

SL(5)392 – Gorchymyn Trwyddedu Pysgota Môr (Cymru) 2019

Cefndir a Diben

Gydag eithriadau, mae'r Gorchymyn hwn yn gwahardd cychod pysgota Cymreig rhag pysgota (erthygl 3) a chychod o Diriogaethau Dibynnol y Goron rhag pysgota (erthygl 4) o fewn parth Cymru oni bai eu bod wedi eu trwyddedu gan Weinidogion Cymru. Mae hefyd yn gwahardd cychod tramor rhag pysgota (erthygl 5) o fewn parth Cymru oni bai eu bod wedi eu trwyddedu felly.

Mae erthygl 6 o'r Gorchymyn yn dirymu Gorchymyn Trwyddedu Pysgota Môr 1992 (O.S. 1992/2633) ac offerynnau a amrywiodd neu a ddiwygiodd y Gorchymyn hwnnw i'r graddau y maent yn ymwneud â chychod pysgota Cymreig a physgota o fewn parth Cymru.

Gweithdrefn

Negyddol

Craffu ar faterion technegol

Ni nodir unrhyw bwyntiau i gyflwyno adroddiad arnynt o dan Reol Sefydlog 21.2 mewn perthynas â'r offeryn hwn.

Rhinweddau: craffu

Nodir y pwynt a ganlyn i gyflwyno adroddiad arno o dan Reol Sefydlog 21.3 mewn perthynas â'r offeryn hwn:

1. Rheol Sefydlog 21.3(ii) – ei fod o bwysigrwydd gwleidyddol neu gyfreithiol neu ei fod yn codi materion polisi cyhoeddus sy'n debygol o fod o ddiddordeb i'r Cynulliad.

Mae'r Memorandwm Esboniadol yn gwneud y pwyntiau canlynol, yr ydym yn tynnu sylw'r Cynulliad Cenedlaethol atynt:

- i. "There are two purposes of this instrument:
 - To make provision about the licensing of fishing boats from outside the UK when fishing in Welsh waters after the UK leaves the EU. This provision is essential for Wales to control access by non-UK vessels to its domestic waters, and endorse any international agreements on fisheries access to UK waters post EU exit. This provision will be required if the Fisheries Bill does not receive Royal Assent by 29 March 2019. This will ensure continuity of current management measures in Welsh waters and allow us to progress our policy objectives beyond EU exit day.
 - To consolidate and update existing legislation, including the Sea Fish Licensing Order 1992 (S.I. 1992/2663) with the subsequent orders which varied and amended it. The consolidated instrument prohibits fishing, subject to exceptions, by Welsh fishing boats unless they are licensed by the Welsh Ministers. The Order revokes the existing legislation (listed in Schedule I)." [paragraff 4.1]



- ii. "The preferred approach is to introduce these powers through the UK Fisheries Bill, so that there is a consistent approach across the UK. However in the event that the UK Fisheries Bill does not gain Royal Assent before the UK leaves the EU, it is important that foreign vessels access to Welsh waters can still be controlled and managed." [paragraff 4.4]
- iii. "Failure to introduce this legislation would mean fishing by foreign vessels within Welsh waters post EU exit would be unlicensed and therefore uncontrolled and unmanaged. There would be no provision to license foreign vessels under current domestic legislation, or EU legislation being retained under the Withdrawal Act. This could jeopardise the UK's ability to enter into international fisheries agreements as provision to license and allow managed access to foreign vessels in Welsh waters would not be in place. This could also result in the UK not being able to demonstrate the management of marine resources effectively, which could have an adverse impact on fish stocks in Welsh waters and could attract criticism internationally." [paragraff 4.7]
- iv. "The provisions in this instrument are being implemented to align Wales with the rest of the UK and to give consistency for the interim period between exit from the EU and the UK Fisheries Bill gaining Royal Assent. A decision was required urgently and it was deemed the introduction of this legislation was the only realistic option available to Ministers and therefore, taking account of a fixed EU exit day over which Welsh Government has no control, no consultation was carried out." [paragraff 5.1]
- v. "To address any concerns from Welsh licence holders, this legislation will be brought to the attention of affected stakeholders (all Welsh fishing vessel licence holders and the Wales Marine and Fisheries Advisory Group) immediately it comes into force." [paragraff 5.2]

Cyhoeddodd y Pwyllgor ei adroddiad ar Femorandwm Cydsyniad Deddfwriaethol Llywodraeth Cymru ar y Bil Pysgodfeydd ar 12 Chwefror 2019.

Goblygiadau sy'n deillio o adael yr Undeb Ewropeaidd

Mae'r materion a nodwyd yn y rhinweddau craffu uchod yn dangos cymhlethdod deddfwriaeth ymadael â'r UE.

Trafodaeth y Pwyllgor

Trafododd y Pwyllgor yr offeryn yn ei gyfarfod ar 18 Mawrth 2019 ac mae'n cyflwyno adroddiad i'r Cynulliad yn unol â'r pwyntiau rhinweddau uchod.

