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WELSH STATUTORY  
INSTRUMENTS

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**2017 Rhif 168 (Cy. 49)**

**2017 No. 168 (W. 49)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**FIRE AND RESCUE  
SERVICES, WALES**

Gorchymyn Gwasanaethau Tân ac  
Achub (Argyfyngau) (Cymru)  
(Diwygio) 2017

The Fire and Rescue Services  
(Emergencies) (Wales)  
(Amendment) Order 2017

**NODYN ESBONIADOL**

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

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

Mae swyddogaethau craidd awdurdodau tân ac achub wedi eu nodi yn adrannau 6 i 8 o Ddeddf y Gwasanaethau Tân ac Achub 2004 (“y Ddeddf”). Y swyddogaethau sy'n gysylltiedig â diogelwch rhag tân, diffodd tân a damweiniau traffig ffyrdd yw'r rhain. Mae adran 9 o'r Ddeddf yn caniatáu i Weinidogion Cymru bennu drwy orchymyn swyddogaethau craidd eraill sy'n ymwneud ag argyfyngau y mae'n rhaid i awdurdodau tân ac achub yng Nghymru ddarparu ar eu cyfer. Mae “emergency” wedi ei ddiffinio yn adran 58 o'r Ddeddf.

The core functions of fire and rescue authorities are set out in sections 6 to 8 of the Fire and Rescue Services Act 2004 (“the Act”). These are the functions in connection with fire safety, fire-fighting and road traffic accidents. Section 9 of the Act allows the Welsh Ministers to specify by order other core functions relating to emergencies for which fire and rescue authorities in Wales must make provision. Emergencies are defined in section 58 of the Act.

Pennodd Gorchymyn Gwasanaethau Tân ac Achub (Argyfyngau) (Cymru) 2007 (O.S. 2007/3193 (Cy. 280)) (“Gorchymyn 2007”) swyddogaethau mewn perthynas ag awdurdodau tân ac achub yng Nghymru mewn cysylltiad ag argyfyngau sy'n ymwneud â halogion cemegol, biolegol neu ymbelydrol; argyfyngau sy'n ymwneud ag adeiledd yn cwmpo; ac argyfyngau sy'n ymwneud â threnau, tramiau neu awyrennau.

The Fire and Rescue Services (Emergencies) (Wales) Order 2007 (S.I. 2007/3193 (W. 280)) (“the 2007 Order”) specified functions in relation to fire and rescue authorities in Wales in connection with emergencies involving chemical, biological or radio-active contaminants; emergencies involving structural collapse; and emergencies involving trains, trams or aircrafts.

Mae'r Gorchymyn hwn yn diwygio Gorchymyn 2007. Mae erthygl 2(2) o'r Gorchymyn hwn yn pennu swyddogaethau mewn perthynas ag awdurdodau tân ac achub yng Nghymru mewn cysylltiad ag argyfyngau sy'n ymwneud â llifogydd a dyfroedd mewndirol. Mae erthygl 2(3) yn estyn erthygl 4(a) o Orchymyn 2007, sy'n pennu'r pethau y mae'n rhaid i awdurdodau tân ac achub eu gwneud wrth ddarparu ar gyfer argyfyngau a nodir yng Ngorchymyn 2007. Yn y dyfodol, fel rhan o ddarparu ar gyfer yr argyfyngau hynny, bydd yn ofynnol i awdurdodau tân ac achub sicrhau y darperir cyfarpar.

This Order amends the 2007 Order. Article 2(2) of this Order specifies functions in relation to fire and rescue authorities in Wales in connection with emergencies involving flooding and inland water. Article 2(3) extends article 4(a) of the 2007 Order, which specifies the things that fire and rescue authorities must do in making provision for emergencies detailed in the 2007 Order. In future, as part of making provision for those emergencies, fire and rescue authorities will be required to secure the provision of equipment.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Y Gangen Gwasanaethau Tân, Llywodraeth Cymru, Rhyd-y-car, Merthyr Tudful, CF48 1UZ, neu drwy ffonio 0300 0628226.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Fire Services Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ or by calling 0300 0628226.

**2017 Rhif 168 (Cy. 49)**

**GWASANAETHAU TÂN AC  
ACHUB, CYMRU**

**Gorchymyn Gwasanaethau Tân ac  
Achub (Argyfyngau) (Cymru)  
(Diwygio) 2017**

*Gwnaed* 15 Chwefror 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 20 Chwefror 2017

*Yn dod i rym* 1 Ebrill 2017

**2017 No. 168 (W. 49)**

**FIRE AND RESCUE  
SERVICES, WALES**

**The Fire and Rescue Services  
(Emergencies) (Wales)  
(Amendment) Order 2017**

*Made* 15 February 2017

*Laid before the National Assembly for Wales*  
20 February 2017

*Coming into force* 1 April 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 9 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004(1) i Gynulliad Cenedlaethol Cymru ac sydd wedi eu breinio bellach ynddynt hwy(2), ac ar ôl ymgynghori â'r personau hynny y maent yn ystyried eu bod yn briodol yn unol ag adran 9(5) o'r Ddeddf honno, yn gwneud y Gorchymyn a ganlyn:

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Gwasanaethau Tân ac Achub (Argyfyngau) (Cymru) (Diwygio) 2017.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2017.

(3) Mae'r Gorchymyn hwn yn gymwys mewn perthynas ag awdurdodau tân ac achub yng Nghymru.

**Diwygio'r Gorchymyn**

2.—(1) Mae Gorchymyn Gwasanaethau Tân ac Achub (Argyfyngau) (Cymru) 2007(3) wedi ei ddiwygio fel a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 9 and 62 of the Fire and Rescue Services Act 2004(1) on the National Assembly for Wales and now vested in them(2), and having consulted such persons as they consider appropriate in accordance with section 9(5) of that Act, make the following Order:

**Title, commencement and application**

1.—(1) The title of this Order is the Fire and Rescue Services (Emergencies) (Wales) (Amendment) Order 2017.

(2) This Order comes into force on 1 April 2017.

(3) This Order applies in relation to fire and rescue authorities in Wales.

**Amendment of Order**

2.—(1) The Fire and Rescue Services (Emergencies) (Wales) Order 2007(3) is amended as follows.

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(1) 2004 p. 21.

(2) Roedd pŵer yr Ysgrifennydd Gwladol o dan adran 9, o ran Cymru, yn arferadwy gan Gynulliad Cenedlaethol Cymru yn rhinwedd adran 62. Mae'r pŵer hwnnw bellach wedi ei freinio yng Ngweinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(3) O.S. 2007/3193 (Cy. 280).

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(1) 2004 c. 21.

(2) The power of the Secretary of State under section 9 was, in relation to Wales exercisable by the National Assembly for Wales by virtue of section 62. That power is now vested in the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(3) S.I. 2007/3193 (W. 280).

(2) Ar ôl erthygl 3 mewnosoder—

**“Achub a diogelu yn achos argyfyngau sy’n ymwneud â llifogydd a dyfroedd mewndirol**

**3A.**—(1) Rhaid i awdurdod tân ac achub ddarparu yn ei ardal, i’r graddau y mae’n ystyried ei bod yn rhesymol gwneud hynny, ar gyfer—

- (a) achub pobl, neu eu diogelu rhag niwed difrifol os digwydd argyfwng sy’n ymwneud â llifogydd; a
- (b) achub pobl os digwydd argyfwng sy’n ymwneud â dyfroedd mewndirol.

(2) Mae’r ddyletswydd ym mharagraff (1) yn gymwys i argyfwng sy’n dod o fewn adran 58(a) o Ddeddf y Gwasanaethau Tân ac Achub 2004.

(3) Yn yr erthygl hon—

ystyr “dyfroedd mewndirol” (“*inland water*”) yw—

- (a) afonydd, nentydd a chamlesi; a
- (b) llynnoedd, cronfeydd dŵr a chwareli llawn dŵr.”

ystyr “llifogydd” (“*flooding*”) yw unrhyw achos pan fo tir nad yw o dan ddŵr fel arfer yn cael ei orchuddio â dŵr.”

(3) Yn erthygl 4—

- (a) yn y geiriau cyflwyno, yn lle “neu 3” rhodder “, 3 neu 3A”;
- (b) ym mharagraff (a) ar ôl “gwasanaethau” mewnosoder “, y cyfarpar”.

(2) After article 3 insert—

**“Rescue and protection in case of flooding and inland water emergencies**

**3A.**—(1) A fire and rescue authority must make provision in its area, to the extent that it considers it reasonable to do so, for the purpose of—

- (a) rescuing people, or protecting them from serious harm in the event of an emergency involving flooding; and
- (b) rescuing people in the event of an emergency involving inland water.

(2) The duty within paragraph (1) applies to an emergency falling within section 58(a) of the Fire and Rescue Services Act 2004.

(3) In this article—

“flooding” (“*llifogydd*”) means any case where land not normally covered by water becomes covered by water;

“inland water” (“*dyfroedd mewndirol*”) means—

- (a) rivers, streams and canals; and
- (b) lakes, reservoirs and water-filled quarries.”

(3) In article 4—

- (a) in the introductory words, for “or 3” substitute “, 3 or 3A”;
- (b) in paragraph (a) after “services” insert “, equipment”.

*Carl Sargeant*

Ysgrifennydd y Cabinet dros Gymunedau a Phlant, un o Weinidogion Cymru  
15 Chwefror 2017

Cabinet Secretary for Communities and Children, one of the Welsh Ministers  
15 February 2017

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