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CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 147 (Cy.22)

2010 No. 147 (W.22)

DŴR, CYMRU

WATER, WALES

**Rheoliadau Cyflenwadau Dŵr
Preifat (Cymru) (Diwygio) 2010**

**The Private Water Supplies (Wales)
(Amendment) Regulations 2010**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gweithredu Cyfarwydddeb y Cyngor 98/83/EC ar ansawdd dŵr a fwriedir i'w yfed gan bobl (O.J. Rhif L330, 5.12.1998, t.32) mewn perthynas â chyflenwadau dŵr preifat. Diffinnir "cyflenwad preifat" yn adran 93(1) o Ddeddf y Diwydiant Dŵr 1991 fel cyflenwad a ddarperir rywffodd ac eithrio gan ymgymerwr dŵr neu gyflenwr dŵr trwyddedig.

These Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (O.J. No L330, 5.12.1998, p.32) in relation to private water supplies. A "private supply" is defined in section 93(1) of the Water Industry Act 1991 as a supply that is provided otherwise than by a water undertaker or a licensed water supplier.

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010 (O.S. 2010/66 (Cy.16)) wrth osod yn Atodlen 4 y dyddiad erbyn pryd y mae'n rhaid i'r awdurdodau lleol baratoi cofnodion dechreuol yn unol â rheoliad 13.

These Regulations amend the Private Water Supplies (Wales) Regulations 2010 (S.I. 2010/66 (W.16)), by inserting in Schedule 4 the date by which the local authorities have to prepare initial records in accordance with regulation 13.

Paratowyd asesiad effaith llawn ar gyfer Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010, a gellir cael copi ohono gan yr Is-adran Newid yn yr Hinsawdd a Dŵr, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

A full impact assessment has been prepared for the Private Water Supplies (Wales) Regulations 2010. A copy of which can be obtained from the Climate Change and Water Division of the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

2010 Rhif 147 (Cy.22)

DŴR, CYMRU

**Rheoliadau Cyflenwadau Dŵr
Preifat (Cymru) (Diwygio) 2010**

Gwnaed 26 Ionwar 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 28 Ionawr 2010

Yn dod i rym 19 Chwefror 2010

Dynodir Gweinidogion Cymru(1) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(2) mewn perthynas ag ansawdd dŵr a fwriedir at ddibenion domestig neu ar gyfer ei ddefnyddio mewn menter cynhyrchu bwyd.

Mae Gweinidogion Cymru wedi cynnal yr ymgynghoriad sy'n ofynnol o dan Erthygl 9 o Reoliad (EC) Rhif 178/2002 Senedd Ewrop a'r Cyngor sy'n pennu egwyddorion cyffredinol cyfraith bwyd, yn sefydlu Awdurdod Diogelwch Bwyd Ewrop ac yn pennu gweithdrefnau o ran materion diogelwch bwyd(3).

2010 No. 147 (W.22)

WATER, WALES

**The Private Water Supplies (Wales)
(Amendment) Regulations 2010**

Made 26 January 2010

*Laid before the National
Assembly for Wales* 28 January 2010

Coming into force 19 February 2010

The Welsh Ministers are designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the quality of water intended for domestic purposes or for use in food production undertaking.

The Welsh Ministers have carried out the consultation required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3).

(1) O.S. 2004/3328, fel y'i diwygiwyd gan O.S. 2005/850, O.S. 2007/1349 ac O.S. 2008/301. Mae'r swyddogaethau a roddwyd i Gynulliad Cenedlaethol Cymru drwy gyfrwng y Gorchymyn hwnnw bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

(2) 1972 p.68.

(3) O.J. Rhif L31, 1.2.2002, t.1.

(1) S.I. 2004/3328, as amended by S.I. 2005/850, S.I. 2007/1349 and S.I. 2008/301. The functions conferred on the National Assembly for Wales by means of that Order are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(2) 1972 c.68.

(3) O.J. No. L31, 1.2.2002, p.1.

Mae Gweinidogion Cymru yn gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972 ac adrannau 67, 77(3) a (4) a 213(2) o Ddeddf y Diwydiant Dŵr 1991(1).

Enwi, cychwyn a chymhwys

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) (Diwygio) 2010; maent yn gymwys o ran Cymru a deuant i rym ar 19 Chwefror 2010.

Diwygiad o'r Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010

2.–(1) Diwygir Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010(2) fel a ganlyn.

(2) Yn Atodlen 4, paragraff 1(1) yn lle "[]" rhodder "31 Gorffennaf 2010".

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and sections 67, 77(3) and (4) and 213(2) of the Water Industry Act 1991(1).

Title, commencement and application

1. The title of these Regulations is the Private Water Supplies (Wales) (Amendment) Regulations 2010; they apply in relation to Wales and come into force on 19 February 2010.

Amendment of the Private Water Supplies (Wales) Regulations 2010

2.–(1) The Private Water Supplies (Wales) Regulations 2010(2) are amended as follows.

(2) In Schedule 4 paragraph 1(1) for "[]" substitute "31 July 2010".

(1) 1991 p.56. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 67 i Gynulliad Cenedlaethol Cymru ("y Cynulliad") – (a) ar gyfer gwneud rheoliadau ynghylch dŵr a gyflenwir drwy ddefnyddio system gyflenwi ymgymerwr dŵr, mewn perthynas â system gyflenwi unrhyw ymgymerwr dŵr sydd â'i ardal yn gyfan gwbl neu'n bennaf yng Nghymru a (b) ar gyfer gwneud rheoliadau ynghylch dŵr a gyflenwir ac eithrio drwy ddefnyddio system gyflenwi ymgymerwr dŵr mewn perthynas â Chymru, gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ("y Gorchymyn") ac Atodlen 1 i'r Gorchymyn hwnnw; trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 77 o'r Ddeddf honno i'r Cynulliad o ran Cymru, gan yr un darpariaethau o'r Gorchymyn; gwnaed swyddogaethau'r Ysgrifennydd Gwladol o dan adran 213 o'r Ddeddf honno yn arferadwy gan y Cynulliad i'r un graddau ag y gwnaed y pwerau y mae'r adran honno'n gymwys iddynt yn arferadwy gan y Cynulliad, yn rhinwedd yr un darpariaethau o'r Gorchymyn; gweler y cofnod ar gyfer Deddf y Diwydiant Dŵr 1991 yn Atodlen 1 i'r Gorchymyn fel y'i hamnewidiwyd gan baragraff (e) o Atodlen 3 i Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac y'i diwygiwyd gan adran 100(2) o Ddeddf Dŵr 2003 (p.37); y mae offerynnau diwygio eraill, ond nid oes yr un ohonynt yn berthnasol. Diwygiwyd adran 213 o'r Ddeddf honno gan adrannau 58 a 101(1) o Ddeddf Dŵr 2003 a pharagraff 39 o Atodlen 7 iddi a pharagraffau 2, 19 a 49 o Atodlen 8 iddi. Mae adran 100(6) o Ddeddf Dŵr 2003 yn trin y cyfeiriadau at adrannau penodol o Ddeddf y Diwydiant Dŵr 1991, yn Atodlen 1 i'r Gorchymyn fel pe baent yn gyfeiriadau at yr adrannau hynny fel y'i diwygiwyd gan Ddeddf Dŵr 2003. Am ddiffiniad o "system gyflenwi" gweler y diffiniad o "supply system" yn adran 219(4A) o Ddeddf y Diwydiant Dŵr 1991, fel y'i mewnosodwyd gan adran 101(1) o Ddeddf Dŵr 2003 a pharagraffau 2 a 50 o Atodlen 8 iddi. Am ddiffiniad o "cyflenwr dŵr trwyddedig" gweler y diffiniad o "licensed water supplier" yn adran 219(1) o Ddeddf y Diwydiant Dŵr 1991 fel y'i diwygiwyd gan adran 101(1) o Ddeddf Dŵr 2003. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p.32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau a roddwyd i'r Cynulliad bellach yn arferadwy gan Weinidogion Cymru.

(2) O.S. 2010/66 (Cy.16).

(1) 1991 c.56. The functions of the Secretary of State under section 67 were transferred to the National Assembly for Wales ("the Assembly") – (a) for the making of regulations concerning water supplied using the supply system of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales and (b) for the making of regulations concerning water supplied other than using the supply system of a water undertaker, in relation to Wales, by article 2 of, and Schedule 1, to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) ("the Order"); the functions of the Secretary of State under section 77 of that Act were transferred to the Assembly in relation to Wales by the same provisions of the Order; the functions of the Secretary of State under section 213 of that Act were made exercisable by the Assembly to the same extent as the powers to which that section applies were made exercisable by the Assembly by virtue of the same provision of the Order: see the entry in Schedule 1 to the Order for the Water Industry Act 1991 as substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and amended by section 100(2) of the Water Act 2003 (c.37); there are other amending instruments but none are relevant. Section 213 of that Act was amended by sections 58 and 101(1) of, paragraph 39 of Schedule 7 to, and paragraphs 2, 19 and 49 of Schedule 8 to, the Water Act 2003. References in Schedule 1 to the Order to specific sections of the Water Industry Act 1991 are treated by section 100(6) of the Water Act 2003 as referring to those sections as amended by the Water Act 2003. See section 219(4A) of the Water Industry Act 1991 as inserted by section 101(1) of, and paragraphs 2 and 50 of Schedule 8 to, the Water Act 2003 for the definition of "supply system". See section 219(1) of Water Industry Act 1991 as amended by section 101(1) of the Water Act 2003 for the definition of "licensed water supplier". By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions conferred on the Assembly are now exercisable by the Welsh Ministers.

(2) S.I. 2010/66 (W.16).

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a
Thai, un o Weinidogion Cymru

26 Ionawr 2010

Minister for Environment, Sustainability and Housing,
one of the Welsh Ministers

26 January 2010

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