



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2004 Rhif 2916 (Cy.255) (C.120)

2004 No. 2916 (W.255) (C.120)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Gorchymyn Deddf Dŵr 2003
(Cychwyn Rhif 2) (Cymru)
2004**

**The Water Act 2003
(Commencement No. 2) (Wales)
Order 2004**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn dod â rhai o ddarpariaethau Deddf Dŵr 2003 i rym yng Nghymru ar 11 Tachwedd 2004, sef adrannau 77, 78, 80, 81 ac 86(2)(f) (ac adran 86(1) i'r graddau y mae'n berthnasol i'r paragraff hwnnw).

This Order brings into force in Wales, on 11 November 2004, certain provisions of the Water Act 2003, namely sections 77, 78, 80, 81 and 86(2)(f) (and section 86(1) as it relates to that paragraph).

Mae adrannau 77, 78 ac 80 yn diwygio Deddf Cronfeydd Dŵr 1975(a) ("Deddf 1975").

Sections 77, 78 and 80 amend the Reservoirs Act 1975(a) ("the 1975 Act").

Mae adran 77 yn mewnosod adran 12A newydd yn Neddf 1975, sy'n galluogi'r Ysgrifennydd Gwladol (i'w ddehongli fel Cynulliad Cenedlaethol Cymru yng Nghymru) i'w gwneud yn ofynnol i ymgymerywyr baratoi cynlluniau yn nodi'r camau y byddant yn eu cymryd pe bai cyforganfeydd dŵr mawr yn gorlifo.

Section 77 inserts a new section 12A into the 1975 Act, enabling the Secretary of State (to be understood as the National Assembly for Wales in Wales) to require undertakers to prepare plans setting out the action they would take in the case of flooding from large raised reservoirs.

Mae adran 78 yn mewnosod adrannau 2(2A) a 12B newydd yn Neddf 1975, sy'n rhoi'r pŵer i'r Cynulliad Cenedlaethol, ar sail diogelwch y wlad, gyfarwyddo Asiantaeth yr Amgylchedd i beidio â chynnwys gwybodaeth benodol mewn cofrestrau a gedwir o dan Ddeddf 1975; i beidio ag ymgynghori â phersonau wrth baratoi'r cynlluniau y cyfeirir atynt yn adran 12A o Ddeddf 1975; ac i beidio â chyhoeddi'r fath gynlluniau.

Section 78 inserts new sections 2(2A) and 12B into the 1975 Act, empowering the National Assembly, on the grounds of national security, to direct the Environment Agency not to include certain information in registers maintained under the 1975 Act; not to consult persons on the preparation of plans referred to in section 12A of the 1975 Act; and not to publish such plans.

Mae adran 80 yn mewnosod adran 27A newydd yn Neddf 1975, sy'n cymhwyso darpariaethau Deddf 1975 i'r Goron.

Section 80 inserts a new section 27A into the 1975 Act, which applies the provisions of the 1975 Act to the Crown.

Mae adran 81 yn ei gwneud yn ofynnol i'r Cynulliad Cenedlaethol gymryd camau i annog arbed dŵr, ac yn ei alluogi i wneud Gorchymyn a fyddai'n ei gwneud yn

Section 81 requires the National Assembly to take steps to encourage the conservation of water and enables it to make an Order requiring it to prepare

(a) 1975 p.23.

(a) 1975 c.23.

ofynnol iddo baratoi adroddiadau ar y fath gamau.

reports on such steps.

Mae adran 86 yn diwygio Deddf Diogelu'r Amgylchedd 1990(a) fel y mae'n ymwneud â thir halogedig a llygru dyfroedd a reolir. Mae adran 86(2)(f) yn egluro'r diffiniad o ddyfroedd a reolir yn adran 78A(9)(a) o'r Ddeddf honno.

Section 86 amends the Environmental Protection Act 1990(a) as it concerns contaminated land and the pollution of controlled waters. Section 86(2)(f) clarifies the definition of "controlled waters" in section 78A(9)(a) of that Act.

Mae adran 101(1) a (2) yn cychwyn yn rhannol Atodlen 7 (mân ddiwygiadau a diwygiadau canlyniadol) ac Atodlen 9 (diddymiadau a dirymiadau).

Section 101(1) and (2) partially commences Schedule 7 (minor and consequential amendments) and Schedule 9 (repeals and revocations).

(a) 1990 p.43.

(a) 1990 c.43.

**NODYN AM Y GORCHMYNION
CYCHWYN BLAENOROL**

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

Daeth darpariaethau'r Ddeddf y cyfeirir atynt yn Nhabl 1 isod i rym yng Nghymru ac yn Lloegr drwy Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn -

TABL 1

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 6(1) (yn rhannol)	1 Ebrill 2004	2004/641
Adran 9	1 Ebrill 2004	2004/641
Adran 10(11)	1 Ebrill 2004	2004/641
Adran 15	1 Ebrill 2004	2004/641
Adran 16 (ar wahân i is-a drannau (4) a (5))	1 Ebrill 2004	2004/641
Adran 18	1 Ebrill 2004	2004/641
Adran 19(4)	1 Ebrill 2004	2004/641
Adran 20	1 Ebrill 2004	2004/641
Adran 25(1) (yn rhannol), (2) a (4)	1 Ebrill 2004	2004/641
Adran 26	1 Hydref 2004	2004/2528
Adran 27	1 Ebrill 2004	2004/641
Adrannau 28 a 29	1 Hydref 2004	2004/2528
Adran 31	1 Hydref 2004	2004/2528
Adran 37	1 Ebrill 2004	2004/641
Adran 38 (yn rhannol)	1 Hydref 2004	2004/2528
Adran 48(1) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 49	1 Hydref 2004	2004/2528
Adran 50	1 Hydref 2004	2004/2528
Adran 53	1 Ebrill 2004	2004/641
Adrannau 54 a 55	1 Hydref 2004	2004/2528

**NOTE AS TO EARLIER
COMMENCEMENT ORDERS**

(This Note is not part of the Order)

The provisions of the Act referred to in Table 1 below have been brought into force in both England and Wales by Commencement Orders made before the date of this Order -

TABLE 1

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6(1) (partially)	1 April 2004	2004/641
Section 9	1 April 2004	2004/641
Section 10(11)	1 April 2004	2004/641
Section 15	1 April 2004	2004/641
Section 16 (except subsections (4) and (5))	1 April 2004	2004/641
Section 18	1 April 2004	2004/641
Section 19 (4)	1 April 2004	2004/641
Section 20	1 April 2004	2004/641
Section 25 (1) (partially), (2) and (4)	1 April 2004	2004/641
Section 26	1 October 2004	2004/2528
Section 27	1 April 2004	2004/641
Sections 28 and 29	1 October 2004	2004/2528
Section 31	1 October 2004	2004/2528
Section 37	1 April 2004	2004/641
Section 38 (partially)	1 October 2004	2004/2528
Section 48(1) (partially)	1 October 2004	2004/2528
Section 49	1 October 2004	2004/2528
Section 50	1 October 2004	2004/2528
Section 53	1 April 2004	2004/641
Sections 54 and 55	1 October 2004	2004/2528

Adran 56 (yn rhannol)	1 Ebrill 2004	2004/641
Adran 57	1 Ebrill 2004	2004/641
Adran 59	1 Hydref 2004	2004/2528
Adrannau 60 a 61	1 Ebrill 2004	2004/641
Adran 62 (yn rhannol)	1 Hydref 2004	2004/2528
Adran 63 (yn rhannol)	1 Hydref 2004	2004/2528
Adran 64	1 Ebrill 2004	2004/641
Adran 65	1 Ebrill 2004	2004/641
Adran 66	1 Ebrill 2004	2004/641
Adran 68	1 Ebrill 2004	2004/641
Adran 71	1 Ebrill 2004	2004/641
Adran 72	1 Ebrill 2004	2004/641
Adran 74	1 Hydref 2004	2004/2528
Adran 76	1 Hydref 2004	2004/2528
Adran 79	1 Hydref 2004	2004/2528
Adrannau 81 i 83	1 Ebrill 2004	2004/641
Adran 84	1 Ebrill 2004	2004/641
Adran 85	1 Ebrill 2004	2004/641
Adran 87	1 Hydref 2004	2004/2528
Adrannau 90 i 92	28 Mai 2004	2004/641
Adrannau 93 i 97 a 99	28 Mai 2004	2004/641
Adran 100(1)	1 Hydref 2004	2004/2528
Adran 100(2) (yn rhannol)	1 Ebrill 2004 a 28 Mai 2004	2004/641
Adran 100(2) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 100(3) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 100(4) (yn rhannol)	1 Ebrill 2004	2004/641
Adran 100(4) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 100(5)	1 Ebrill 2004	2004/641
Adran 100(6) a (7) (yn rhannol)	17 Mawrth 2004, 1 Ebrill 2004 a 28 Mai 2004	2004/641

Section 56 (partially)	1 April 2004	2004/641
Section 57	1 April 2004	2004/641
Section 59	1 October 2004	2004/2528
Sections 60 and 61	1 April 2004	2004/641
Section 62 (partially)	1 October 2004	2004/2528
Section 63 (partially)	1 October 2004	2004/2528
Section 64	1 April 2004	2004/641
Section 65	1 April 2004	2004/641
Section 66	1 April 2004	2004/641
Section 68	1 April 2004	2004/641
Section 71	1 April 2004	2004/641
Section 72	1 April 2004	2004/641
Section 74	1 October 2004	2004/2528
Section 76	1 October 2004	2004/2528
Section 79	1 October 2004	2004/2528
Sections 81 to 83	1 April 2004	2004/641
Section 84	1 April 2004	2004/641
Section 85	1 April 2004	2004/641
Section 87	1 October 2004	2004/2528
Sections 90 to 92	28 May 2004	2004/641
Sections 93 to 97 and 99	28 May 2004	2004/641
Section 100(1)	1 October 2004	2004/2528
Section 100(2) (partially)	1 April 2004 and 28 May 2004	2004/641
Section 100(2) (partially)	1 October 2004	2004/2528
Section 100(3) (partially)	1 October 2004	2004/2528
Section 100(4) (partially)	1 April 2004	2004/641
Section 100(4) (partially)	1 October 2004	2004/2528
Section 100(5)	1 April 2004	2004/641
Section 100(6) and (7) (partially)	17 March 2004, 1 April 2004 and 28 May 2004	2004/641

Adran 100(6) a (7) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 101(1) (yn rhannol)	17 Mawrth 2004 a 1 Ebrill 2004	2004/641
Adran 101(1) (yn rhannol)	1 Hydref 2004	2004/2528
Adran 101(2) (yn rhannol)	17 Mawrth 2004, 1 Ebrill 2004 a 28 Mai 2004	2004/641
Adran 101(2) (yn rhannol)	1 Hydref 2004	2004/2528
Atodlen 7 (yn rhannol)	1 Ebrill 2004	2004/641
Atodlen 7 (yn rhannol)	1 Hydref 2004	2004/2528
Atodlen 8 (yn rhannol)	1 Ebrill 2004	2004/641
Atodlen 8 (yn rhannol)	1 Hydref 2004	2004/2528
Atodlen 9 (yn rhannol)	1 Ebrill 2004 a 28 Mai 2004	2004/641
Atodlen 9 (yn rhannol)	1 Hydref 2004	2004/2528

Section 100 (6) and (7) (partially)	1 October 2004	2004/2528
Section 101(1) (partially)	17 March 2004 and 1 April 2004	2004/641
Section 101(1) (partially)	1 October 2004	2004/2528
Section 101(2) (partially)	17 March 2004, 1 April 2004 and 28 May 2004	2004/641
Section 101(2) (partially)	1 October 2004	2004/2528
Schedule 7 (partially)	1 April 2004	2004/641
Schedule 7 (partially)	1 October 2004	2004/2528
Schedule 8 (partially)	1 April 2004	2004/641
Schedule 8 (partially)	1 October 2004	2004/2528
Schedule 9 (partially)	1 April 2004 and 28 May 2004	2004/641
Schedule 9 (partially)	1 October 2004	2004/2528

Daw darpariaethau'r Ddeddf y cyfeirir atynt yn Nhabl 2 isod i rym yng Nghymru a Lloegr drwy Orchymynion Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

The provisions of the Act referred to in Table 2 below will come into force in England and Wales by virtue of Commencement Orders made before the date of this Order:

TABL 2

TABLE 2

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 24	1 Ebrill 2005	2004/641
Adran 101(1), i'r graddau y mae'n berthnasol i baragraff 27(2) o Atodlen 7	29 Rhagfyr 2004	2004/2528

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 24	1 April 2005	2004/641
Section 101(1) insofar as it relates to para 27(2) of Sch.7	29 December 2004	2004/2528

Daeth darpariaethau'r Ddeddf y cyfeirir atynt yn Nhabl 3 isod i rym yng Nghymru drwy Orchymyn Cychwyn a wnaed cyn dyddiad y Gorchymyn hwn.

The provisions of the Act referred to in Table 3 below have been brought into force in Wales by a Commencement Order made before the date of this Order.

TABL 3

TABLE 3

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>
Adran 67	1 Ebrill 2004	2004/910 (Cy.93)
Adran 69	1 Ebrill 2004	2004/910 (Cy.93)
Adran 75	1 Ebrill 2004	2004/910 (Cy.93)
Adran 101(1) (yn rhannol)	1 Ebrill 2004	2004/910 (Cy.93)
Atodlen 7 (yn rhannol)	1 Ebrill 2004	2004/910 (Cy.93)
Atodlen 9 (yn rhannol)	1 Ebrill 2004	2004/910 (Cy.93)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67	1 April 2004	2004/910 (W.93)
Section 69	1 April 2004	2004/910 (W.93)
Section 75	1 April 2004	2004/910 (W.93)
Section 101(1) (partially)	1 April 2004	2004/910 (W.93)
Schedule 7 (partially)	1 April 2004	2004/910 (W.93)
Schedule 9 (partially)	1 April 2004	2004/910 (W.93)

2004 Rhif 2916 (Cy.255) (C.120)**2004 No. 2916 (W.255) (C.120)****DIOGELU'R AMGYLCHEDD,
CYMRU****ENVIRONMENTAL
PROTECTION, WALES**Gorchymyn Deddf Dŵr 2003
(Cychwyn Rhif 2) (Cymru)
2004The Water Act 2003
(Commencement No. 2) (Wales)
Order 2004*Wedi'i wneud**9 Tachwedd 2004**Made**9 November 2004*

Mae Cynulliad Cenedlaethol Cymru, gan arfer y pwerau a roddwyd iddo gan adran 105(3) a (6) o Ddeddf Dŵr 2003(a) ("y Ddeddf"), yn gwneud y Gorchymyn a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by section 105(3) and (6) of the Water Act 2003(a) ("the Act"), makes the following Order:

Enwi a chymhwyso

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Dŵr 2003 (Cychwyn Rhif 2) (Cymru) 2004.

(2) Mae'r Gorchymyn hwn yn gymwys i Gymru yn unig.

Citation and application

1.-(1) This Order may be cited as the Water Act 2003 (Commencement No.2) (Wales) Order 2004.

(2) This Order applies to Wales only.

Y Diwrnod Penodedig

2. 11 Tachwedd 2004 yw'r diwrnod penodedig y daw darpariaethau canlynol y Ddeddf i rym-

- (a) adran 77 (cynlluniau llifogydd: cyforganfeydd dŵr mawr);
- (b) adran 78 (diogelwch y wlad);
- (c) adran 80 (cymhwysiad i'r Goron);
- (ch) adran 81 (dyletswydd i annog arbed dŵr);
- (d) adran 86(2)(f), ac is-adran (1) i'r graddau y mae'n berthnasol i'r paragraff hwnnw (tir halogedig: llygru dyfroedd a reolir);

Appointed Day

2. The day appointed for the coming into force of the following provisions of the Act is 11 November 2004-

- (a) section 77 (flood plans: large raised reservoirs);
- (b) section 78 (national security);
- (c) section 80 (Crown application);
- (d) section 81 (duty to encourage water conservation);
- (e) section 86(2)(f), and subsection (1) insofar as it relates thereto (contaminated land: pollution of controlled waters);

(a) 2003 p.37. Gweler y tabl yn adran 105(6) i gael ystyr "*the appropriate authority*" mewn perthynas â chychwyniad adrannau 77, 78, 80, 81, 86 a 101 o'r Ddeddf, ac Atodlen 9 iddi.

(a) 2003 c.37. See the table to section 105(6) for the meaning of "*the appropriate authority*" in relation to the commencement of sections 77, 78, 80, 81, 86 and 101of, and Schedule 9 to the Act.

- (dd) adran 101(1), i'r graddau y mae'n berthnasol i'r diwygiad a wneir gan baragraff 38 o Atodlen 7; ac
- (e) adran 101(2), i'r graddau y mae'n berthnasol i adrannau 147 i 149 ac adran 222(1) o Ddeddf Adnoddau Dŵr 1991(a) ac adran 101(1) o Ddeddf Amgylchedd 1995(b) a bennir yn Atodlen 9.

- (f) section 101(1), insofar as it relates to the amendment made by paragraph 38 of Schedule 7; and
- (g) section 101(2), insofar as it relates to sections 147 to 149 and section 222(1) of the Water Resources Act 1991(a) and section 101(1) of the Environment Act 1995(b) specified in Schedule 9.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru yn unol ag adran 66(1) o Ddeddf Llywodraeth Cymru 1998(c).

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

9 Tachwedd 2004

9 November 2004

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

-
- (a) 1991 p.57.
(b) 1995 p.25.
(c) 1998 p.38.

-
- (a) 1991 c.57.
(b) 1995 c.25.
(c) 1998 c.38.

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£3.00

W108/11/04

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ISBN 0-11-091022-2



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