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INSTRUMENTS

2010 Rhif 1384 (W.123)

2010 No. 1384 (W.123)

DŴR, CYMRU

WATER, WALES

Rheoliadau Cyflenwadau Dŵr
Preifat (Cymru) (Diwygio) (Rhif 2)
2010

The Private Water Supplies (Wales)
(Amendment) (No. 2) 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 Cyfarwyddeb y Cyngor 98/83/EC ar ansawdd dŵr a fwriedir i'w yfed gan bobl (OJ Rhif L330, 5.12.1998, t.32), mewn perthynas â chyflenwadau dŵr preifat.

These Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (OJ No L330, 5.12.1998, p.32) in relation to private water supplies.

Maent yn diwygio Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010 drwy fewnosod rheoliad 4A sy'n rheoleiddio'r defnydd o gynhyrchion a sylweddau mewn cyflenwadau dŵr preifat. Rheoliad 31 o Reoliadau Cyflenwad Dŵr (Ansawdd Dŵr) 2010 sy'n pennu pa gynhyrchion a sylweddau y caniateir eu defnyddio.

They amend the Private Water Supplies (Wales) Regulations 2010 by inserting regulation 4A which regulates the use of products and substances in private water supplies. Regulation 31 of the Water Supply (Water Quality) Regulations 2010 determines the products and substances that can be used.

Maent hefyd yn diwygio Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) 2010, drwy amnewid rheoliad 5(1). Mae rheoliad 5 yn ei gwneud yn ofynnol, yn ei hanfod, pan fo diheintio yn cael ei wneud, ei fod yn cael ei wneud mewn modd sy'n cadw lefel y sylweddau a ffurfir ar ôl ychwanegu'r diheintydd (y cyfeirir atynt fel "sgil-gynhyrchion diheintio") mor isel ag y bo modd, heb beryglu ar effeithiolrwydd y diheintio.

They also amend the Private Water Supplies (Wales) Regulations 2010 by substituting regulation 5(1). Regulation 5 requires, in essence, that where disinfection is carried out, it is done so in a manner which minimises the level of substances that are formed following the addition of disinfectant, (referred to as "disinfection by-products") whilst not compromising the effectiveness of disinfection.

Mae'r rheoliad 5(1) a amnewidiwyd yn dileu'r term "halogi" ac yn gwneud mân newidiadau eraill, gan gynnwys cyfuno'r darpariaethau a wnaed yn flaenorol yn rheoliad 5(1)(a) a (b).

The substituted regulation 5(1) removes the term "contamination" and makes other minor changes, including the combining of the provisions previously made by regulation 5(1)(a) and (b).

Hysbyswyd y Comisiwn Ewropeaidd o'r Rheoliadau hyn mewn drafft, yn unol â Chyfarwyddeb 98/34/EC, fel y'i diwygiwyd gan Gyfarwyddeb 98/48/EC.

These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC, as amended by Directive 98/48/EC.

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

A full impact assessment has been prepared for the Private Water Supplies (Wales) Regulations 2010. A copy can be obtained from the Climate Change and Water Division of the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ. No separate impact assessment has been prepared.

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DŴR, CYMRU

WATER, WALES

**Rheoliadau Cyflenwadau Dŵr
Preifat (Cymru) (Diwygio) (Rhif 2)
2010**

**The Private Water Supplies (Wales)
(Amendment) (No. 2) Regulations
2010**

Gwnaed 1 Mai 2010

Made 1 May 2010

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 5 Mai 2010

*Laid before the National
Assembly for Wales* 5 May 2010

Yn dod i rym 26 Mai 2010

Coming into force 26 May 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.

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 a food production undertaking.

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).

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) OJ 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) OJ 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 chymhwyso

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyflenwadau Dŵr Preifat (Cymru) (Diwygio) (Rhif 2) 2010; maent yn gymwys o ran Cymru a deuant i rym ar 26 Mai 2010.

Diwygiadau

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

(2) Ar ôl rheoliad 4, mewnosoder–

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) (No. 2) Regulations 2010; they apply in relation to Wales and come into force on 26 May 2010.

Amendments

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

(2) After regulation 4, insert–

(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 Ddeddf y Diwydiant Dŵr 1991 i'r Cynulliad o ran Cymru, gan yr un darpariaethau o'r Gorchymyn; yr oedd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 213 o Ddeddf y Diwydiant Dŵr 1991 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 ddarpariaeth o'r Gorchymyn; gweler y cofnod ar gyfer Ddeddf y Diwydiant Dŵr 1991 yn Atodlen 1 i'r Gorchymyn fel y'i hamewidiwyd 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 Ddeddf y Diwydiant Dŵr 1991 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) fel y'i diwygiwyd gan O.S. 2010/147 (Cy.22).

(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) amended by S.I. 2010/147 (W.22).

"Defnyddio cynhyrchion a sylweddau mewn cyflenwadau preifat

4A. Rhaid i unrhyw gynnyrch neu sylwedd a ddefnyddir mewn cyflenwad preifat wedi 26 Mai 2010 fod yn gynnyrch neu sylwedd y caniateid ei ddefnyddio mewn cyflenwad dŵr o dan reoliad 31 o Reoliadau Cyflenwad Dŵr (Ansawdd Dŵr) 2010(1)."

(3) Yn lle rheoliad 5(1) rhodder—

"Pan fo diheintio yn rhan o baratoi neu ddsbarthu dŵr, rhaid i'r person perthnasol (fel y'i diffinnir yn adran 80 o Ddeddf y Diwydiant Dŵr 1991)—

- (a) cynllunio, gweithredu a chynnal y broses ddiheintio er mwyn cadw presenoldeb sgil-gynhyrchion diheintio mor isel ag y bo modd heb beryglu effeithiolrwydd y diheintio;
- (b) sicrhau y cynhelir effeithiolrwydd y broses ddiheintio,
- (c) cadw cofnodion o'r gwaith cynnal a monitro a gyflawnwyd, er mwyn gwirio effeithiolrwydd y broses ddiheintio, ac
- (ch) cadw copiâu o'r cofnodion hynny ar gael i'w harchwilio gan yr awdurdod lleol, am gyfnod o bum mlynedd."

"Use of products and substances in private supplies

4A. Any product or substance used in a private supply after 26 May 2010 must be a product or substance that would be permitted to be used in a water supply under regulation 31 of the Water Supply (Water Quality) Regulations 2010(1)."

(3) For regulation 5(1) substitute—

"Where disinfection forms part of the preparation or distribution of water; the relevant person (as defined in section 80 of the Water Industry Act 1991) must—

- (a) design, operate and maintain the disinfection process so as to keep the presence of disinfection by-products as low as possible without compromising the effectiveness of the disinfection; and
- (b) ensure that the effectiveness of the disinfection process is maintained,
- (c) keep records of the maintenance and monitoring which have been undertaken in order to verify the effectiveness of the disinfection process, and
- (d) keep copies of those records available for inspection by the local authority, for a period of 5 years."

Jane Davidson

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

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

1 May 2010

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(1) O.S. 2010/994 (Cy.99).

(1) S.I. 2010/994 (W.99).

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