



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 980 (Cy.103)

2006 No. 980 (W.103)

DRAENIO TIR, CYMRU

LAND DRAINAGE, WALES

Gorchymyn Pwyllgor Rhanbarthol
Amddiffyn Rhag Llifogydd
(Cyfansoddiad) 2006

The Welsh Regional Flood Defence
Committee (Composition) Order
2006

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Pwyllgorau Asiantaeth yr Amgylchedd yw pwyllgorau rhanbarthol amddiffyn rhag llifogydd, ac fe'u sefydlwyd gan adran 14 o Ddeddf yr Amgylchedd 1995 ("Deddf 1995").

Regional flood defence committees are committees of the Environment Agency, established by section 14 of the Environment Act 1995 ("the 1995 Act").

Mae adran 16A(3) o Ddeddf 1995 yn caniatáu i Gynulliad Cenedlaethol Cymru ("y Cynulliad") benderfynu cyfanswm nifer aelodau pwyllgor Cymreig a'r dull o'u dewis ac i benodi cadeirydd ac aelodau eraill o'r pwyllgor (gan gynnwys y sawl fydd yn eu penodi).

Section 16A(3) of the 1995 Act allows the National Assembly for Wales ("the Assembly") to determine the total number of members of a Welsh committee and the method of selection and appointment of the chairperson and other members of the committee (including who is to appoint them).

Caiff y Cynulliad wneud gorchymyn o'r fath dan adran 16A(3) os cyfyd yr amodau a ganlyn: fod y cyfan neu'r rhan fwyaf o ardal y pwyllgor yng Nghymru; ac nad oes yna gynllun amddiffyn rhag llifogydd lleol mewn grym mewn perthynas ag ardal y pwyllgor (adran 16A(2)).

The Assembly may make such an order under section 16A(3) where the following conditions are met: the whole or the greater part of the committee's area is in Wales; and no local flood defence scheme is in force in relation to the area of the committee (section 16A(2)).

Mewn perthynas â phwyllgor nad yw ei ardal yn gyfangwbl yng Nghymru, dim ond gyda chytundeb yr Ysgrifennydd Gwladol y gellir arfer y pŵer i wneud gorchymyn o'r fath ac mae offeryn statudol sy'n cynnwys gorchymyn o'r fath yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan y naill Dŷ neu'r llall o'r Senedd (adran 16A(6)).

In relation to a committee whose area is not wholly in Wales, the power to make such an order may be exercised only with the agreement of the Secretary of State and a statutory instrument containing such an order is to be subject to annulment in pursuance of a resolution of either House of Parliament (section 16A(6)).

Mae'r Gorchymyn hwn yn ymwneud â phwyllgor y bydd ei ardal yn gyfangwbl yng Nghymru o 1 Ebrill

This Order relates to a committee whose area will be wholly within Wales from 1 April 2006⁽¹⁾ and in relation to which there is no local flood defence

(1) Mae Gorchymyn Pwyllgorau Rhanbarthol Amddiffyn Rhag Llifogydd Cymru, Hafren-Trent a Gogledd-Orllewin Lloegr (Newid Ffiniau) 2005 (O.S. 2005/3047), sy'n dod i rym ar 1 Ebrill 2006, yn newid ffin ardal Pwyllgor Rhanbarthol Amddiffyn Rhag Llifogydd Cymru, er mwyn peri iddi gydweddu ag arwynebedd Cymru.

(1) The North-West, Severn-Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005 (S.I. 2005/3047), which comes into force on 1 April 2006, alters the boundary of the area of the Welsh Regional Flood Defence Committee, so as to align it with the area of Wales.

2006 ymlaen⁽¹⁾ ac nad oes, mewn perthynas â hi, gynllun amddiffyn rhag llifogydd lleol mewn grym⁽¹⁾. Yn unol â hynny, nid yw'n ddarostyngedig i gytundeb yr Ysgrifennydd Gwladol nac yn ddarostyngedig i gael ei ddiddymu yn unol â phenderfyniad gan y naill Dŷ neu'r llall o'r Senedd.

Oherwydd yr ystyriaethau uchod, mae erthygl 1 yn darparu bod dyfodiad y Gorchymyn hwn i rym yn ddibynnol ar fod aliniad ardal y pwyllgor gydag arwynebedd Cymru yn dod i rym ar 1 Ebrill 2006.

Mae erthygl 2 o'r Gorchymyn yn darparu bod y Cynulliad i benodi wyth aelod ar y pwyllgor, gan gynnwys y cadeirydd; bod Asiantaeth yr Amgylchedd i benodi dau aelod (ni chaiff yr un ohonynt fod yn aelod o'r Asiantaeth); a bod awdurdodau lleol i benodi cyfanswm o wyth aelod (i'w penodi gan gynghorau'n gweithio ar y cyd i benodi un aelod ar gyfer pob grŵp o awdurdodau lleol a bennir yn yr Atodlen). Os nad yw grŵp o gynghorau, sy'n gweithio ar y cyd, yn gallu penodi aelod, caiff y Cynulliad benodi'r aelod hwnnw ar ran y cynghorau.

Mae erthygl 3 yn darparu bod tymor swydd yr aelodau cyntaf a benodir gan y cynghorau cyfansoddol o dan y Gorchymyn hwn i gychwyn yn Ebrill, yn hytrach nag ym Mehefin fel y darperir yn Atodlen 5 i Ddeddf 1995, a'u bod i barhau hyd 31 Mai 2010. Ar ôl hynny, bydd y penodiadau yn cychwyn ym Mehefin.

Mae erthygl 4 yn dirymu Gorchymyn Pwyllgor Rhanbarthol Amddiffyn Rhag Llifogydd (Rhanbarth Cymru) 1996 (O.S. 1996/538).

scheme in force⁽¹⁾. Accordingly, it is not subject to the agreement of the Secretary of State or subject to annulment in pursuance of a resolution of either House of Parliament.

Because of the considerations above, article 1 provides that the coming into force of this Order is dependent on the coming into force of the alignment of the committee's area with the area of Wales on 1 April 2006.

Article 2 of the Order provides that the Assembly is to appoint eight members to the committee, including the chairperson; that the Environment Agency is to appoint two members (none of whom may be a member of the Agency); and that local authorities are to appoint a total of eight members (to be appointed by councils acting jointly to appoint one member for each group of local authorities specified in the Schedule). Where a group of councils, acting jointly, is unable to appoint a member, the Assembly may appoint that member on behalf of the councils.

Article 3 provides that the term of office of the first members appointed by the constituent councils under this Order is to run from April, rather than from June as provided for in Schedule 5 to the 1995 Act, and are to run until 31 May 2010. Thereafter, the appointments will run from June.

Article 4 revokes the Welsh Regional Flood Defence Committee (Welsh Region) Order 1996 (S.I. 1996/538).

⁽¹⁾ Dirymodd Gorchymyn Cynllun Amddiffyn Rhag Llifogydd Cymru 1996 (Dirymu) 2005 (O.S. 2005/548), a ddaeth i rym ar 1 Ebrill 2005, y cynllun amddiffyn rhag llifogydd oedd mewn grym mewn perthynas ag ardal y pwyllgor hwn.

⁽¹⁾ The Welsh Local Flood Defence Scheme 1996 (Revocation) Order 2005 (S.I. 2005/548), which came into force on 1 April 2005, revoked the local flood defence scheme which was in force in relation to the area of this committee.

2006 Rhif 980 (Cy.103)**2006 No. 980 (W.103)****DRAENIO TIR, CYMRU****LAND DRAINAGE, WALES****Gorchymyn Pwyllgor Rhanbarthol
Amddiffyn Rhag Llifogydd Cymru
(Cyfansoddiad) 2006****The Welsh Regional Flood Defence
Committee (Composition) Order
2006***Wedi'i wneud* 29 Mawrth 2006*Made* 29 March 2006*Yn dod i rym yn unol ag erthygl 1(1)**Coming into force in accordance with article
1(1)*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 16A o Ddeddf yr Amgylchedd 1995(1), drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of the powers conferred upon it by section 16A of the Environment Act 1995(1) makes the following Order:

Enwi, cychwyn a dehongli**Title, commencement and interpretation**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Pwyllgor Rhanbarthol Amddiffyn Rhag Llifogydd Cymru (Cyfansoddiad) 2006 a daw i rym pan ddaw Gorchymyn 2005 i rym(2).

1.-(1) The title of this Order is the Welsh Regional Flood Defence Committee (Composition) Order 2006 and it comes into force on the coming into force of the 2005 Order(2).

(2) Yn y Gorchymyn hwn-

(2) In this Order-

ystyr "yr Asiantaeth" ("*the Agency*") yw Asiantaeth yr Amgylchedd;

"the 1995 Act" ("*Deddf 1995*") means the Environment Act 1995;

ystyr "y Cynulliad" ("*the Assembly*") yw Cynulliad Cenedlaethol Cymru;

"the 2005 Order" ("*Gorchymyn 2005*") means the North-West, Severn-Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005(3);

ystyr "Deddf 1995" ("*the 1995 Act*") yw Deddf yr Amgylchedd 1995;

"the Agency" ("*yr Asiantaeth*") means the Environment Agency;

ystyr "Gorchymyn 2005" ("*the 2005 Order*") yw Gorchymyn Pwyllgorau Rhanbarthol Amddiffyn Rhag Llifogydd Cymru, Hafren-Trent a Gogledd-Orllewin Lloegr (Newid Ffiniau) 2005(3);

"the Assembly" ("*y Cynulliad*") means the National Assembly for Wales;

ystyr "y pwyllgor" ("*the committee*") yw Pwyllgor Rhanbarthol Amddiffyn Rhag Llifogydd Cymru, sef y pwyllgor rhanbarthol amddiffyn rhag llifogydd a sefydlwyd gan adran 14 o Ddeddf 1995 ac y mae cynghorau'r bwrdeistrefi sirol a'r siroedd a bennir yn yr Atodlen i'r Gorchymyn hwn yn gynghorau cyfansoddol ohono.

"the committee" ("*y pwyllgor*") means the Welsh Regional Flood Defence Committee, being the regional flood defence committee established by section 14 of the 1995 Act and for which the councils for the county boroughs and counties specified in the Schedule to this Order are the constituent councils.

(1) 1995 p.25. Mewnosodwyd adran 16A gan adran 67 o Ddeddf Dŵr 2003 (p.37) (Aelodaeth o bwyllgorau rhanbarthol amddiffyn rhag llifogydd yng Nghymru).

(1) 1995 c.25. Section 16A was inserted by section 67 of the Water Act 2003 (c.37) (Membership of regional flood defence committees in Wales).

(2) Cafodd Gorchymyn 2005 ei wneud ar 24 Medi 2005, a'i osod gerbron y Senedd ar 3 Tachwedd 2005 a daw i rym ar 1 Ebrill 2006.

(2) The 2005 Order was made on 24 September 2005, laid before Parliament on 3 November 2005 and comes into force on 1 April 2006.

(3) O.S. 2005/3047.

(3) S.I 2005/3047.

Cyfansoddiad

2.-(1) Mae'r pwyllgor yn cynnwys y canlynol, ac ni chaiff yr un ohonynt fod yn aelod o'r Asiantaeth, hynny yw-

- (a) cadeirydd a saith aelod arall wedi eu penodi gan y Cynulliad;
- (b) dau aelod wedi eu penodi gan yr Asiantaeth; ac
- (c) un aelod wedi ei benodi gan bob grŵp a bennir yng ngholofn 1 o'r Atodlen, neu ar ran bob grŵp, y mae cynghorau'r siroedd a'r bwrdeistrefi sirol a bennir yng ngholofn 2 o'r Atodlen yn gynghorau cyfansoddol ohono.

(2) Mae'r penodiadau o dan baragraff (1)(c) i gael eu gwneud gan y cynghorau ym mhob grŵp yn gweithredu ar y cyd mewn perthynas â'r aelod a benodir dros y grŵp hwnnw.

(3) Os digwydd na fydd y cynghorau a bennir yn unrhyw grŵp yn yr Atodlen yn gallu gwneud penodiad o dan baragraff (1)(c), caiff y Cynulliad benodi aelod dros y grŵp hwnnw ar ran y cynghorau hynny.

(4) Wrth benodi person i fod yn gadeirydd neu'n aelod o'r pwyllgor, rhaid i'r Cynulliad neu gyngor cyfansoddol, yn ôl y digwydd, ystyried y priodoldeb o benodi person sydd â phrofiad o fater, ac sydd wedi dangos gallu mewn mater sydd yn berthnasol i swyddogaethau'r pwyllgor.

Trosiannol

3. At ddibenion y penodiadau cyntaf a wneir gan bob grŵp dan erthygl 2(1)(c) neu ar ran bob grŵp o dan erthygl 2(3), mae paragraff 1 (3) o Atodlen 5 i Ddeddf 1995 (tymor swydd aelodau a benodir gan gynghorau cyfansoddol) yn effeithiol gyda'r addasiadau hyn-

- (a) yn lle "June" rhodder "April"; a
- (b) yn lle "a term of four years" rhodder "a term ending with 31 May 2010".

Dirymu

4. Dirymir Gorchymyn Pwyllgor Rhanbarthol Amddiffyn Rhag Llifogydd (Rhanbarth Cymru) 1996(1).

Composition

2.-(1) The committee consists of the following, none of whom may be a member of the Agency, that is to say-

- (a) a chairperson and seven other members appointed by the Assembly;
- (b) two members appointed by the Agency; and
- (c) one member appointed by or on behalf of each group specified in column 1 of the Schedule, the constituent councils of which are those for the counties and county boroughs specified in column 2 of the Schedule.

(2) The appointments under paragraph (1)(c) are to be made by the councils in each group acting jointly in respect of the member appointed for that group.

(3) Where the councils specified in any group in the Schedule are unable to make an appointment under paragraph (1)(c), the Assembly may appoint a member for that group on behalf of those councils.

(4) In appointing a person to be the chairperson or a member of the committee, the Assembly or, as the case may be, a constituent council must have regard to the desirability of appointing a person who has experience of, and has shown capacity in, some matter relevant to the functions of the committee.

Transitional

3. For the purposes of the first appointment made by each group under article 2(1)(c) or on behalf of each group under article 2(3), paragraph 1 (3) of Schedule 5 to the 1995 Act (term of office of members appointed by constituent councils) has effect with these modifications-

- (a) for "June" substitute "April"; and
- (b) for "a term of four years" substitute "a term ending with 31 May 2010".

Revocation

4. The Regional Flood Defence Committee (Welsh Region) Order 1996(1) is revoked.

(1) O.S. 1996/538 (fel y'i diwygiwyd gan O.S. 1996/1007 ac O.S. 2005/3047).

(1) S.I. 1996/538 (as amended by S.I. 1996/1007 and S.I. 2005/3047).

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)

29 Mawrth 2006

29 March 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

YR ATODLEN

THE SCHEDULE

(Erthygl 2)

(Article 2)

Grwpiau o Gyngorau Cyfansoddol i benodi
AelodauGroups of Constituent Councils to appoint
Members

<i>Grŵp</i>	<i>Cyngorau Cyfansoddol</i>	<i>Group</i>	<i>Constituent Councils</i>
1	Sir Ddinbych, Sir y Fflint a Wreccsam	1	Denbighshire, Flintshire and Wrexham
2	Ynys Môn, Conwy a Gwynedd	2	Anglesey, Conwy and Gwynedd
3	Sir Gaerfyrddin, Ceredigion a Sir Benfro	3	Carmarthenshire, Ceredigion and Pembrokeshire
4	Bro Morgannwg a Chaerdydd	4	Vale of Glamorgan and Cardiff
5	Abertawe, Castell-Nedd Port Talbot a Phen-y- bont ar Ogwr	5	Swansea, Neath Port Talbot and Bridgend
6	Powys, Sir Fynwy a Thor-faen	6	Powys, Monmouthshire and Torfaen
7	Blaenau Gwent, Caerffili a Chasnewydd	7	Blaenau Gwent, Caerphilly and Newport
8	Merthyr Tudful a Rhondda Cynon Taf	8	Merthyr Tydfil and Rhondda Cynon Taff

OFFERYNNAU STATUDOL

2006 Rhif 980 (Cy.103)

DRAENIO TIR, CYMRU

Gorchymyn Pwyllgor Rhanbarthol
Amddiffyn Rhag Llifogydd
(Cyfansoddiad) 2006

STATUTORY INSTRUMENTS

2006 No. 980 (W.103)

LAND DRAINAGE, WALES

The Welsh Regional Flood Defence
Committee (Composition) Order
2006

© Hawlfraint y Goron 2006

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2006

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£3.00

W288/04/06

ON