



OFFERYNNAU STATUDOL
CYMRU

2012 Rhif 284 (Cy.48) (C.9)

DŴR, CYMRU

Gorchymyn Deddf Dŵr 2003
(Cychwyn Rhif 3) (Cymru) 2012

NODYN ESBONIADOL

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

Mae'r Gorchymyn hwn yn dod ag adran 86 o Ddeddf Dŵr 2003 ("y Ddeddf") i rym ar 6 Ebrill 2012 o ran Cymru, i'r graddau nad yw eisoes mewn grym.

Mae adran 86 o'r Ddeddf yn gwneud diwygiadau i Ran 2A o Ddeddf Diogelu'r Amgylchedd 1990 ("Deddf 1990") o ran y diffiniad o dir halogedig. Mae'r diffiniad o "contaminated land" yn adran 78A o Ddeddf 1990 wedi ei ddiwygio fel bod, mewn perthynas â llygru dyfroedd a reolir, rhaid i'r tir achosi llygredd sylweddol neu fod posibilrwydd sylweddol i'r tir achosi llygredd o'r fath i ddyfroedd a reolir, i'r tir hwnnw gael ei ddynodi yn dir halogedig. Mae adran 86 o'r Ddeddf hefyd yn gwneud newidiadau perthynol i adrannau 78A, 78C, 78E, 78K, 78X a 78YB, sydd yn ganlyniad i ddiwygio'r diffiniad hwnnw.

**NODYN AM Y GORCHMYNION
CYCHWYN BLAENOROL**

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

Daethpwyd â darpariaethau canlynol y Ddeddf i rym o ran Cymru drwy orchymynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

WELSH STATUTORY
INSTRUMENTS

2012 No. 284 (W.48) (C.9)

WATER, WALES

The Water Act 2003
(Commencement No. 3) (Wales)
Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 6 April 2012, section 86 of the Water Act 2003 ("the Act") in relation to Wales so far as not already in force.

Section 86 of the Act makes amendments to Part 2A of the Environmental Protection Act 1990 ("the 1990 Act") in relation to the definition of contaminated land. The definition of "contaminated land" in section 78A of the 1990 Act is amended so that, in relation to the pollution of controlled waters, for land to be determined as contaminated land, it must cause significant pollution or the significant possibility of such pollution of controlled waters. Section 86 of the Act also makes related changes to sections 78A, 78C, 78E, 78K, 78X and 78YB, consequential on the amendment of that definition.

**NOTE AS TO EARLIER
COMMENCEMENT ORDERS**

(This note is not part of the Order)

The following provisions of the Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
adran 69	1.4.2004	2004/910 (Cy.93) (C.39)	s.69	1.4.2004	2004/910 (W.93) (C.39)
adran 75	1.4.2004	2004/910 (Cy.93) (C.39)	s.75	1.4.2004	2004/910 (W.93) (C.39)
adrannau 77 a 78	11.11.2004	2004/2916 (Cy.255) (C.120)	ss. 77 and 78	11.11.2004	2004/2916 (W.255) (C.120)
adrannau 80 ac 81	11.11.2004	2004/2916 (Cy.255) (C.120)	ss. 80 and 81	11.11.2004	2004/2916 (W.255) (C.120)
adran 86 (yn rhannol)	11.11.2004	2004/2916 (Cy.255) (C.120)	s.86 (partially)	11.11.2004	2004/2916 (W.255) (C.120)
adran 101(1) ac Atodlen 7 (yn rhannol)	1.4.2004 a 11.11.2004	2004/910 (Cy.93) (C.39) a 2004/2916 (Cy.255) (C.120)	s.101(1) and Sch. 7 (partially)	1.4.2004 and 11.11.2004	2004/910 (W.93) (C.39) and 2004/2916 (W.255) (C.120)
adran 101(2) ac Atodlen 9 (yn rhannol)	1.4.2004 a 11.11.2004	2004/910 (Cy.93) (C.39) a 2004/2916 (Cy.255) (C.120)	s.101(2) and Sch. 9 (partially)	1.4.2004 and 11.11.2004	2004/910 (W.93) (C.39) and 2004/2916 (W.255) (C.120)

Daeth darpariaethau canlynol y Ddeddf i rym yng Nghymru a Lloegr drwy orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

The following provisions of the Act have been brought into force in England and Wales by commencement orders made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
adran 1	1.4.2006	2006/984 (C.30)	s. 1	1.4.2006	2006/984 (C.30)
adran 2	1.4.2006	2006/984 (C.30)	s. 2	1.4.2006	2006/984 (C.30)
adran 3	1.4.2006	2006/984 (C.30)	s. 3	1.4.2006	2006/984 (C.30)
adran 4	1.4.2006	2006/984 (C.30)	s. 4	1.4.2006	2006/984 (C.30)
adran 6	1.4.2004 a 1.4.2005	2004/641 (C.24) a 2005/968 (C.43)	s.6	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
adran 8 (yn rhannol)	1.4.2006	2006/984 (C.30)	s. 8 (partially)	1.4.2006	2006/984 (C.30)
adran 9	1.4.2004	2004/641 (C.24)	s.9	1.4.2004	2004/641 (C.24)
adran 10	1.4.2004 a 1.4.2005	2004/641 (C.24) a 2005/968 (C.43)	s.10	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
adran 11	1.4.2006	2006/984 (C.30)	s. 11	1.4.2006	2006/984 (C.30)
adran 12	1.4.2006	2006/984 (C.30)	s.12	1.4.2006	2006/984 (C.30)
adran 13	1.4.2006	2006/984 (C.30)	s.13	1.4.2006	2006/984 (C.30)
adran 14	1.4.2006	2006/984 (C.30)	s.14	1.4.2006	2006/984 (C.30)

adran 15	1.4.2004	2004/641 (C.24)	s.15	1.4.2004	2004/641 (C.24)
adran 16	1.4.2004 a 1.4.2005	2004/641 (C.24) a 2005/968 (C.43)	s.16	1.4.2004 and 1.4.2005	2004/641 (C.24) and 2005/968 (C.43)
adran 17	1.4.2005	2005/968 (C.43)	s.17	1.4.2005	2005/968 (C.43)
adran 18	1.4.2004	2004/641 (C.24)	s.18	1.4.2004	2004/641 (C.24)
adran 19	1.4.2004 a 1.4.2006	2004/641 (C.24) a 2006/984 (C.30)	s.19	1.4.2004 and 1.4.2006	2004/641 (C.24) and 2006/984 (C.30)
adran 20	1.4.2004	2004/641 (C.24)	s.20	1.4.2004	2004/641 (C.24)
adran 21	1.4.2006	2006/984 (C.30)	s.21	1.4.2006	2006/984 (C.30)
adran 22	1.4.2006	2006/984 (C.30)	s.22	1.4.2006	2006/984 (C.30)
adran 23	1.4.2006	2006/984 (C.30)	s.23	1.4.2006	2006/984 (C.30)
adran 24	1.4.2005	2004/641 (C.24)	s.24	1.4.2005	2004/641 (C.24)
adran 25	1.4.2004 a 1.4.2006	2004/641 (C.24) a 2006/984 (C.30)	s.25	1.4.2004 and 1.4.2006	2004/641 (C.24) and 2006/984 (C.30)
adran 26	1.10.2004	2004/2528 (C.106)	s.26	1.10.2004	2004/2528 (C.106)
adran 27	1.4.2004	2004/641 (C.24)	s.27	1.4.2004	2004/641 (C.24)
adrannau 28 a 29	1.10.2004	2004/2528 (C.106)	ss. 28 and 29	1.10.2004	2004/2528 (C.106)
adran 30	1.4.2006	2006/984 (C.30)	s.30	1.4.2006	2006/984 (C.30)
adran 31	1.10.2004	2004/2528 (C.106)	s.31	1.10.2004	2004/2528 (C.106)
adran 33	1.4.2006	2006/984 (C.30)	s.33	1.4.2006	2006/984 (C.30)
adran 34 (yn rhannol)	1.4.2006	2005/2714 (C.109)	s.34 (partially)	1.4.2006	2005/2714 (C.109)
adran 35	1.8.2005, 1.10.2005 a 1.4.2006	2005/968 (C.43) a 2005/2714 (C.109)	s.35	1.8.2005, 1.10.2005 and 1.4. 2006	2005/968 (C.43) and 2005/2714 (C.109)
adran 36 ac Atodlen 3 (‡)	1.4.2005 a 1.4.2006	2005/968 (C.43) a 2005/2714 (C.109)	s.36 & Sch. 3 (‡)	1.4.2005 and 1.4.2006	2005/968 (C.43) and 2005/2714 C.109)
adran 37	1.4.2004	2004/641 (C.24)	s.37	1.4.2004	2004/641 (C.24)
adran 38	1.10.2004 a 1.10.2005	2004/2528 (C.106) a 2005/2714 (C.109)	s.38	1.10.2004 and 1.10.2005	2004/2528 (C.106) and 2005/2714 (C.109)
adrannau 39 i 42	1.4.2005	2005/968 (C.43)	ss.39 to 42	1.4.2005	2005/968 (C.43)
adrannau 43 i 47	1.10.2005	2005/2714 (C.109)	ss. 43 to 47	1.10.2005	2005/2714 (C.109)

adran 48	1.10.2004 a 1.4.2005	2004/2528 (C.106) a 2005/968 (C.43)	s.48	1.10.2004 and 1.4.2005	2004/2528 (C.106) and 2005/968 (C.43)
adrannau 49 a 50	1.10.2004	2004/2528 (C.106)	ss. 49 and 50	1.10.2004	2004/2528 (C.106)
adran 51	1.4.2005	2005/968 (C.43)	s.51	1.4.2005	2005/968 (C.43)
adran 52	1.4.2006	2005/2714 (C.109)	s. 52	1.4.2006	2005/2714 (C.109)
adran 53(*)	1.4.2004	2004/641 (C.24)	s. 53(*)	1.4.2004	2004/641 (C.24)
adrannau 54 a 55	1.10.2004	2004/2528 (C.106)	ss. 54 and 55	1.10.2004	2004/2528 (C.106)
adran 56 ac Atodlen 4	1.4.2004, 1.8.2005, 1.10.2005 a 1.12.2005	2004/641 (C.24), 2005/968 (C.43) a 2005/2714 (C.109)	s.56 and Sch. 4	1.4.2004, 1.8.2005, 1.10.2005 and 1.12.2005	2004/641 (C.24), 2005/968 (C.43) and 2005/2714 (C.109)
adran 57	1.4.2004	2004/641 (C.24)	s.57	1.4.2004	2004/641 (C.24)
adran 59	1.10.2004	2004/2528 (C.106)	s.59	1.10.2004	2004/2528 (C.106)
adrannau 60 a 61	1.4.2004	2004/641 (C.24)	ss. 60 and 61	1.4.2004	2004/641 (C.24)
adran 62	1.10.2004, 1.10.2005, 1.4.2006 a 1.4.2007	2004/2528 (C.106), 2005/2714 (C.109), 2006/984 (C.30) a 2007/1021 (C.42)	s.62	1.10.2004, 1.10.2005, 1.4.2006 and 1.4. 2007	2004/2528 (C.106), 2005/2714 (C.109), 2006/984 (C.30) and 2007/1021 (C.42)
adran 63	1.10.2004 a 1.10.2005	2004/2528 (C.106) a 2005/2714 (C.109)	s.63	1.10.2004 and 1.10.2005	2004/2528 (C.106) and 2005/2714 (C.109)
adrannau 64 a 65	1.4.2004	2004/641 (C.24)	ss. 64 and 65	1.4.2004	2004/641 (C.24)
adran 66(†)	1.4.2004	2004/641 (C.24)	s. 66(†)	1.4.2004	2004/641 (C.24)
adran 67	1.4.2004	2004/910 (Cy.93) (C.39)	s.67	1.4.2004	2004/910 (W.93) (C.39)
adran 68 (†)	1.4.2004	2004/641 (C.24)	s.68 (†)	1.4.2004	2004/641 (C.24)
adran 70	1.4.2005	2005/968 (C.43)	s.70	1.4.2005	2005/968 (C.43)
adran 71	1.4.2004	2004/641 (C.24)	s.71	1.4.2004	2004/641 (C.24)
adran 72	1.4.2004	2004/641 (C.24)	s.72	1.4.2004	2004/641 (C.24)
adran 74(*)	1.10.2004	2004/2528 (C.106)	s.74(*)	1.10.2004	2004/2528 (C.106)
adran 76(†)	1.10.2004	2004/2528 (C.106)	s.76(†)	1.10.2004	2004/2528 (C.106)
adran 79	1.10.2004	2004/2528 (C.106)	s.79	1.10.2004	2004/2528 (C.106)

adrannau 82 i 84	1.4.2004	2004/641 (C.24)	ss. 82 to 84	1.4.2004	2004/641 (C.24)
adran 85(*) ac Atodlenni 5 a 6	1.4.2004	2004/641 (C.24)	s.85(*) and Sch. 5 & 6	1.4.2004	2004/641 (C.24)
adran 87	1.10.2004	2004/2528 (C.106)	s.87	1.10.2004	2004/2528 (C.106)
adrannau 90 i 97	28.5.2004	2004/641 (C.24)	ss.90 to 97	28.5.2004	2004/641 (C.24)
adran 98	1.4.2007	2007/1021 (C.42)	s. 98	1.4.2007	2007/1021 (C.42)
adran 99	28.5.2004	2004/641 (C.24)	s.99	28.5.2004	2004/641 (C.24)
adran 100	17.3.2004, 1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.12.2005, 1.4.2006, 1.4.2006 a 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) a 2007/1021 (C.42)	s.100	17.3.2004, 1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.12.2005, 1.4.2006 , 1.4.2006 and 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) and 2007/1021 (C.42)
adran 101(1) (yn rhannol) ac Atodlen 7 (yn rhannol)	1.4.2004, 1.10.2004, 29.12.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.4.2006 a 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) a 2007/1021 (C.42)	s.101(1) (partially) and Sch. 7 (partially)	1.4.2004, 1.10.2004, 29.12.2004, 1.4.2005, 1.8.2005, 1.10.2005, 1.4.2006 and 1.4.2007	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109), 2006/984 (C.30) and 2007/1021 (C.42)
adran 101(1) ac Atodlen 8	1.4.2004, 1.10.2004 a 1.12.2005	2004/641 (C.24), 2004/2528 (C.106) a 2005/2714 (C.109)	s.101(1) and Sch. 8	1.4.2004, 1.10.2004 and 1.12.2005	2004/641 (C.24), 2004/2528 (C.106) and 2005/2714 (C.109)
adran 101(2) ac Atodlen 9 (yn rhannol)	1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.10.2005, 1.12.2005 a 1.4.2006	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109) a 2006/984 (C.30)	s.101(2) and Sch. 9 (partially)	1.4.2004, 28.5.2004, 1.10.2004, 1.4.2005, 1.10.2005, 1.12.2005 and 1.4.2006	2004/641 (C.24), 2004/2528 (C.106), 2005/968 (C.43), 2005/2714 (C.109) and 2006/984 (C.30)

(*) Mae'r darpariaethau hyn hefyd yn ymestyn yn rhannol i'r Alban (adran 105(9) o'r Ddeddf) a daethpwyd â hwy i rym yn yr Alban drwy'r un Gorchymyn.

(†) Mae'r darpariaethau hyn hefyd yn ymestyn i'r Alban (adran 105(9) o'r Ddeddf) a daethpwyd â hwy i rym yn yr Alban drwy'r un Gorchymyn.

(‡) Mae'r darpariaethau hyn hefyd yn ymestyn i'r Alban a Gogledd Iwerddon (adran 105(8) o'r Ddeddf) a daethpwyd â hwy i rym yn yr Alban ac yng Ngogledd Iwerddon drwy'r un Gorchymyn.

(*) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(†) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(‡) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

Daeth darpariaethau canlynol y Deddf i rym o ran Lloegr drwy orchmynion cychwyn a wnaed cyn dyddiad y Gorchymyn hwn:

The following provisions of the Act have been brought into force in relation to England by commencement orders made before the date of this Order:

<i>Y Ddarpariaeth</i>	<i>Y Dyddiad Cychwyn</i>	<i>Rhif O.S.</i>	<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
adran 58	18.2.2005, 1.8.2008, 25.2.2009 a 26.3.2010	2005/344 (C.12), 2008/1922 (C.87), 2009/359 (C.17) a 2010/975 (C.65)	s. 58	18.2.2005, 1.8.2008, 25.2.2009 and 26.3.2010	2005/344 (C.12), 2008/1922 (C.87) 2009/359 (C.17) and 2010/975 (C.65)
adran 69	17.3.2004	2004/641 (C.24)	s.69	17.3.2004	2004/641 (C.24)
adran 75	1.4.2004	2004/641 (C.24)	s.75	1.4.2004	2004/641 (C.24)
adrannau 77 a 78	1.10.2004	2004/2528 (C.106)	ss. 77 and 78	1.10.2004	2004/2528 (C.106)
adran 80	1.10.2004	2004/2528 (C.106)	s.80	1.10.2004	2004/2528 (C.106)
adran 81	1.4.2004	2004/641 (C.24)	s.81	1.4.2004	2004/641 (C.24)
adran 86 (yn rhannol)	1.10.2004	2004/2528 (C.106)	s.86 (partially)	1.10.2004	2004/2528 (C.106)
adran 101(1) ac Atodlen 7 (yn rhannol)	17.3.2004, 1.10.2004 a 1.8.2008	2004/641 (C.24), 2004/2528 (C.106) a 2008/1922 (C.87)	s.101(1) and Sch. 7 (partially)	17.3.2004, 1.10.2004 and 1.8.2008	2004/641 (C.24), 2004/2528 (C.106) and 2008/1922 (C.87)
adran 101(2) ac Atodlen 9 (yn rhannol)	17.3.2004, 1.8.2008 a 26.3.2010	2004/641 (C.24), 2008/1922 (C.87) a 2010/975 (C.65)	s.101(2) and Sch. 9 (partially)	17.3.2004, 1.8.2008 and 26.3.2010	2004/641 (C.24), 2008/1922 (C.87) and 2010/975 (C.65)

2012 Rhif 284 (Cy.48) (C.9)

2012 No. 284 (W.48) (C.9)

DŴR, CYMRU

WATER, WALES

**Gorchymyn Deddf Dŵr 2003
(Cychwyn Rhif 3) (Cymru) 2012**

**The Water Act 2003
(Commencement No. 3) (Wales)
Order 2012**

Gwnaed

3 Chwefror 2012

Made

3 February 2012

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd gan adran 105(3), (4) a (6) o Ddeddf Dŵr 2003(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Gorchymyn a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 105(3), (4) and (6) of the Water Act 2003(1) and now vested in them(2), make the following Order:

Enwi a chymhwyso

Title and application

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Dŵr 2003 (Cychwyn Rhif 3) (Cymru) 2012.

1.—(1) The title of this Order is the Water Act 2003 (Commencement No.3) (Wales) Order 2012.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies in relation to Wales.

Y diwrnod penodedig

Appointed day

2. 6 Ebrill 2012 yw'r diwrnod penodedig ar gyfer dod ag adran 86 o Ddeddf Dŵr 2003 i rym, i'r graddau nad yw eisoes mewn grym.

2. The day appointed for the coming into force of section 86 of the Water Act 2003 so far as not already in force is 6 April 2012.

John Griffiths

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy, un o Weiniogion Cymru

Minister for Environment and Sustainable Development, one of the Welsh Ministers

3 Chwefror 2012

3 February 2012

(1) 2003 p. 37.

(2) Mae swyddogaethau Cynulliad Cenedlaethol Cymru o dan adran 105 o Ddeddf Dŵr 2003 yn arferadwy bellach gan Weiniogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi.

(1) 2003 c. 37.

(2) The functions of the National Assembly for Wales under section 105 of the Water Act 2003 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).

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2012 Rhif 284 (Cy.48) (C.9)

DŴR, CYMRU

Gorchymyn Deddf Dŵr 2003
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WELSH STATUTORY
INSTRUMENTS

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WATER, WALES

The Water Act 2003
(Commencement No. 3) (Wales)
Order 2012

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