



OFFERYNNAU STATUDOL
CYMRU

2007 Rhif 3193 (Cy.280)

**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

Gorchymyn Gwasanaethau Tân ac
Achub (Argyfyngau) (Cymru)
2007

NODYN ESBONIADOL

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

Mae swyddogaethau craidd awdurdodau Tân ac achub wedi'u nodi yn adrannau 6 i 8 o Ddeddf Gwasanaethau Tân ac Achub 2004 ('y Ddeddf). Y swyddogaethau sy'n gysylltiedig â diogelwch rhag Tân, diffodd Tân a damweiniau traffig ffyrdd yw'r rhain. Mae adran 9 o'r Ddeddf yn caniatáu i Weinidogion Cymru bennu drwy orchymyn swyddogaethau craidd eraill ynghylch argyfyngau y mae'n rhaid i awdurdodau Tân ac achub ddarparu ar eu cyfer. Mae "emergencies" wedi'i ddiffinio yn adran 58 o'r Ddeddf.

Mae'r Gorchymyn hwn yn pennu swyddogaethau sy'n gysylltiedig â'r argyfyngau a ddisgrifir yn erthyglau 2 a 3.

Mae erthygl 2 yn ymdrin ag argyfyngau sy'n ymwneud â haligion cemegol, biolegol, neu ymbelydrol.

Mae erthygl 3 yn ymdrin ag argyfyngau sy'n ymwneud ag adeiledd yn cwympo. Mae'n ymdrin hefyd ag argyfyngau sy'n ymwneud â thrên, tram neu awyren ("argyfyngau trafnidiaeth"), ond nid yw'n gymwys o ran argyfyngau trafnidiaeth onid yw'r digwyddiad yn debyg o ofyn bod awdurdod Tân ac achub yn defnyddio adnoddau y tu hwnt i gwmpas ei weithrediadau arferol o ddydd i ddydd. Nid yw'n ofynnol i awdurdodau ddarparu ar gyfer delio ag argyfyngau trafnidiaeth i'r graddau y maent yn ymwneud â thwnnel neu gloddfa yn cwympo.

Mae erthygl 4 yn pennu'r pethau y mae'n rhaid i awdurdodau Tân ac achub eu gwneud wrth ddarparu ar gyfer argyfyngau o'r disgrifiadau yn erthygl 2 neu 3.

WELSH
STATUTORY INSTRUMENTS

2007 No. 3193 (W.280)

**FIRE AND RESCUE
SERVICES, WALES**

The Fire and Rescue Services
(Emergencies) (Wales) Order
2007

EXPLANATORY NOTE

(This note is not part of the Order)

The core functions of fire and rescue authorities are set out in sections 6 to 8 of the Fire and Rescue Services Act 2004 ('the Act'). These are the functions in connection with fire safety, fire-fighting and road traffic accidents. Section 9 of the Act allows the Welsh Ministers to specify by order other core functions relating to emergencies for which fire and rescue authorities must make provision. Emergencies are defined in section 58 of the Act.

This Order specifies functions in connection with the emergencies described in articles 2 and 3.

Article 2 is concerned with emergencies involving chemical, biological, or radio-active contaminants.

Article 3 is concerned with emergencies involving a structural collapse. It is also concerned with emergencies involving a train, tram or aircraft ("transport emergencies"), but does not apply in relation to transport emergencies unless the incident is likely to require a fire and rescue authority to use resources beyond the scope of its normal day to day operations. Authorities are not required to make provision for dealing with transport emergencies to the extent that they involve the collapse of a tunnel or mine.

Article 4 specifies the things that fire and rescue authorities must do in making provision for emergencies of the descriptions in article 2 or 3.

Pan fo gan awdurdod Tân ac achub adnoddau arbenigol, gan gynnwys gweithwyr sydd wedi cael hyfforddiant arbenigol, i'w alluogi i ddelio ag argyfyngau o'r math a ddisgrifir yn y Gorchymyn hwn, a bod argyfwng felly yn digwydd neu'n debyg o ddigwydd yn ardal awdurdod arall, mae erthygl 5 yn ei gwneud yn ofynnol i'r awdurdod sy'n meddu ar yr adnoddau arbenigol, os gofynnir iddo wneud hynny, ddefnyddio'r adnoddau hynny yn ardal yr awdurdod arall hwnnw i'r graddau y mae'n rhesymol at ddibenion delio â'r argyfwng.

Mae asesiad effaith reoliadol wedi'i baratoi mewn cysylltiad â'r Gorchymyn hwn ac mae ar gael o'r Gangen Tân ac Achub, Yr Is-adran Diogelwch Cymunedol, Llywodraeth Cynulliad Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ (ffôn 01685 729253).

Where a fire and rescue authority has specialist resources, including specialist trained personnel, to enable it to deal with emergencies of a kind described in this Order, and such an emergency occurs or is likely to occur in the area of another authority, article 5 requires the authority with the specialist resources, if asked to do so, to use those resources in that other authority's area so far as is reasonable for the purpose of dealing with the emergency.

A regulatory impact assessment has been produced in connection with this Order and is available from the Fire & Rescue Branch, Community Safety Division, Welsh Assembly Government, Rhydycar, Merthyr Tydfil, CF48 1UZ (telephone 01685 729253).

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Gorchymyn Gwasanaethau Tân ac
Achub (Argyfyngau) (Cymru)
2007

Wedi'i wneud

7 Tachwedd 2007

Wedi'i osod gerbron Cynulliad

Cenedlaethol Cymru

9 Tachwedd 2007

Yn dod i rym

3 Rhagfyr 2007

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd gan adrannau 9, 60 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004(1) i Gynulliad Cenedlaethol Cymru ac a freiniwyd bellach ynddynt(2) ac ar ôl ymgynghori ag unrhyw bersonau eraill y maent yn barnu eu bod yn briodol yn unol ag adran 9(5) o'r Ddeddf honno, drwy hyn yn gwneud y Gorchymyn canlynol:

Enwi, cychwyn a chymhwysyo

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Gwasanaethau Tân ac Achub (Argyfyngau) (Cymru) 2007 a daw i rym ar 3 Rhagfyr 2007.

(2) Mae'r Gorchymyn hwn yn gymwys o ran awdurdodau Tân ac Achub yng Nghymru.

**Argyfwng cemegol, biolegol, radiolegol neu
niwclear**

2.-(1) Rhaid i awdurdod Tân ac Achub ddarparu yn ei ardal at ddibenion-

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Made

7 November 2007

*Laid before the National
Assembly for Wales*

9 November 2007

Coming into force

3 December 2007

The Welsh Ministers, in exercise of the powers conferred by sections 9, 60 and 62 of the Fire and Rescue Services Act 2004(1) on the National Assembly for Wales and now vested in them(2) and having consulted such persons as they consider appropriate in accordance with section 9(5) of that Act, hereby make the following Order:

Title, commencement and application

1.-(1) The title of this Order is the Fire and Rescue Services (Emergencies) (Wales) Order 2007 and it comes into force on 3 December 2007.

(2) This Order applies in relation to fire and rescue authorities in Wales.

**Chemical, biological, radiological or nuclear
emergency**

2.-(1) A fire and rescue authority must make provision in its area for the purposes of-

(1) 2004 p.21.

(2) Mae pwr yr Ysgrifennydd Gwladol o dan adran 9 yn arferadwy, o ran Cymru, gan Gynulliad Cenedlaethol Cymru yn rhinwedd adran 62. Mae'r pwr hwnnw wedi'i freinio bellach yng Ngweinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(1) 2004 c.21.

(2) The power of the Secretary of State under section 9 is, in relation to Wales, exercisable by the National Assembly for Wales, by virtue of section 62. That power is now vested on the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006(c.32).

- (a) gwaredu halogion cemegol, biolegol neu ymbelydrol oddi ar bobl os bydd argyfwng(1) sy'n golygu bod halogion o'r fath yn cael, neu y gallant gael, eu gollwng; a
- (b) dal, am gyfnod rhesymol, unrhyw ddwr a ddefnyddir at ddiben a grybwyllywyd yn is-baragraff (a).

(2) Wrth gymryd camau at ddiben a grybwyllywyd ym mharagraff (1), rhaid i awdurdod Tân ac achub wneud trefniadau ar gyfer sicrhau bod camau rhesymol yn cael eu cymryd i atal niwed difrifol i'r amgylchedd neu i gyfyngu ar niwed o'r fath.

Achub a diogelu yn achos argyfyngau penodol

3.-(1) Rhaid i awdurdod Tân ac achub ddarparu yn ei ardal ar gyfer achub pobl a all gael eu dal ac ar gyfer eu diogelu rhag niwed difrifol, i'r graddau y mae'n ystyried ei bod yn rhesymol gwneud hynny, os digwydd-

- (a) argyfwng sy'n golygu bod adeilad neu adeiledd arall wedi cwympo; neu
- (b) yn ddarostyngedig i baragraff (2), argyfwng sy'n dod o dan adran 58(a) o Ddeddf y Gwasanaethau Tân ac Achub 2004 sydd-
 - (i) yn ymwneud â thrên, tram neu awyren; a
 - (ii) yn debyg o ofyn bod awdurdod Tân ac achub yn defnyddio ei adnoddau y tu hwnt i gwmpas ei weithrediadau dydd i ddydd.

(2) Nid yw paragraff (1)(b) yn gymwys i ddarparu ar gyfer argyfwng i'r graddau y mae'n ymwneud â thwnnel neu gloddfa yn cwympo.

(3) Yn yr erthygl hon-

- (a) nid yw "adeiledd" ("structure") yn cynnwys twnnel neu gloddfa;
- (b) ystyr "twnnel" ("tunnel") yw tramwyfa o waith dynion;
- (c) ystyr "cloddfa" ("mine") yw cloddfa o fewn ystyr adran 180 o Ddeddf Cloddfeydd a Chwareli 1954(2).

Y camau y mae angen eu cymryd at ddibenion swyddogaethau a roddir drwy Orchymyn

4. Wrth wneud y ddarpariaeth sy'n ofynnol o dan erthygl 2 neu 3, rhaid i awdurdod Tân ac achub-

- (a) sicrhau y darperir y gweithwyr, y gwasanaethau a'r hyfforddiant sy'n angenrheidiol i ateb pob gofyn rhesymol yn effeithlon;

- (a) removing chemical, biological or radio-active contaminants from people in the event of an emergency(1) involving the release or potential release of such contaminants; and
- (b) containing, for a reasonable period, any water used for a purpose mentioned in sub-paragraph (a).

(2) In taking action for a purpose mentioned in paragraph (1) a fire and rescue authority must make arrangements for ensuring that reasonable steps are taken to prevent or limit serious harm to the environment.

Rescue and protection in case of certain emergencies

3.-(1) A fire and rescue authority must make provision in its area for the purpose of rescuing people who may be trapped and protecting them from serious harm, to the extent that it considers it reasonable to do so, in the event of-

- (a) an emergency involving the collapse of a building or other structure; or
- (b) subject to paragraph (2), an emergency falling within section 58(a) of the Fire and Rescue Services Act 2004 which-
 - (i) involves a train, tram or aircraft; and
 - (ii) is likely to require a fire and rescue authority to use its resources beyond the scope of its day to day operations.

(2) Paragraph (1)(b) does not apply to provision for an emergency to the extent that it involves the collapse of a tunnel or mine.

(3) In this article-

- (a) "structure" ("adeiledd") does not include a tunnel or mine;
- (b) "tunnel" ("twnnel") means a man-made passage;
- (c) "mine" ("cloddfa") means a mine within the meaning of section 180 of the Mines and Quarries Act 1954(2).

Action required for purpose of functions conferred by Order

4. In making the provision required by article 2 or 3, a fire and rescue authority must-

- (a) secure the provision of such personnel, services and training as may be necessary efficiently to meet all reasonable requirements;

(1) Mae "emergency" wedi'i ddiffinio yn adran 58 o Ddeddf y Gwasanaethau Tân ac Achub 2004.

(2) 1954 c.70; OS 1993/1897 ac OS 1999/2024 yw'r offerynnau diwygio perthnasol.

(1) "Emergency" is defined in section 58 of the Fire and Rescue Services Act 2004.

(2) 1954 c.70; relevant amending instruments are SI 1993/1897 and SI 1999/2024.

- (b) gwneud trefniadau ar gyfer delio â galwadau am gymorth;
- (c) gwneud trefniadau ar gyfer sicrhau gwybodaeth angenrheidiol; ac
- (ch) gwneud trefniadau i sicrhau bod camau rhesymol yn cael eu cymryd i atal difrod i eiddo sy'n deillio o gamau a gymerwyd yn unol â'r ddarpariaeth honno neu i gyfyngu ar ddifrod o'r fath.

Ymateb i argyfngau y tu allan i ardal awdurdod Tân ac achub

- 5.-(1) Mae'r paragraff hwn yn gymwys pan fo-
- (a) awdurdod Tân ac achub yn cynnal adnoddau arbenigol ("yr awdurdod cyntaf");
 - (b) argyfwng o fath a bennir yn erthygl 2 neu 3 wedi digwydd neu'n debyg o ddigwydd yn ardal awdurdod Tân ac achub arall ("yr ail awdurdod"); ac
 - (c) yr ail awdurdod wedi gofyn i'r awdurdod cyntaf ddefnyddio'r adnoddau hynny yn ardal yr ail awdurdod.

(2) Pan fo paragraff (1) yn gymwys, rhaid i'r awdurdod cyntaf ddefnyddio ei adnoddau arbenigol yn ardal yr ail awdurdod i'r graddau y mae'n rhesymol at ddibenion delio â'r argyfwng.

(3) Yn yr erthygl hon, ystyr "adnoddau arbenigol" ("specialist resources") yw adnoddau a gynhelir at ddibenion cymryd camau yn unol â darpariaeth a wnaed yn unol ag erthygl 2 neu 3, gan gynnwys unrhyw weithwyr sydd wedi cael hyfforddiant arbenigol at y dibenion hynny.

- (b) make arrangements for dealing with calls for help;
- (c) make arrangements for obtaining necessary information; and
- (d) make arrangements for ensuring that reasonable steps are taken to prevent or limit damage to property resulting from action taken pursuant to such provision.

Responding to emergencies outside a fire and rescue authority's area

- 5.-(1) This paragraph applies where-
- (a) a fire and rescue authority maintains specialist resources ("the first authority");
 - (b) an emergency of a type specified in article 2 or 3 has occurred or is likely to occur in the area of another fire and rescue authority ("the second authority"); and
 - (c) the second authority has requested the first authority to use those resources in the second authority's area.

(2) Where paragraph (1) applies, the first authority must use its specialist resources in the area of the second authority to such extent as is reasonable for the purpose of dealing with the emergency.

(3) In this article, "specialist resources" (*"adnoddau arbenigol"*) means resources maintained for the purpose of taking action pursuant to provision made in accordance with article 2 or 3, including any personnel who have received specialist training for that purpose.

Brian Gibbons

Y Gweinidog dros Gyflawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one of the Welsh Ministers

7 Tachwedd 2007

7 November 2007

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