



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 843 (Cy. 213)

2016 No. 843 (W. 213)

**Y DIWYDIANT DŴR, CYMRU
A LLOEGR**

**WATER INDUSTRY,
ENGLAND AND WALES**

**FFIOEDD A THALIADAU,
CYMRU A LLOEGR**

**FEEES AND CHARGES,
ENGLAND AND WALES**

Gorchymyn Ansawdd a
Chyflenwad Dŵr (Ffioedd)
(Ymgymrwyr sy'n Gyfan Gwbl
neu'n Bennaf yng Nghymru) 2016

The Water Quality and Supply
(Fees) (Undertakers Wholly or
Mainly in Wales) Order 2016

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 darparu i ffioedd fod yn daladwy, ac yn nodi sut y mae symiau ffioedd o'r fath i gael eu pennu, am arfer swyddogaeth gan arolygydd a benodir gan Weinidogion Cymru o dan adran 86 o Ddeddf y Diwydiant Dŵr 1991 (p. 56). Mae'r swyddogaethau yn ymwneud â'r ymchwiliadau a'r gofynion adrodd a ganlyn—

This Order provides for fees to be payable, and sets out how the amounts of such fees are to be determined, for the exercise of a function by an inspector appointed by the Welsh Ministers under section 86 of the Water Industry Act 1991 (c. 56). The functions are related to the following investigations and reporting requirements—

- (a) gwirio trefniadau samplu a dadansoddi dŵr;
- (b) gwirio trefniadau rheoli chyflenwad dŵr;
- (c) ymchwilio i ddigwyddiad, achlysur, argyfwng neu fater arall sy'n deillio o ansawdd neu ddigonolrwydd dŵr;
- (d) gwirio'r dull o ymdrin â chwynion gan ddefnyddwyr am ansawdd neu ddigonolrwydd dŵr a'r dull o adrodd ar y cwynion hynny; ac
- (e) gwirio cydymffurfedd â gofynion i roi gwybodaeth i Weinidogion Cymru ynghylch y trefniadau a'r materion hyn neu i'w hysbysu amdanynt.

- (a) checking water sampling and analysis arrangements;
- (b) checking water supply management arrangements;
- (c) investigating an event, incident, emergency or other matter arising from the quality or sufficiency of water;
- (d) checking the handling and reporting of consumer complaints about water quality or sufficiency; and
- (e) checking compliance with requirements to furnish information to, or to notify, the Welsh Ministers concerning these arrangements and matters.

Mae erthygl 4 yn dirymu Gorchymyn Cyrff Cyhoeddus (Cyflenwad Dŵr ac Ansawdd Dŵr) (Ffioedd Arolygu) 2012 (O.S. 2012/3101 (Cy. 314)).

Article 4 revokes the Public Bodies (Water Supply and Water Quality) (Inspection Fees) Order 2012 (S.I. 2012/3101 (W. 314)).

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal asesiadau effaith rheoleiddiol. O ganlyniad, nid oes unrhyw asesiad effaith wedi ei lunio ar gyfer y Gorchymyn hwn gan nad oes unrhyw newid i bolisiâu, nac unrhyw effaith ar fusnesau na'r sector gwirfoddol yn cael ei rhagweld

The Welsh Ministers' Code of Practice on the carrying out of regulatory impact assessments was considered. As a result, no impact assessment has been produced for this Order as there is no change in policy, or impact on business or the voluntary sectors foreseen.

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Gwnaed 9 Awst 2016
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 17 Awst 2016
Yn dod i rym 8 Medi 2016

Made 9 August 2016
*Laid before the National
Assembly for Wales* 17 August 2016
Coming into force 8 September 2016

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddir iddynt gan adran 86ZA(2) a (4) o Ddeddf y Diwydiant Dŵr 1991(1).

The Welsh Ministers make the following Order in exercise of the powers conferred on them by section 86ZA(2) and (4) of the Water Industry Act 1991(1).

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Ansawdd a Chyflenwad Dŵr (Ffioedd) (Ymgymerywyr sy'n Gyfan Gwbl neu'n Bennaf yng Nghymru) 2016 a daw i rym ar 8 Medi 2016.

Title and commencement

1. The title of this Order is the Water Quality and Supply (Fees) (Undertakers Wholly or Mainly in Wales) Order 2016 and it comes into force on 8 September 2016.

(1) 1991 p. 56. Mewnosodwyd adran 86ZA gan adran 40 o Ddeddf Dŵr 2014 (p. 21).

(1) 1991 c. 56. Section 86ZA was inserted by section 40 of the Water Act 2014 (c. 21).

Dehongli

2. Yn y Gorchymyn hwn—

ystyr “arolygydd” (“*inspector*”) yw person a benodir o dan adran 86(1) o Ddeddf 1991 (aseswyr gorfodi ansawdd dŵr)(1);

ystyr “cyflenwr dŵr perthnasol” (“*relevant water supplier*”) yw—

(a) cwmni a benodwyd yn ymgwymerwr dŵr(2) y mae ei ardal yn gyfan gwbl neu'n bennaf yng Nghymru; neu

(b) cwmni sy'n ddeiliaid trwydded cyflenwi dŵr o fewn ystyr adran 17A o Ddeddf 1991(3) (trwyddedu cyflenwyr dŵr) sy'n defnyddio system gyflenwi(4) ymgwymerwr dŵr y mae ei ardal yn gyfan gwbl neu'n bennaf yng Nghymru;

ystyr “Deddf 1991” (“*the 1991 Act*”) yw Deddf y Diwydiant Dŵr 1991.

Ffioedd

3.—(1) Caiff y Prif Arolygydd Dŵr Yfed(5) godi ffi ar gyflenwr dŵr perthnasol, a honno'n daladwy pan geir anfoneb ar ei chyfer, am arfer y swyddogaethau yng ngholofn 1 o'r tabl yn yr Atodlen gan arolygydd.

(2) Pennir y ffi a godir o dan baragraff (1) yn unol â'r ffi a restrir mewn perthynas â'r swyddogaeth honno yng ngholofn 2 o'r tabl yn yr Atodlen.

(3) Os arferir swyddogaeth a bennir ym mharagraffau (b), (c) neu (d) yng ngholofn 1 o'r tabl yn yr Atodlen gan fwy nag un arolygydd, rhaid agregu'r amser a dreuliwyd gan bob arolygydd at ddiben cyfrifo swm y ffi sy'n daladwy.

Interpretation

2. In this Order—

“the 1991 Act” (“*Deddf 1991*”) means the Water Industry Act 1991;

“inspector” (“*arolygydd*”) means a person appointed under section 86(1) of the 1991 Act (assessors for the enforcement of water quality)(1);

“relevant water supplier” (“*cyflenwr dŵr perthnasol*”) means—

(a) a company appointed as a water undertaker(2) whose area is wholly or mainly in Wales; or

(b) a company which is the holder of a water supply licence within the meaning of section 17A of the 1991 Act(3) (licensing of water suppliers) which is using the supply system(4) of a water undertaker whose area is wholly or mainly in Wales.

Fees

3.—(1) The Chief Inspector of Drinking Water(5) may charge a relevant water supplier a fee, payable on invoice, for the exercise of the functions in column 1 of the table in the Schedule by an inspector.

(2) The amount of the fee charged under paragraph (1) is to be determined in accordance with the fee listed in column 2 of the table in the Schedule in relation to that function.

(3) If a function specified in paragraph (b), (c) or (d) in column 1 of the table in the Schedule is exercised by more than one inspector, the time taken by each inspector must be aggregated for the purpose of calculating the amount of the fee that is payable.

(1) Diwygiwyd adran 86(1) gan adrannau 56, 57 a 101 o Ddeddf Dŵr 2003 (p. 37) ac Atodlenni 7, 8 a 9 iddi. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 86 (ac eithrio is-adran (1A)) i Gynulliad Cenedlaethol Cymru o ran Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) (“Gorchymyn 1999”). Trosglwyddwyd y pŵer i benodi arolygwyr o dan adran 86 i'r Cynulliad i'r un graddau ag y mae'r pwerau, y dyletswyddau a'r darpariaethau eraill y mae adran 86 yn gymwys iddynt yn arferadwy gan y Cynulliad gan erthygl 2 o Orchymyn 1999. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddo, mae swyddogaethau a roddwyd i'r Cynulliad yn arferadwy bellach gan Weinidogion Cymru.

(2) Fel y'i diffinnir yn adran 6 o Ddeddf 1991.

(3) Mewnosodwyd adran 17A gan adran 56 o Ddeddf Dŵr 2003, ac Atodlen 4 iddi. Diwygiwyd hi wedyn gan adran 1 o Ddeddf Dŵr 2014, ond nid yw pob un o'r diwygiadau wedi eu cychwyn.

(4) *Gweler* adran 17B(5) o Ddeddf 1991 am ystyr “supply system” (“system gyflenwi”) ymgwymerwr dŵr y mae ei ardal yn gyfan gwbl neu'n bennaf yng Nghymru. Mewnosodwyd adran 17B gan adran 56 o Ddeddf Dŵr 2003 ac Atodlen 4 iddi. Mae adrannau 2, 5 a 56 o Ddeddf Dŵr 2014 ac Atodlenni 5 a 7 iddi yn gwneud diwygiadau pellach i adran 17B sydd wedi eu cychwyn yn rhannol.

(5) *Gweler* adran 86(1B) am ystyr “Chief Inspector of Drinking Water” (“Prif Arolygydd Dŵr Yfed”).

(1) Section 86(1) was amended by sections 56, 57 and 101 of, and Schedules 7, 8 and 9 to, the Water Act 2003 (c. 37). The functions of the Secretary of State under section 86 (except subsection (1A)) were transferred to the National Assembly for Wales in relation to Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”). The power to appoint inspectors under section 86 were transferred to the Assembly to the same extent as the powers, duties and other provisions to which section 86 applies are exercisable by the Assembly. by article 2 of the 1999 Order. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the Assembly are now exercisable by the Welsh Ministers.

(2) As defined in section 6 of the 1991 Act.

(3) Section 17A was inserted by section 56 of, and Schedule 4 to, the Water Act 2003. It was then amended by section 1 of the Water Act 2014, but not all of the amendments have been commenced.

(4) *See* section 17B(5) of the 1991 Act for the meaning of “supply system” of a water undertaker whose area is wholly or mainly in Wales. Section 17B was inserted by section 56 of, and Schedule 4 to, the Water Act 2003. Sections 2, 5 and 56 of, and Schedules 5 and 7 to, the Water Act 2014 make further amendments to section 17B which have been partially commenced.

(5) *See* section 86(1B) for the meaning of “Chief Inspector of Drinking Water”.

Dirymu ac arbedion

4.—(1) Mae Gorchymyn Cyrff Cyhoeddus (Cyflenwad Dŵr ac Ansawdd Dŵr) (Ffioedd Arolygu) 2012(1) (“Gorchymyn 2012”) wedi ei ddirymu.

(2) Mae Gorchymyn 2012 yn parhau i gael effaith mewn perthynas ag arfer swyddogaeth a restrir yng ngholofn 1 o’r tabl yn yr Atodlen i’r Gorchymyn hwnnw gan arolygydd cyn 8 Medi 2016.

Revocation and savings

4.—(1) The Public Bodies (Water Supply and Water Quality) (Inspection Fees) Order 2012(1) (“the 2012 Order”) is revoked.

(2) The 2012 Order continues to have effect in relation to the exercise by an inspector of a function listed in column 1 of the table in the Schedule to that Order before 8 September 2016.

Lesley Griffiths

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig, un o Weinidogion Cymru
9 Awst 2016

Cabinet Secretary for Environment and Rural Affairs,
one of the Welsh Ministers
9 August 2016

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Y FFIOEDD AM ARFER
SWYDDOGAETHAU O DAN ADRAN
86 O DDEDDF Y DIWYDIANT DŴR
1991

Tabl

<i>1</i>	<i>2</i>
<i>Y Swyddogaeth</i>	<i>Y Ffi</i>
(a) Gwirio bod y trefniadau samplu a dadansoddi ar gyfer samplau dŵr a gesglir gan y cyflenwr dŵr perthnasol yn cydymffurfio â'r canlynol—	£55 am bob grŵp o 100 o ganlyniadau samplau dŵr a geir ac a wirir.
(i) Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2010(1);	
(ii) adran 68 o Ddeddf 1991 (dyletswyddau ymgymerwyr dŵr a thrwyddedeion chyflenwyr dŵr mewn cysylltiad ag ansawdd dŵr)(2); a	
(iii) unrhyw ofynion am ddata sampl y mae'n ofynnol eu darparu o dan adran 202 o Ddeddf 1991 (dyletswyddau ymgymerwyr i roi gwybodaeth i'r Ysgrifennydd Gwladol)(3).	

- (1) O.S. 2010/994 (Cy. 99) fel y'i diwygiwyd gan O.S. 2011/14 (Cy. 7), 2013/235, 2013/1387 a 2016/410 (Cy. 128).
- (2) Diwygiwyd adran 68 gan Atodlen 8 i Ddeddf Dŵr 2003 ac Atodlen 7 i Ddeddf Dŵr 2014.
- (3) Diwygiwyd adran 202 gan: Atodlen 22 i Ddeddf yr Amgylchedd 1995 (p. 25), Atodlen 8 i Ddeddf Dŵr 2003, O.S. 2013/755, Atodlen 23 i Ddeddf Dadreoleiddio 2015 (p. 20), ac Atodlen 7 i Ddeddf Dŵr 2014.

FEEES FOR THE PERFORMANCE OF
FUNCTIONS UNDER SECTION 86 OF
THE WATER INDUSTRY ACT 1991

Table

<i>1</i>	<i>2</i>
<i>Function</i>	<i>Fee</i>
(a) Checking that the sampling and analysis arrangements for water samples collected by the relevant water supplier comply with—	£55 for each group of 100 water sample results received and checked.
(i) the Water Supply (Water Quality) Regulations 2010(1);	
(ii) section 68 of the 1991 Act (duties of water undertakers and water supply licensees with respect to water quality)(2); and	
(iii) any requirements for sample data required to be provided under section 202 of the 1991 Act (duties of undertakers to furnish the Secretary of State with information)(3).	

- (1) S.I. 2010/994 (W. 99) as amended by S.I. 2011/14 (W. 7), 2013/235, 2013/1387 and 2016/410 (W. 128).
- (2) Section 68 was amended by Schedule 8 to the Water Act 2003 and Schedule 7 to the Water Act 2014.
- (3) Section 202 was amended by: Schedule 22 to the Environment Act 1995 (c. 25), Schedule 8 to the Water Act 2003, S.I. 2013/755, Schedule 23 to the Deregulation Act 2015 (c. 20), and Schedule 7 to the Water Act 2014.

<p>(b) Gwirio—</p> <p>(i) bod trefniadau rheoli cyflenwad dŵr y cyflenwr dŵr perthnasol yn cydymffurfio â'r canlynol—</p> <p>(aa) Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2010;</p> <p>(bb) adran 37 o Ddeddf 1991(1);</p> <p>(cc) adran 68 o Ddeddf 1991; a</p> <p>(ii) bod y cyflenwr dŵr perthnasol wedi cydymffurfio ag unrhyw ofyniad gan Weinidogion Cymru i roi gwybodaeth am y trefniadau hyn o dan adran 202 o Ddeddf 1991.</p>	<p>£65 am bob awr gyflawn y mae arolygydd yn arfer y swyddogaeth.</p>	<p>(b) Checking that—</p> <p>(i) the relevant water supplier's water supply management arrangements comply with—</p> <p>(aa) the Water Supply (Water Quality) Regulations 2010;</p> <p>(bb) section 37 of the 1991 Act(1);</p> <p>(cc) section 68 of the 1991 Act; and</p> <p>(ii) the relevant water supplier has complied with any requirement of the Welsh Ministers to furnish information about these arrangements under section 202 of the 1991 Act.</p>	<p>£65 for each complete hour during which an inspector exercises the function.</p>
<p>(c) Mewn perthynas â chyflenwr dŵr perthnasol—</p> <p>(i) ymchwilio i ddigwyddiad, achlysur, argyfwng neu fater arall pan fo unrhyw un o'r materion hynny yn dangos ei bod yn bosibl nad yw'r cyflenwr dŵr perthnasol wedi cydymffurfio â'r canlynol—</p>	<p>£65 am bob awr gyflawn y mae arolygydd yn arfer y swyddogaeth.</p>	<p>(c) In relation to a relevant water supplier—</p> <p>(i) investigating an event, incident, emergency or other matter where any of those matters indicate that the relevant water supplier may not have complied with—</p>	<p>£65 for each complete hour during which an inspector exercises the function.</p>

(1) Diwygiwyd adran 37 gan adran 36 o Ddeddf Dŵr 2003.

(1) Section 37 was amended by section 36 of the Water Act 2003.

<p>(aa) Rheoliadau Cyflenwi Dŵr (Ansawdd Dŵr) 2010;</p> <p>(bb) adran 37 (dyletswydd gyffredinol i gynnal system gyflenwad dŵr etc.) o Ddeddf 1991;</p> <p>(cc) adran 68 o Ddeddf 1991; a</p> <p>(ii) gwirio bod hysbysiad wedi ei roi am ddiwyddiad, achlysur, argyfwng neu fater arall o'r fath gan y cyflenwr dŵr perthnasol i gydymffurfio ag unrhyw ofyniad gan Weinidogion Cymru i roi gwybodaeth o'r fath o dan adran 202 o Ddeddf 1991.</p>	<p>(aa) the Water Supply (Water Quality) Regulations 2010;</p> <p>(bb) section 37 (general duty to maintain water supply system etc.) of the 1991 Act;</p> <p>(cc) section 68 of the 1991 Act; and</p> <p>(ii) checking that such an event, incident, emergency or other matter has been notified by the relevant water supplier in compliance with any requirement of the Welsh Ministers to furnish such information under section 202 of the 1991 Act.</p>		
<p>(d) Mewn perthynas â chyflenwr dŵr perthnasol—</p> <p>(i) ymchwilio i gŵyn defnyddiwr ynghylch ansawdd neu ddigonolrwydd dŵr pan fo'r gŵyn yn dangos ei bod yn bosibl nad yw'r cyflenwr dŵr perthnasol wedi cydymffurfio â'r canlynol—</p>	<p>£65 am bob awr gyflawn y mae arolygydd yn arfer y swyddogaeth.</p>	<p>(d) In relation to a relevant water supplier—</p> <p>(i) investigating a consumer complaint about the quality or sufficiency of water where the complaint indicates that the relevant water supplier may not have complied with—</p>	<p>£65 for each complete hour during which an inspector exercises the function.</p>

- (aa) Rheoliadau
Cyflenwi
Dŵr
(Ansawdd
Dŵr) 2010;
- (bb) adran 37 o
Ddeddf
1991;
- (cc) adran 68 o
Ddeddf
1991; a
- (ii) gwirio y
cydymffurfiwyd
ag unrhyw
ofyniad gan
Weinidogion
Cymru i roi
gwybodaeth am
gwynion o'r fath
o dan adran 202
o Ddeddf 1991.

- (aa) the Water
Supply
(Water
Quality)
Regulations
2010;
- (bb) section 37
of the 1991
Act;
- (cc) section 68 of
the 1991
Act; and
- (ii) checking that
any requirement
of the Welsh
Ministers to
furnish
information
about such
complaints
under section
202 of the 1991
Act has been
complied with.

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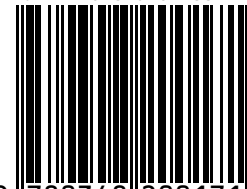
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W201608152 08/2016 19585

<http://www.legislation.gov.uk/id/wsi/2016/843>

ISBN 978-0-348-20017-1



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