in any place whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any fish, net or other fishing gear in respect of which the officer has reasonable grounds to suspect that a relevant offence has been committed.

Amddiffyn swyddogion

Protection of officers

10. Ni fydd swyddog na pherson sy'n ei gynorthwyo yn rhinwedd

erthygl 6(2) neu 7(1)(b) o'r Gorchymyn hwn yn agored i unrhyw achosion sifil neu droseddol am unrhyw beth a wneir drwy arfer honedig o'r pwerau a roddir iddo neu iddi yn rhinwedd erthyglau 6 i 9 o'r Gorchymyn hwn os yw'r llys wedi'i fodloni fod y weithred wedi'i gwneud yn ddidwyll, bod sail resymol dros ei gwneud a'i bod wedi'i gwneud gyda medr a gofal rhesymol.

10. An officer or a person assisting him or her by virtue of article 6(2) or 7(1)(b) of this Order shall not be liable in any civil or criminal proceedings for anything done in the purported exercise of the powers conferred on him or her by articles 6 to 9 of this Order if the court is satisfied that the act was done in good faith, that there were reasonable grounds for doing it and that it was done with reasonable skill and care.

Rhwystro swyddogion

Obstruction of officers

11. Bydd unrhyw berson sydd-

11. Any person who -

(a) heb esgus rhesymol yn methu â chydymffurfio ag unrhyw ofyniad a osodir gan swyddog pysgodfeydd môr Prydeinig o dan y pwerau a roddir i swyddogion pysgodfeydd môr Prydeinig gan erthyglau 6, 7 neu 8 o'r Gorchymyn hwn;

(a) fails without reasonable excuse to comply with any requirement imposed by a British sea-fishery officer under the powers conferred on British sea-fishery officers by articles 6, 7 or 8 of this Order;

(b) heb esgus rhesymol yn rhwystro, neu yn ceisio rhwystro, unrhyw berson arall rhag cydymffurfio â gofyniad o'r fath; neu

(b) without reasonable excuse prevents, or attempts to prevent, any other person from complying with any such requirement; or

(c) yn ymosod ar swyddog sydd wrthi'n arfer unrhyw un o'r pwerau a roddir iddo neu iddi gan erthyglau 6 i 9 o'r Gorchymyn hwn neu sydd yn fwriadol yn rhwystro swyddog o'r fath wrth iddo arfer unrhyw un o'r pwerau hynny,

(c) assaults an officer who is exercising any of the powers conferred on him or her by articles 6 to 9 of this Order or intentionally obstructs any such officer in the exercise of any of those powers,

yn euog o dramgwydd ac yn agored-

shall be guilty of an offence and liable -

(i) o'i gollfarnu'n ddiannod, i ddirwy heb fod yn fwy na'r uchafswm statudol; neu

(ii) o'i gollfarnu ar dditiad, i ddirwy.

i. on summary conviction to a fine not exceeding the statutory maximum; or

(ii) on conviction on

indictment to a fine.

Darpariaethau ynglŷn â thramgwyddau		Provisions as to offences
<p>12. –(1) Pan brofir bod unrhyw dramgwydd o dan erthygl 3 o'r Gorchymyn hwn a gyflawnwyd gan gorff corfforedig wedi'i gyflawni gyda chydsyniad neu ymoddefiad cyfarwyddydd, rheolydd, ysgrifennydd neu swyddog cyffelyb arall o'r corff corfforedig, neu berson sy'n honni gweithredu mewn unrhyw swyddogaeth o'r fath, bydd y person hwnnw, yn ogystal â'r corff corfforedig, yn euog o'r tramgwydd ac felly yn agored i achos a chosb yn unol â hynny.</p>		<p>12.-(1) Where any offence under article 3 of this Order committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of the offence and liable to be proceeded against and punished accordingly.</p>
<p>(2) Pan brofir bod unrhyw dramgwydd o dan erthygl 3 o'r Gorchymyn hwn a gyflawnwyd gan bartneriaeth wedi'i gyflawni gyda chydsyniad neu ymoddefiad partner, neu y gellir ei briodoli i unrhyw esgeulustod ar ran partner, bydd y person hwnnw, yn ogystal â'r bartneriaeth, yn euog o'r tramgwydd ac felly yn agored i achos a chosb yn unol â hynny.</p>		<p>(2) Where any offence under article 3 of this Order 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 person as well as the partnership shall be guilty of the offence and liable to be proceeded against and punished accordingly.</p>
<p>3) Pan brofir bod unrhyw dramgwydd o dan erthygl 3 o'r Gorchymyn hwn a gyflawnwyd gan gymdeithas anghorfforedig (ac eithrio partneriaeth) wedi'i gyflawni gyda chydsyniad neu ymoddefiad unrhyw un o swyddogion y gymdeithas neu unrhyw aelod o'i chorff llywodraethu neu y gellir ei briodoli i unrhyw esgeulustod ar ran person o'r fath, bydd y person hwnnw, yn ogystal â'r gymdeithas, yn euog o'r tramgwydd ac felly yn agored i achos a chosb yn unol â hynny.</p>		<p>(3) Where any offence under article 3 of this Order committed by an unincorporated association (other than 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, any officer of the association or any member of its governing body, that person as well as the association shall be guilty of the offence and liable to be proceeded against and punished accordingly.</p>
<p style="text-align: center;">Achosion</p>		<p style="text-align: center;">Proceedings</p>

13.- (1) Caiff pwyllgor pysgodfeydd lleol yng Nghymru ddwyn achos mewn perthynas ag unrhyw dramgwydd sy'n digwydd o fewn ardal y pwyllgor o dan erthygl 3 o'r Gorchymyn hwn.

(2) At ddibenion paragraff (1) o'r erthygl hon, bernir bod ardal pwyllgor pysgodfeydd lleol yn ymestyn drwy'r cyfan o ardal unrhyw gyngor yng Nghymru sy'n atebol am dalu costau'r pwyllgor neu am gyfrannu at eu talu, ac eithrio na fydd y pwerau a roddir gan y paragraff hwnnw i unrhyw un o swyddogion pysgodfeydd pwyllgor pysgodfeydd lleol yn arferadwy mewn perthynas ag unrhyw fater sy'n codi o fewn ffiniau unrhyw farchnad sydd o dan reolaeth cyngor unrhyw ardal.

13.-(1) A local fisheries committee in Wales may take proceedings in respect of any offence occurring within the district of the committee under article 3 of this Order.

(2) For the purpose of paragraph (1) of this article the district of a local fisheries committee shall be deemed to extend throughout the area of any council in Wales liable to pay, or contribute to the payment of, the expenses of the committee, except that the powers conferred by that paragraph on any fishery officer of a local fisheries committee shall not be exercisable in respect of any matter arising within the limits of any market under the control of the council of any district.

Derbynioldeb coflyfrau a dogfennau eraill fel tystiolaeth

Admissibility in evidence of logbooks and other documents

14.-(1) Bydd unrhyw

14.-(1) Any-

- (a) coflyfr a gedwir o dan Erthyglau 6, 17.2 neu 28c;
- (b) datganiad a gyflwynir o dan Erthyglau 8.1, 11, 12, 17.2 neu 28f;
- (c) adroddiad ymdrech a gwblheir o dan Erthyglau 19b a 19c;
- (ch) dogfen a lunnir o dan Erthyglau 9 neu 13;
- (d) dogfen sy'n cynnwys gwybodaeth a fynnwys ac a

- a. logbook kept under Articles 6, 17.2 or 28c;
- b. declaration submitted under Articles 8.1, 11, 12, 17.2 or 28f;
- c. effort report completed under Articles 19b and 19c;
- d. document drawn up under Articles 9 or 13;

dderbynnir gan ganolfan
monitro pysgodfeydd a sefydlir
o dan Erthygl 3.7,

(e) document containing
required information received
by a fisheries monitoring centre
established under Article 3.7,

o Reoliad 2847/93, yn dystiolaeth o'r
materion a ddatgenir ynddynt mewn unrhyw
achos ynglŷn â thramgwydd perthnasol.

of Regulation 2847/93 shall, in any
proceedings for a relevant offence, be
evidence of the matters stated therein.

(2) At ddibenion paragraff (1) bydd
"gwybodaeth a fynnwyd" ("*required
information*") yn golygu-

(2) For the purpose of paragraph (1),
"required information" ("*gwybodaeth a
fynnwyd*") shall mean-

- (a) manylion adnabod cwch
pysgota;
- (b) lleoliad daearyddol
diweddaraf y cwch pysgota,
wedi'i fynegi mewn graddau a
munudau lledred a hydred; ac
- (c) y dyddiad a'r amser pan
sefydlwyd y safle hwnnw,

- a. a fishing boat's identification;
- (b) the most recent
geographical position of the
fishing boat expressed in
degrees and minutes of
longitude and latitude; and
- (c) the date and time of the fixing of

that position,

fel y'u cyflëir trwy system monitro cychod
sy'n seiliedig ar loeren a sefydlwyd o dan
erthygl 3.1 o Reoliad 2847/93.

as communicated via a satellite-based
vessel monitoring system established under
article 3(1) of Regulation 2847/93.

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

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

2000		2000
Llywydd y Cynulliad Cenedlaethol		The Presiding Officer of the National Assembly

(a) 1981 p.29. Gweler adran 30(3) i gael diffiniadau "cyfyngiad Cymunedol gorfodadwy" ("enforceable Community restriction"), "rhwymedigaeth Gymunedol orfodadwy" ("enforceable community obligation") ac "y Gweinidogion" ("the Ministers"), fel y'u diwygiwyd gan Atodlen 2, paragraff 68(5) i Orchymyn Deddf yr Alban 1998 (Addasiadau Canlyniadol) (Rhif 2) 1999 (O.S. 1999/1820). Mae Erthygl 3(1) o Orchymyn Deddf yr Alban 1998 (Swyddogaethau Cyfamserol) 1999 (O.S. 1999/1592) ac Atodlen 1 iddo yn darparu i'r swyddogaethau sy'n arferadwy o dan adran 30(2) o Ddeddf 1981 gael eu harfer gan y Gweinidogion, yn gyfamserol â Gweinidogion yr Alban, mewn perthynas â chychod pysgota Albanaidd o fewn ffiniau pysgodfeydd Prydain ond y tu allan i'r parth Albanaidd (am "y parth Albanaidd" gweler adran 126 o Ddeddf yr Alban 1998 (p.46) a Gorchymyn Ffiniau Dyfroedd Cyfagos at yr Alban 1999 (O.S. 1999/1126)).

(b) Yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), trosglwyddwyd swyddogaethau'r Gweinidog Amaethyddiaeth, Pysgodfeydd a Bwyd a'r Ysgrifenyddion Gwladol ynglŷn â physgota môr yng Nghymru, yr Alban a Gogledd Iwerddon o dan adran 30(2) o Ddeddf Pysgodfeydd 1981 (p.29) i'r graddau yr oeddent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru.

(a) 1981 c.29. See section 30(3) for the definitions of "enforceable Community restriction" ("cyfyngiad Cymunedol gorfodadwy"), "enforceable Community obligation" ("rhwymedigaeth Gymunedol orfodadwy") and "the Ministers", ("y Gweinidogion") as modified by Schedule 2, paragraph 68(5) of the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999 (S.I. 1999/1820). Article 3(1) and Schedule 1 of the Scotland Act 1998 (Concurrent Functions) Order 1999 (S.I. 1999/1592) provide for the functions exercisable under section 30(2) of the 1981 Act to be exercised by the Ministers, concurrently with Scottish Ministers, in relation to Scottish fishing boats within British fishery limits but outside the Scottish zone (for "the Scottish zone" see section 126 of the Scotland Act 1998 (c.46) and the Scottish Adjacent Waters Boundaries Order 1999 (S.I. 1999/1126)).

(b) By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the functions of Minister of Agriculture Fisheries and Food, and the Secretaries of State respectively concerned with sea fishing in Wales, Scotland and Northern Ireland under section 30 (2) of the Fisheries Act 1981 (c.29) were, so far as they were exercisable in relation to Wales, transferred to the National Assembly for Wales.

(c) Pennir y môr tiriogaethol cyfagos at Gymru yn unol â darpariaethau adran 1 o Ddeddf Môr Tiriogaethol 1987 (p.47) ac ag unrhyw ddarpariaethau a wneir, neu sydd ag effaith fel petaent wedi eu gwneud, o dan yr adran honno. Bydd y ffin rhwng y darnau hynny o'r môr yn Aberoedd Hafren a Dyfrdwy sydd i'w trin fel môr tiriogaethol cyfagos at Gymru, a'r darnau nad ydynt i'w trin felly, i'w phennu yn unol ag erthygl 6 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau)1999 (O.S. 1999/672) ac Atodlen 3 iddo.

(ch) 1995, p. 21.

(d) 1988, p.38

(dd) 1996, p.38, diddymwyd adran 1 yn rhannol gan Ddeddf Llywodraeth Leol 1972 (p.70), adran 272(1) ac Atodlen 30; a'i hamnewid yn rhannol gan Ddeddf Llywodraeth Leol 1985 (p.51), adran 16 ac Atodlen 8. paragraff19.

(e) OJ Rhif. L261, 20.10.93, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (CE) Rhif 2846/98 (OJ Rhif. L358, 31.12.98, t.5).

(f) OJ Rhif L125, 27.4.98, t.1, fel y'i diwygiwyd ddiwethaf gan Reoliad y Cyngor (CE) Rhif L328, 22.12.99, t.9).

(ff) OJ Rhif L.35, 10.02.2000, t.10

(g) 1980, p43. Troswyd yr uchafsymiau dirwyon yn adran 78 yn lefelau ar y raddfa safonol gan adrannau 37 a 46 o Ddeddf Cyfiawnder Troseddol 1982 (p.48).

(ng) O.S. 1981/1675 (G.I. 26)

(h) 1995, c.46

(c) 1995, c.21.

(d)OJ No. L.35, 10.02.2000, p.10.

(e) 1966, c.38, section 1 was repealed in part by the Local Government Act 1972 (c.70), section 272(1) and Schedule 30; and substituted in part by the Local Government Act 1985 (c.51), section 16 and Schedule 8, paragraph 19.

(f) OJ No. L261, 20.10.93, p.1, as last amended by Council Regulation (EC) No.2846/98 (OJ No. L358, 31.12.98, p.5).

(g) OJ No. L125, 27.4.98, p.1, as last amended by Council regulation (EC) No. 2723/99 (OJ No. L328, 22.12.99, p.9).

(h) The territorial sea adjacent to Wales is determined in accordance with the provisions of section 1 of the Territorial Sea Act 1987 (c.47) and with any provisions made, or having effect as if made, under that section. The boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as being territorial seas adjacent to Wales, and those which are not, is determined in accordance with article 6 and Schedule 3 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

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(i) 1998, c.38

(j) 1980, c.43; the maximum fines in section 78 were converted to levels on the standard scale by sections 37 and 46 of the Criminal Justice Act 1982 (c.48).

(k) S.I. 1981/1675 (N.I. 26).

(l) 1995, c.46.

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