



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 872 (Cy. 65)

2015 No. 872 (W. 65)

DRAENIO TIR, CYMRU

LAND DRAINAGE, WALES

Gorchymyn Ardaloedd Draenio
Mewnol Rhannau Isaf Afon Gwy a
Chil-y-coed a Gwynllŵg
(Diddymu) 2015

The Lower Wye and Caldicot and
Wentlooge Internal Drainage
Districts (Abolition) Order 2015

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 cadarnhau Cynllun a gyflwynwyd gan Gorff Adnoddau Naturiol Cymru sy'n gwneud darpariaeth ar gyfer—

This Order confirms a Scheme submitted by the Natural Resources Body for Wales making provision for—

- (a) diddymu Ardal a Bwrdd Draenio Mewnol Rhannau Isaf Afon Gwy ac Ardal a Bwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg;
- (b) creu Ardal Draenio Mewnol newydd ar gyfer y tir a fu gynt o fewn Ardaloedd Draenio Mewnol Rhannau Isaf Afon Gwy a Chil-y-coed a Gwynllŵg;
- (c) darparu mai Corff Adnoddau Naturiol Cymru fydd y bwrdd draenio ar gyfer yr ardal newydd; a
- (d) materion atodol neu ganlyniadol wrth y newid ffiniau.

- (a) the abolition of the Lower Wye Internal Drainage District and Board and the Caldicot and Wentlooge Internal Drainage District and Board;
- (b) the creation of a new Internal Drainage District for the land previously within the Lower Wye and the Caldicot and Wentlooge Internal Drainage Districts;
- (c) provision that the Natural Resources Body for Wales shall be the drainage board in respect of the new district; and
- (d) matters supplemental to or consequential on the alternation of boundaries.

Ni chafodd asesiad effaith rheoleiddiol llawn ei baratoi ar gyfer yr offeryn hwn gan na ragwelir unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

2015 Rhif 872 (Cy. 65)

DRAENIO TIR, CYMRU

**Gorchymyn Ardaloedd Draenio
Mewnol Rhannau Isaf Afon Gwy a
Chil-y-coed a Gwynllŵg
(Diddymu) 2015**

Gwnaed

24 Mawrth 2015

Yn dod i rym yn unol ag erthygl 1

O dan adran 3(1)(a) ac adran 4(3) o Ddeddf Draenio Tir 1991 (“Deddf 1991”)(1), mae Corff Adnoddau Naturiol Cymru (“y Corff”) wedi paratoi Cynllun yn gwneud darpariaethau ar gyfer materion a bennwyd yn adran 3(2)(d), (e) ac (i) o’r Ddeddf honno.

Yn unol ag adran 3(1) o Ddeddf 1991, mae y Corff wedi cyflwyno’r Cynllun i Weinidogion Cymru i’w gadarnhau.

Mae Gweinidogion Cymru wedi cyhoeddi hysbysiad o fwriad i wneud y Gorchymyn canlynol yn cadarnhau’r Cynllun, yn unol â pharagraff 2(1) o Atodlen 3 i Ddeddf 1991. Mae Gweinidogion Cymru wedi anfon yr hysbysiad hwn at yr awdurdodau lleol perthnasol a chyrrff eraill a bennir ym mharagraff 2(2) o’r Atodlen honno.

Ni wnaed unrhyw wrthwynebiad i’r Gorchymyn draft.

2015 No. 872 (W. 65)

LAND DRAINAGE, WALES

**The Lower Wye and Caldicot and
Wentlooge Internal Drainage
Districts (Abolition) Order 2015**

Made

24 March 2015

Coming into force in accordance with article 1

Under section 3(1)(a) and section 4(3) of the Land Drainage Act 1991 (“the 1991 Act”)(1), the Natural Resources Body for Wales (“NRW”) have prepared a Scheme making provision for matters specified in section 3(2)(d), (e) and (i) of that Act.

In accordance with section 3(1) of the 1991 Act, NRW have submitted the Scheme to the Welsh Ministers for confirmation.

The Welsh Ministers have published a notice of intent to make the following Order confirming the Scheme, in accordance with paragraph 2(1) of Schedule 3 to the 1991 Act. The Welsh Ministers have sent this notice to the relevant local authorities and other bodies specified in paragraph 2(2) of that Schedule.

No objection has been made to the draft Order.

(1) 1991 p. 59. Disodlwyd cyfeiriadau at yr NRA gan gyfeiriadau at yr Asiantaeth gan baragraff 191 o Atodlen 22 i Ddeddf yr Amgylchedd 1995 (p. 25). Diffiniwyd “*The NRA*” yn adran 72(1) o Ddeddf Draenio Tir 1991 fel yr Awdurdod Afonydd Cenedlaethol a diffiniwyd yr “*Agency*” fel Asiantaeth yr Amgylchedd. Disodlwyd cyfeiriadau at yr Asiantaeth gan gyfeiriadau at “*the appropriate supervisory body*” gan baragraff 317 o Ran 1 o Atodlen 2 i Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013/755. Diffinir “*the appropriate supervisory body*” yn adran 72(1) o Ddeddf Draenio Tir 1991 fel Corff Adnoddau Naturiol Cymru mewn perthynas ag ardaloedd draenio mewnol sydd yn gyfan gwbl neu yn bennaf yng Nghymru.

(1) 1991 c. 59. References to the NRA were replaced with references to the Agency by paragraph 191 of Schedule 22 to the Environment Act 1995 (c. 25). “The NRA” was defined in section 72(1) of the Land Drainage Act 1991 as the National Rivers Authority and the “Agency” defined as the Environment Agency. References to the Agency were replaced with references to “the appropriate supervisory body” by paragraph 317 of Part 1 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013/755. The “appropriate supervisory body” is defined in section 72(1) of the Land Drainage Act 1991 as the Natural Resources Body for Wales in relation to internal drainage districts which are wholly or mainly in Wales.

Yn unol â hynny, mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adrannau 3(5) a (7) o Ddeddf 1991 ac a freiniwyd bellach ynddynt hwy(1).

Enwi a chychwyn

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Ardaloedd Draenio Mewnol Rhannau Isaf Afon Gwy a Chil-y-coed a Gwynllŵg (Diddymu) 2015.

(2) Daw'r Gorchymyn hwn i rym drannoeth y diwrnod y'i gwneir.

Cadarnhau'r Cynllun

2.—(1) Mae'r Cynllun a gyflwynwyd gan y Corff wedi ei gadarnhau.

(2) Mae'r Cynllun wedi ei nodi yn yr Atodlen i'r Gorchymyn hwn.

Treuliau Gweinidogion Cymru

3. Rhaid i dreuliau Gweinidogion Cymru mewn cysylltiad â gwneud a chadarnhau'r Gorchymyn hwn gael eu hysgwyo gan y Corff.

Accordingly, the Welsh Ministers make the following Order in exercise of the powers conferred by section 3(5) and (7) of the 1991 Act and now vested in them(1).

Title and commencement

1.—(1) The title of this Order is the Lower Wye and Caldicot and Wentlooge Internal Drainage Districts (Abolition) Order 2015.

(2) This Order comes into force on the day after the day on which it is made.

Confirmation of the Scheme

2.—(1) The Scheme submitted by the NRW is confirmed.

(2) The Scheme is set out in the Schedule to this Order.

Welsh Ministers' expenses

3. The expenses of the Welsh Ministers in connection with the making and confirmation of this Order must be borne by NRW.

Carl Sergeant

Y Gweinidog Cyfoeth Naturiol, un o
Weinidogion Cymru
24 Mawrth 2015

The Minister for Natural Resources, one of the Welsh
Ministers
24 March 2015

(1) Trosglwyddwyd swyddogaethau perthnasol yr Ysgrifennydd Gwladol, i'r graddau y maent yn arferadwy mewn perthynas ag ardaloedd draenio mewnol sy'n gyfan gwbl yng Nghymru, neu â byrddau'r cyfryw ardaloedd, i Gynulliad Cenedlaethol Cymru yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw. Mae'r swyddogaethau hynny bellach yn arferadwy gan Weinidogion Cymru yn rhinwedd adran 162 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno.

(1) The relevant functions of the Secretary of State were, so far as exercisable in relation to internal drainage districts wholly in Wales, or to the boards for such districts, transferred to the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Those functions 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).

CYNLLUN 2014 I DDIDDYMU
ARDALOEDD A BYRDDAU
DRAENIO MEWNOL RHANNAU
ISAF AFON GWY A CHIL-Y-COED A
GWYNLLŴG A CHREU ARDAL
DRAENIO MEWNOL NEWYDD A'I
THROSLWYDDO I GORFF
ADNODDAU NATURIOL CYMRU A
GYFLWYNWYD GAN GORFF
ADNODDAU NATURIOL CYMRU

1. Daw'r Cynllun hwn i rym ar 1 Ebrill 2015.

2. Yn y Cynllun hwn—

mae i "aelod" yr un ystyr a roddir i "*member*" yn adran 124(1) o ddeddf Pensiynau 1995(1);

mae i "aelod actif" yr un ystyr ag "*active member*" yn Atodlen 1 i Reoliadau LGPS;

ystyr "Bwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg" yw'r bwrdd draenio mewnol a gyfansoddwyd gan Orchymyn Ardal Draenio Cil-y-coed a Gwastadeddau Gwynllŵg 1942(2) fel y'i diwygiwyd gan Orchymyn Trosglwyddo Bwrdd Afon Wysg 1954(3) ac ystyr "Ardal Draenio Mewnol Cil-y-coed a Gwynllŵg" yw'r ardal draenio mewnol a gyfansoddir gan y Gorchmynion hyn;

ystyr "Bwrdd Draenio Mewnol Rhannau Isaf Afon Gwy" yw'r bwrdd draenio mewnol a gyfansoddwyd gan Orchymyn Bwrdd Dalgylch Afon Gwy (Ardal Draenio Mewnol Rhannau Isaf Afon Gwy) 1950(4) fel y'i diwygiwyd gan Orchymyn Ardaloedd Draenio Mewnol Rhannau Isaf Afon Gwy ac Afon Llugwy (Newid Ffiniau) 2014(5) ac ystyr "Ardal Draenio Mewnol Rhannau Isaf Afon Gwy" yw'r ardal draenio mewnol a gyfansoddwyd gan y Gorchmynion hyn;

ystyr "cyflogai" yw unigolyn sydd wedi ymrwymo i gontract gwaith neu gontract gwasanaeth neu brentisiaeth neu sy'n gweithio o dan delerau contract neu brentisiaeth o'r fath, pa un a yw'r cyfryw gontract wedi'i gytuno'n ddatganedig (yn ysgrifenedig neu ar lafar) neu fod hynny ymhlyg

2014 SCHEME FOR THE ABOLITION
OF THE LOWER WYE AND
CALDICOT AND WENTLOOGE
INTERNAL DRAINAGE DISTRICTS
AND BOARDS AND THE CREATION
OF A NEW INTERNAL DRAINAGE
DISTRICT AND ITS TRANSFER TO
THE NATURAL RESOURCES BODY
FOR WALES SUBMITTED BY THE
NATURAL RESOURCES BODY FOR
WALES

1. This Scheme shall come into force on 1 April 2015.

2. In this Scheme—

"active member" has the same meaning as in Schedule 1 to the LGPS Regulations;

"the Caldicot and Wentlooge Internal Drainage Board" means the internal drainage board constituted by the Caldicot and Wentlooge Levels Drainage District Order 1942(1) as amended by the Usk River Board Transfer Order 1954(2) and the "Caldicot and Wentlooge Internal Drainage District" means the internal drainage district constituted by these Orders;

"the commencement date" means the date on which the Scheme comes into force;

"employee" means an individual who has entered into or works under the terms of a contract of employment or a contract of service or apprenticeship, whether such contract is expressly agreed (in writing or orally) or is implied by the nature of the relationship, but does not include an individual who provides services under a contract for services, and "employer" and "employment" are to be construed accordingly;

"the LGPS Regulations" means the Local Government Pension Scheme Regulations 2013(3);

"the LGPS Transitional Regulations" means the Local Government Pension Scheme (Transitional

(1) 1995 p. 26
(2) O.S. 1942/2393
(3) O.S. 1954/276
(4) O.S. 1951/3
(5) O.S. 2014/3194

(1) S.I. 1942/2393
(2) S.I. 1954/276
(3) S.I. 2013/2356

yn natur y berthynas, ond nid yw'n cynnwys unigolyn sy'n darparu gwasanaethau dan contract ar gyfer gwasanaethau, a rhaid dehongli "cyflogwr" a "cyflogaeth" yn unol â hynny;

ystyr "Cynllun Pensiwn Llywodraeth Leol" yw'r cynllun a sefydlwyd gan y Rheoliadau LGPS;

ystyr "dyddiad cychwyn" yw'r dyddiad y daw'r Cynllun i rym;

ystyr "Rheoliadau LGPS" yw Rheoliadau Cynllun Pensiwn Llywodraeth Leol 2013(1);

ystyr "Rheoliadau Trosiannol LGPS" yw Rheoliadau Cynllun Pensiwn Llywodraeth Leol (Darpariaethau Trosiannol, Arbed a Diwygio) 2014(2);

ystyr "y Corff" yw Corff Adnoddau Naturiol Cymru fel y'i cyfansoddwyd gan Orchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012(3).

Provisions, Savings and Amendment) Regulations 2014(1);

"the Local Government Pension Scheme" means the scheme established by the LGPS Regulations;

"the Lower Wye Internal Drainage Board" means the internal drainage board constituted by the River Wye Catchment Board (Lower Wye Internal Drainage District) Order 1950(2) as amended by the Lower Wye and River Lugg Internal Drainage Districts (Alteration of Boundaries) Order 2014(3) and "the Lower Wye Internal Drainage District" means the internal drainage district constituted by these Orders;

"member" has the meaning given by section 124(1) of the Pensions Act 1995(4); and

"NRW" means the Natural Resources Body for Wales as constituted by the Natural Resources Body for Wales (Establishment) Order 2012(5).

Diddymu Ardaloedd a Byrddau presennol a sefydlu Ardal newydd

3. O'r dyddiad cychwyn ymlaen—

- (a) mae Ardal Draenio Mewnol Rhannau Isaf Afon Gwy a Bwrdd Draenio Mewnol Rhannau Isaf Afon Gwy wedi eu diddymu;
- (b) mae Ardal Draenio Mewnol Cil-y-coed a Gwynllŵg a Bwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg wedi eu diddymu;
- (c) bydd ardal draenio newydd a elwir "Ardal Draenio Mewnol Gwent" yn cael ei chyfansoddi ar gyfer y tir a oedd gynt o fewn Ardal Draenio Mewnol Rhannau Isaf Afon Gwy a'r tir a oedd gynt o fewn Ardal Draenio Mewnol Cil-y-coed a Gwynllŵg;
- (d) y Corff fydd y bwrdd draenio ar gyfer Ardal Draenio Mewnol Gwent; ac
- (e) bydd yr holl eiddo, hawliau, pwerau, dyletswyddau, rhwymedigaethau ac atebolrwydd fel yr oeddent wedi'u breinio ym Mwrdd Draenio Mewnol Rhannau Isaf Afon Gwy neu Fwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg neu i gael eu cyflawni gan y Byrddau hynny yn union cyn y dyddiad cychwyn, yn cael eu trosglwyddo i'r Corff a'u breinio ynddo, neu i gael eu cyflawni ganddo (yn ôl y digwydd).

4. Caiff y Corff adennill holl ôl-ddyledion ardrethi a godwyd gan Fwrdd Draenio Mewnol Rhannau Isaf Afon Gwy neu gan Fwrdd Draenio Mewnol Cil-y-coed

Abolition of existing Districts and Boards and establishment of a new District

3. As from the commencement date—

- (a) the Lower Wye Internal Drainage District and the Lower Wye Internal Drainage Board are abolished;
- (b) the Caldicot and Wentlooge Internal Drainage District and the Caldicot and Wentlooge Internal Drainage Board are abolished;
- (c) a new internal drainage district known as the "Gwent Internal Drainage District" shall be constituted for the land previously within the Lower Wye Internal Drainage District and the land previously within the Caldicot and Wentlooge Internal Drainage District;
- (d) NRW shall be the drainage board for the Gwent Internal Drainage District; and
- (e) all property, rights, powers, duties, obligations and liabilities as immediately prior to the commencement date were vested in, or fell to be discharged by, the Lower Wye Internal Drainage Board or the Caldicot and Wentlooge Internal Drainage Board shall be transferred to and vested in, or fall to be discharged by (as the case may be), NRW.

4. NRW may recover all arrears of rates levied by the Lower Wye Internal Drainage Board or by the Caldicot and Wentlooge Internal Drainage Board

(1) O.S. 2013/2356

(2) O.S. 2014/525

(3) O.S. 2012/1903

(1) S.I. 2014/525

(2) S.I. 1951/3

(3) S.I. 2014/3194

(4) 1995 c. 26

(5) S.I. 2012/1903

a Gwynllŵg cyn y dyddiad cychwyn mewn cysylltiad ag unrhyw gyfnod sy'n dod i ben cyn y dyddiad cychwyn yn yr un modd â phe baent wedi eu codi gan y Corff.

5. Yn ystod gweddill y flwyddyn ariannol y caiff y Cynllun hwn ei wneud ynnddi, caiff y Corff adennill ôl-ddyledion ardrethi dim ond hyd at y lefel a bennwyd gan Fwrdd Draenio Mewnol Rhannau Isaf Afon Gwy a Bwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg yn eu trefn ar gyfer y flwyddyn ariannol honno.

6. Mae'r Cynllun i'w weithredu fel tystiolaeth bendant o bob peth a drosglwyddwyd o dan y Cynllun hwn heb fod angen unrhyw aseiniadau, trawsgludiadau neu weithredoedd trosglwyddo pellach.

Cyflogeion

7. O'r dyddiad cychwyn ymlaen, bydd holl gyflogeion Bwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg yn trosglwyddo i'r Corff.

Pensiynau

8. Bydd unrhyw ddarpariaethau o'r Rheoliadau LGPS neu'r Rheoliadau Trosiannol LGPS a oedd yn union cyn y dyddiad cychwyn yn rhoi swyddogaethau i Fwrdd Draenio Mewnol Cil-y-coed a Gwynllŵg yn rhinwedd y ffaith ei fod yn gyflogwr aelod o'r Cynllun Pensiwn Llywodraeth Leol yn cael effaith o'r dyddiad cychwyn ymlaen, fel pe bai y Corff yn gyflogwr ar yr aelod ar hyd yr amser pan oedd y person hwnnw yn aelod actif.

before the commencement date in respect of any period ending before the commencement date in the same manner as if they had been levied by NRW.

5. During the remainder of the financial year in which this Scheme is made, NRW may only recover arrears of rates to the level set by the Lower Wye Internal Drainage Board and the Caldicot and Wentlooge Internal Drainage Board respectively for that financial year.

6. The Scheme shall operate as conclusive evidence of any thing transferred under this Scheme without the necessity of any further assignments, conveyances or deeds of transfer.

Employees

7. As from the commencement date, all employees of the Caldicot and Wentlooge Internal Drainage Board shall transfer to NRW.

Pensions

8. Any provision of the LGPS Regulations or the LGPS Transitional Regulations which immediately prior to the commencement date conferred a functions on the Caldicot and Wentlooge Internal Drainage Board by virtue of having been the employer of a member of the Local Government Pension Scheme shall have effect from the commencement date as if NRW was the employer of that member at all times when that person was an active member.

©Hawlfrant y Goron 2015

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 2015

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.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2015 Rhif 872 (Cy. 65)

2015 No. 872 (W. 65)

DRAENIO TIR, CYMRU

LAND DRAINAGE, WALES

Gorchymyn Ardaloedd Draenio
Mewnol Rhannau Isaf Afon Gwy a
Chil-y-coed a Gwynllŵg
(Diddymu) 2015

The Lower Wye and Caldicot and
Wentlooge Internal Drainage
Districts (Abolition) Order 2015

£6.00

W2257/05/15

ON

ISBN 978-0-348-11076-0



9 780348 110760