



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**2006 Rhif 1532 (Cy.150)**

**2006 No. 1532 (W.150)**

**PRIFFYRDD, CYMRU**

**HIGHWAYS, WALES**

**Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) 2006**

**The Street Works (Inspection Fees) (Wales) Regulations 2006**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

*(This note is not part of the Regulations)*

Mae Rheoliadau Gwaith Stryd (Ffioedd Archwilio) 1992 ("Rheoliadau 1992") fel y'u diwygiwyd gan Reoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2001 ("Rheoliadau 2001"), Rheoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2002 ("Rheoliadau 2002") a Rheoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2004 ("Rheoliadau 2004") yn rhagnodi cynllun ar gyfer talu gan ymgwymerwyr am arolygiadau o'u gwaith gan awdurdodau strydoedd. Mae'r Rheoliadau hyn yn dirymu Rheoliadau 1992, Rheoliadau 2001, Rheoliadau 2002 a Rheoliadau 2004 i'r graddau y maent yn gymwys i Gymru ac yn ailddeddfu'r Rheoliadau hynny i roi effaith i'r newidiadau a ganlyn:

The Street Works (Inspection Fees) Regulations 1992 ("the 1992 Regulations") as amended by the Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2001 ("the 2001 Regulations"), the Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2002 ("the 2002 Regulations") and the Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2004 ("the 2004 Regulations") prescribe a scheme for the payment by undertakers for inspections of their works by street authorities. These Regulations revoke the 1992 Regulations, the 2001 Regulations, the 2002 Regulations and the 2004 Regulations so far as they apply to Wales and re-enact those Regulations to give effect to the following changes:

- (a) Diffinnir "uned arolygu am dâl" bellach, yn syml, fel arolygu ar hap lai na 10 y cant a dim mwy na 10.5 y cant o bob cyfnod o'r gwaith, a dim mwy na 30 y cant o gyfanswm nifer yr unedau arolygu cyfrifadwy mewn unrhyw flwyddyn: rheoliad 3(2).
- (b) Ailddiffinnir "uned arolygu", yn achos clystyrau o ddim mwy na 5 o ddarnau a gloddir (neu ddim mwy na 10 pan fo'r gwaith yn ymwneud â phibellau neu linellau cyswllt) fel y bo dau ofyniad, sef bod yr holl ddarnau a gloddir yn yr un stryd, a'u bod yn rhan o'r un gwaith, yn cael eu rhoi yn lle gofyniad blaenorol bod pob darn a gloddir yn yr achosion hyn yn ddarostyngedig i un hysbysiad o ddyddiad cychwyn: rheoliad 3(3).
- (c) Yn lle'r pum "Cyfnod gwaith" a geir yn Rheoliadau 1992 ceir bellach dri: rheoliad 3(4).

- (a) "Chargeable unit of inspection" is now defined simply as an inspection at random of less than 10 per cent and not more than 10.5 per cent of each phase of works, and not more than 30 per cent of the total number of reckonable units of inspection in any year: regulation 3(2).
- (b) "Unit of inspection", in the case of clusters of not more than 5 excavations (or not more than 10 where the works relate to service pipes or lines) is redefined so that the previous requirement that in these cases, all the excavations are the subject of one notice of starting date, is replaced by two requirements, that all excavations are in the same street, and that they be part of the same works: regulation 3(3).
- (c) The five "Phases of work" contained in the 1992 Regulations are now replaced by three: regulation 3(4).

(ch) Yn lle "niferoedd amcangyfrifedig yr unedau arolygu" ceir "nifer cyfrifadwy yr unedau arolygu", sef nifer cyfartalog yr unedau arolygu cyfrifadwy ar gyfer yr ymgymerydd hwnnw yn ystod y tair blynedd flaenorol: rheoliad 3(5). Mae rheoliadau 3(6) a (7) yn darparu bod ymgymerydd newydd i amcangyfrif nifer yr unedau arolygu y maent yn arfaethu eu cynhyrchu yn y tair blynedd gyntaf.

(d) "Estimated numbers of units of inspection" is replaced by "number of reckonable units of inspection", being the average number of units of inspection for that undertaker during the three preceding years: regulation 3(5). Regulations 3(6) and (7) make provision for new undertakers to estimate the number of units of inspection they expect to generate for the first three years.

**2006 Rhif 1532 (Cy.150)****2006 No. 1532 (W.150)****PRIFFYRDD, CYMRU****HIGHWAYS, WALES****Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) 2006****The Street Works (Inspection Fees) (Wales) Regulations 2006***Wedi'u gwneud* 13 Mehefin 2006*Made* 13 June 2006*Yn dod i rym* 2 Hydref 2006*Coming into force* 2 October 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 75 a 104(1) o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991(1) ac sydd bellach yn arferadwy gan y Cynulliad Cenedlaethol o ran Cymru(2), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 75 and 104(1) of the New Roads and Street Works Act 1991(1) and which are now exercisable by the National Assembly for Wales in relation to Wales(2), hereby makes the following Regulations:

**Enwi, cychwyn a chymhwyso****Title, commencement and application**

1-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwaith Stryd (Ffioedd Arolygu) (Cymru) 2006 a deuant i rym ar 2 Hydref 2006.

1-(1) The title of these Regulations is the Street Works (Inspection Fees) (Wales) Regulations 2006 and they come into force on 2 October 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

**Dehongli****Interpretation**

2. Yn y Rheoliadau hyn:

2. In these Regulations:

ystyr "blwyddyn" ("*year*") yw blwyddyn sy'n cychwyn ar 1 Ebrill ac yn gorffen ar 31 Mawrth;

"the Act" ("*y Ddeddf*") means the New Roads and Street Works Act 1991;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Ffyrdd Newydd a Gwaith Stryd 1991;

"service pipe" ("*pibell gyswllt*") and "service line" ("*linell gyswllt*") have the same meaning as in paragraph 7(3) of Schedule 4 to the Act;

ystyr "gwaith" ("*works*") yw gwaith stryd sy'n cynnwys cloddio neu adfer unrhyw ran o stryd;

"statutory undertaker" ("*ymgymeredd statudol*") means an undertaker who executes street works by virtue of a statutory right;

mae i "pibell gyswllt" a "linell gyswllt" yr ystyr sydd i "service pipe" a "service line" ym mharagraff 7(3) o Atodlen 4 i'r Ddeddf;

"works" ("*gwaith*") means street works involving the excavation or reinstatement of any part of a street;

ystyr "ymgymeredd statudol" ("*statutory undertaker*") yw ymgymeredd sy'n gwneud gwaith stryd yn rhinwedd hawl statudol.

"year" ("*blwyddyn*") means a year starting on 1 April and ending on 31 March.

(1) 1991 p.22. Nid yw'r diwygiad a wneir i adran 75 o Ddeddf Ffyrdd Newydd a Gwaith Stryd 1991 gan adran 58(2) o Deddf Rheoli Traffig 2004 wedi'i ddwyn i rym eto.

(2) Trosglwyddwyd pwerau'r Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(1) 1991 c.22. The amendment to section 75 of the New Roads and Street Works Act 1991 made by section 58(2) of the Traffic Management Act 2004 has not yet been brought into force.

(2) The powers of the Secretary of State, 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).

## Ffioedd Arolygu

3.-(1) Rhaid i ymgymerydd dalu i'r awdurdod strydoedd ffi o £21 am bob tro y caiff gwaith ei arolygu am dâl gan yr awdurdod strydoedd.

(2) At ddibenion y rheoliad hwn, yn ddarostyngedig i baragraff (6) isod, arolygu gwaith am dâl yw arolygu ar hap ddim llai na 10 y cant a dim mwy na 10.5 y cant o bob un o gyfnodau'r gwaith, a dim mwy na 30 y cant o gyfanswm nifer yr unedau arolygu cyfrifadwy mewn unrhyw flwyddyn.

(3) At ddibenion y rheoliad hwn, dyma beth yw uned arolygu:

- (a) un darn a gloddir nad yw'n hirach na 200 metr o hyd; neu
- (b) mwy nag un darn a gloddir ond nid mwy na phump ac, yn achos gwaith sy'n ymwneud â phibellau cyswllt a llinellau cyswllt, dim mwy na 10 darn a gloddir, ar yr amod ym mhob achos-
  - (i) bod pob darn a gloddir yn yr un stryd,
  - (ii) bod pob darn a gloddir yn rhan o'r un gwaith,
  - (iii) bod pob darn a gloddir yn cael ei gloddio o fewn cyfnod o 10 niwrnod gwaith,
  - (iv) bod pob darn a gloddir o fewn 500 metr i bob darn arall a gloddir; a
  - (v) nad yw hyd cyfan yr holl ddarnau a gloddir yn fwy na 200 metr gyda'i gilydd; neu
- (c) yn achos cloddio darn sy'n fwy na 200 metr o hyd, pob darn a gloddir o 200 metr o hyd o fewn y darn hwnnw a gloddir neu falans y cyfryw ddarn.

(4) At ddibenion y rheoliad hwn, dyma'r cyfnodau gwaith:-

- (a) y cyfnod y bydd y gwaith yn cael ei wneud, yn gorffen ar y diwrnod y cwblheir y gwaith adfer dros dro neu'n barhaol;
- (b) y cyfnod o chwe mis yn cychwyn ar y diwrnod y cwblheir y gwaith adfer dros dro neu'n barhaol; ac
- (c) y cyfnod o dri mis yn union cyn diwedd-
  - (i) yn achos cloddio'n ddyfnach nag 1.5 metr o fesur i dop yr offer a hynny dros ddarn o 5 metr neu fwy, 3 blynedd o ddyddiad gorffen y gwaith adfer parhaol,
  - (ii) mewn unrhyw achos arall, 2 flynedd o ddyddiad gorffen y gwaith adfer parhaol.

(5) At ddibenion y rheoliad hwn, ac eithrio fel y darperir ym mharagraff (6) isod, nifer yr unedau arolygu cyfrifadwy mewn blwyddyn yw cyfartaledd nifer yr unedau arolygu ar gyfer yr ymgymerydd fesul blwyddyn wedi'i gyfrifo dros y tair blynedd sy'n dod yn

## Inspection Fees

3.-(1) An undertaker must pay to the street authority a fee of £21 for each chargeable inspection of works carried out by the street authority.

(2) For the purposes of this regulation, subject to paragraph (6) below, a chargeable inspection of works is an inspection at random of not less than 10 per cent and not more than 10.5 per cent of each phase of works, and not more than 30 per cent of the total number of reckonable units of inspection in any year.

(3) For the purposes of this regulation, a unit of inspection is:

- (a) a single excavation not exceeding 200 metres in length; or
- (b) more than one and not more than 5 excavations and, in the case of works relating to service pipes and service lines, not more than 10 excavations, provided that in each case-
  - (i) all the excavations are in the same street,
  - (ii) all the excavations are part of the same works,
  - (iii) all the excavations are made within a period of 10 working days,
  - (iv) each excavation is within 500 metres of every other excavation; and
  - (v) the aggregate length of all the excavations does not exceed 200 metres; or
- (c) in the case of an excavation longer than 200 metres each length of 200 metres within the length of that excavation or the balance of such length.

(4) For the purposes of this regulation, the phases of works are:-

- (a) the period when the works are being carried out, ending with the day on which interim or permanent reinstatement is completed;
- (b) the period of six months starting with the day on which interim or permanent reinstatement is completed; and
- (c) the period of three months immediately preceding the end of-
  - (i) in the case of excavations to a depth exceeding 1.5 metres to the top of the apparatus over a length of 5 metres or more, 3 years from completion of permanent reinstatement,
  - (ii) in any other case, 2 years from the completion of permanent reinstatement.

(5) For the purposes of this regulation, save as provided in paragraph (6) below, the number of reckonable units of inspection in a year is the average of the number of units of inspection for the undertaker per year calculated over the three immediately

syth o flaen y flwyddyn honno.

(6) Pan na fydd ymgymerydd eisoes wedi gwneud unrhyw waith stryd ar strydoedd y mae'r awdurdod sy'n cyflawni'r arolygiadau'n awdurdod strydoedd drostynt, nifer yr unedau arolygu cyfrifadwy ym mhob un o'r tair blynedd gyntaf yw nifer amcangyfrifedig yr unedau arolygu ar gyfer yr ymgymerydd yn y flwyddyn honno.

(7) At ddibenion gwneud yr amcangyfrif y cyfeirir ato ym mharagraff (6), rhaid i'r ymgymerydd, cyn cyflawni unrhyw waith mewn strydoedd y mae'r awdurdod sy'n cyflawni'r arolygiadau'n awdurdod strydoedd drostynt, ddarparu ar gyfer yr awdurdod strydoedd amcangyfrif o nifer yr unedau arolygu y mae'n arfaethu eu cynhyrchu y flwyddyn honno.

(8) Pan fydd ymgymerydd yn methu darparu amcangyfrif ar gyfer yr awdurdod strydoedd o fewn y cyfnod o amser y cyfeirir ato ym mharagraff (7) uchod, rhaid i'r awdurdod strydoedd gyflawni cymaint o arolygiadau ag y bydd yr awdurdod strydoedd o'r farn eu bod yn briodol a chodi ar yr ymgymerydd hwnnw ffi o £21 amdanynt, hyd oni fydd yr ymgymerydd yn darparu amcangyfrif ar gyfer yr awdurdod strydoedd, ac ar yr adeg honno bydd darpariaethau paragraff (9) isod yn gymwys.

(9) Unwaith y bydd yr ymgymerydd y cyfeirir ato ym mharagraff (8) uchod wedi darparu amcangyfrif ar gyfer yr awdurdod strydoedd, bydd y darpariaethau ym mharagraff (6) uchod yn gymwys, a bernir y bydd y tair blynedd gyntaf, y cyfeirir atynt ym mharagraff (6) yn cychwyn ar y dyddiad y daw'r amcangyfrif i law'r awdurdod strydoedd.

## Dirymiadau

4.-(1) Dirymir Rheoliadau Gwaith Stryd (Ffioedd Archwilio) 1992(1) i'r graddau y maent yn gymwys i Gymru.

(2) Dirymir y Rheoliadau canlynol:

- (a) Rheoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2001(2).
- (b) Rheoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2002(3).
- (c) Rheoliadau Gwaith Stryd (Ffioedd Archwilio) (Diwygio) (Cymru) 2004(4).

preceding years.

(6) Where an undertaker has not previously executed any street works in streets for which the authority making the inspections is the street authority, the number of reckonable units of inspection for each of the first three years is the estimated number of units of inspection for the undertaker for that year.

(7) For the purposes of making the estimate referred to in paragraph (6), the undertaker must, prior to carrying out any works in streets for which the authority making the inspections is the street authority, provide the street authority with an estimate of the number of units of inspection it expects to generate in that year.

(8) Where an undertaker fails to provide the street authority with an estimate within the time period referred to in paragraph (7) above, the street authority must carry out and charge a fee of £21 to that undertaker for so many inspections as the street authority considers appropriate, until such time as the undertaker provides the street authority with an estimate, whereupon the provisions of paragraph (9) below will apply.

(9) Once the undertaker referred to in paragraph (8) above has provided an estimate to the street authority, the provisions of paragraph (6) above will apply, and the first three years, referred to in paragraph (6) is deemed to commence on the date on which the estimate is received by the street authority.

## Revocations

4.-(1) The Street Works (Inspection Fees) Regulations 1992(1) are revoked in so far as they apply to Wales.

(2) The following Regulations are revoked:

- (a) The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2001(2).
- (b) The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2002(3).
- (c) The Street Works (Inspection Fees) (Amendment) (Wales) Regulations 2004(4).

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(1) O.S. 1992/1688. Cafodd y Rheoliadau hyn eu dirymu o ran Lloegr gan O.S. 2002/2092.

(2) O.S. 2001/2681 (Cy.222).

(3) O.S. 2002/3181 (Cy.297).

(4) O.S. 2004/1809 (Cy.196).

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(1) S.I. 1992/1688. These Regulations were revoked in relation to England by S.I. 2002/2092.

(2) S.I. 2001/2681 (W.222).

(3) S.I. 2002/3181 (W.297).

(4) S.I. 2004/1809 (W.196).

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

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

13 Mehefin 2006

13 June 2006

*D. Elis-Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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