



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 2849 (Cy.249)

2009 No. 2849 (W.249)

**GWASANAETHAU TÂN AC
ACHUB, CYMRU**

**FIRE AND RESCUE
SERVICES, WALES**

Gorchymyn Cynlluniau Cyfunol y
Gwasanaethau Tân ac Achub
(Amrywio) (Cymru) 2009

The Combined Fire and Rescue
Services Schemes (Variation)
(Wales) Order 2009

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 amrywio tri Chynllun Cyfunol Gwasanaethau Tân Cymru 1995 ("y Cynlluniau"), sef Cynllun Cyfuno Gwasanaethau Tân Canolbarth a Gorllewin Cymru, Cynllun Cyfuno Gwasanaethau Tân Gogledd Cymru a Chynllun Cyfuno Gwasanaethau Tân De Cymru a osodir yn yr Atodlenni i O.S. 1995/3229, O.S. 1995/3218 ac O.S. 1995/3230 yn eu trefn.

This Order varies the three Welsh Combined Fire Services Schemes of 1995 ("the Schemes"). These are the Mid and West Wales Fire Services Combination Scheme, the North Wales Fire Services Combination Scheme and the South Wales Fire Services Combination Scheme set out in the Schedules to respectively S.I. 1995/3229, S.I. 1995/3218 and S.I. 1995/3230.

Mae erthygl 2 yn amrywio pob un o'r Cynlluniau drwy ddarparu y caiff pob awdurdod tân ac achub cyfunol yng Nghymru ddal cronfeydd ariannol wrth gefn.

Article 2 varies each of the Schemes by providing that each combined fire and rescue authority in Wales may hold financial reserves.

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(Amrywio) (Cymru) 2009**

Gwnaed 24 Hydref 2009
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 27 Hydref 2009
Yn dod i rym 1 Rhagfyr 2009

Mae Gweinidogion Cymru yn gwneud y Gorchymyn a ganlyn drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 4(4), 60 a 62 o Ddeddf y Gwasanaethau Tân ac Achub 2004(1) ac sydd bellach wedi'u breinio ynddynt hwy(2).

Yn unol ag adran 4(5) o'r Ddeddf honno mae Gweinidogion Cymru wedi ymgynghori â'r awdurdodau penodedig ac unrhyw bersonau eraill a ystyrir yn briodol ganddynt(3) ac yn unol ag adran 4(7)(a) o'r Ddeddf honno maent wedi sicrhau fod pob awdurdod cyfunol a phob awdurdod priodol arall yn cytuno â gwneud y Gorchymyn hwn(4):

Enwi, cychwyn a dehongli

1.–(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynlluniau Cyfunol y Gwasanaethau Tân ac Achub (Amrywio) (Cymru) 2009 a daw i rym ar 1 Rhagfyr 2009.

(1) 2004 p.21.

(2) Mae pwerau Cynulliad Cenedlaethol Cymru bellach wedi'u breinio yng Ngweinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(3) Mae adran 4(5) o Ddeddf y Gwasanaethau Tân ac Achub 2004 yn pennu'r cyrff a'r personau y mae'n rhaid ymgynghori â hwy.

(4) Mae adran 4(6) o Ddeddf y Gwasanaethau Tân ac Achub 2004 yn ei gwneud yn ofynnol bod ymchwiliad yn cael ei gynnal cyn bod gorchymyn yn cael ei wneud o dan adran 4(4) yn amrywio neu'n dirymu cynllun cyfuno. Mae adran 4(7) yn disgrifio dan ba amgylchiadau y gellir osgoi ymchwiliad, ac un ohonynt yw fod y cyrff a bennir yn adran 4(7)(a) yn cytuno â'r dirymiad neu'r amrywiad.

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**The Combined Fire and Rescue
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(Wales) Order 2009**

Made 24 October 2009
*Laid before the National
Assembly for Wales* 27 October 2009
Coming into force 1 December 2009

The Welsh Ministers make the following Order in exercise of the powers conferred on the National Assembly for Wales by sections 4(4), 60 and 62 of the Fire and Rescue Services Act 2004(1) and now vested in them(2).

In accordance with section 4(5) of that Act the Welsh Ministers have consulted with the specified authorities and any other persons they consider appropriate(3) and in accordance with section 4(7)(a) of that Act they have obtained the agreement of all combined and other appropriate authorities to the making of this Order(4):

Title, commencement and interpretation

1.–(1) The title of this Order is The Combined Fire and Rescue Services Schemes (Variation) (Wales) Order 2009 and it comes into force on 1 December 2009.

(1) 2004 c.21.

(2) The powers of the National Assembly for Wales are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) Section 4(5) of the Fire and Rescue Services Act 2004 specifies the bodies and persons who are to be consulted.

(4) Section 4(6) of the Fire and Rescue Services Act 2004 requires that an inquiry be held before an order is made under section 4(4) varying or revoking a combination scheme. Section 4(7) describes the circumstances when an inquiry may be avoided, one of which is that the bodies specified in section 4(7)(a) agree to the revocation or variation.

(2) Yn y Gorchymyn hwn ystyr "cynlluniau perthnasol" ("*relevant schemes*") yw—

- (a) Cynllun Cyfuno Gwasanaethau Tân Canolbarth a Gorllewin Cymru, a osodir yn yr Atodlen i Orchymyn Gwasanaethau Tân Canolbarth a Gorllewin Cymru (Cynllun Cyfuno) 1995(1);
- (b) Cynllun Cyfuno Gwasanaethau Tân Gogledd Cymru a osodir yn yr Atodlen i Orchymyn Gwasanaethau Tân Gogledd Cymru (Cynllun Cyfuno) 1995(2); ac
- (c) Cynllun Cyfuno Gwasanaethau Tân De Cymru a osodir yn yr Atodlen i Orchymyn Gwasanaethau Tân De Cymru (Cynllun Cyfuno) 1995(3).

Amrywio'r cynlluniau perthnasol

2. Mae pob un o'r cynlluniau perthnasol yn cael eu hamrywio fel a ganlyn—

- (a) yn is-baragraff (9) o baragraff 21, dileer—
", but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority so resolve, include such amount or amounts as the Authority considers appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6)";
- (b) ar ôl paragraff 21, mewnosoder—
"21A.—(1) The Authority's net expenses for the purposes of paragraph 21 may include such sum as is determined by the Authority for the purpose of providing reserves.
(2) The power for the Authority to create or hold reserves is without prejudice to any specific statutory power or duty which it may have to establish any other reserve."

(2) In this Order "relevant schemes" ("*cynlluniau perthnasol*") means—

- (a) the Mid and West Wales Fire Services Combination Scheme which is set out in the Schedule to the Mid and West Wales Fire Services (Combination Scheme) Order 1995(1);
- (b) the North Wales Fire Services Combination Scheme which is set out in the Schedule to the North Wales Fire Services (Combination Scheme) Order 1995(2); and
- (c) the South Wales Fire Services Combination Scheme which is set out in the Schedule to the South Wales Fire Services (Combination Scheme) Order 1995(3).

Variation of the relevant schemes

2. Each of the relevant schemes is varied as follows—

- (a) in sub-paragraph (9) of paragraph 21, delete—
", but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority so resolve, include such amount or amounts as the Authority considers appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6)";
- (b) after paragraph 21, insert—
"21A.—(1) The Authority's net expenses for the purposes of paragraph 21 may include such sum as is determined by the Authority for the purpose of providing reserves.
(2) The power for the Authority to create or hold reserves is without prejudice to any specific statutory power or duty which it may have to establish any other reserve."

Brian Gibbons

Y Gweinidog dros Gyfiawnder Cymdeithasol a Llywodraeth Leol, un o Weinidogion Cymru

Minister for Social Justice and Local Government, one of the Welsh Ministers

24 Hydref 2009

24 October 2009

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- (1) O.S. 1995/3229.
- (2) O.S. 1995/3218.
- (3) O.S. 1995/3230.

- (1) S.I. 1995/3229.
- (2) S.I. 1995/3218.
- (3) S.I. 1995/3230.

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